



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
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DOUGLAS A. DUCEY
Governor

HEIDI HERBST PAAKKONEN, M.P.A.
Executive Director

Regular Session Meeting Minutes

Held virtually via Zoom on October 1, 2021

Board Members

Diana Davis-Wilson, DBH, BCBA – Chair
Bryan Davey, Ph.D., BCBA-D – Vice-Chair
Mathew A. Meier, Psy.D. – Secretary
Linda Caterino, Ph.D., ABPP
Aditya Dynar, Esq.
Stephen Gill, Ph.D.
Melanie Laboy, Esq.
Ramona N. Mellott, Ph.D.
Tamara Shreeve, MPA

1. CALL TO ORDER

Chairwoman Davis-Wilson called the Board's meeting to order at 10:02 a.m.

2. ROLL CALL

The following Board members participated in the virtual meeting: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Mellott and Ms. Shreeve. The following Board member was absent: Dr. Meier.

ALSO PRESENT

The following Board staff and Assistant Attorney(s) General participated in the virtual meeting: Heidi Herbst Paakkonen, Executive Director; Jennifer Michaelsen, Deputy Director; Jeanne Galvin, Assistant Attorney General (AAG); Kathy Fowkes, Licensing Specialist; Krishna Poe, Projects Specialist; and, Andrea Cisneros, Minutes Administrator.

3. REMARKS/ANNOUNCEMENTS

These items were considered around 10:03 a.m.

- **Board Survey**

Chairwoman Davis-Wilson encouraged meeting attendees to provide feedback by contacting Board staff and completing a Board Meeting Assessment Survey.

- **Board Member and Staff Appreciation**

Chairwoman Davis-Wilson acknowledged and thanked Board members and staff for their hard work and efforts in facilitating the Board's meetings.

- **Continuing education credit for Board meeting attendance**

Chairwoman Davis-Wilson announced that meeting attendees were eligible for continuing education credit if the meeting exceeded four hours.

4. CALL TO THE PUBLIC

This item was considered around 10:04 a.m.

Dr. Emily Kade addressed the Board during the Call to the Public and stated her concerns regarding the Board's decision to require temporary license holders to take EPPP Part 2 in order to qualify for full independent licensure. Dr. Kade also stated concerns relating to the challenges and difficulties associated with taking Part 2 of the exam including the financial burden and time constraints. She asked the Board to consider allowing the remaining 17 individuals to gain licensure without requiring completion of EPPP Part 2.

Dr. Danielle DiPolo also addressed the Board during the Call to the Public and stated her concerns relating to the Board's decision to require temporary license holders to take EPPP Part 2 in order to qualify for full licensure. She pointed out that 8 individuals with similar circumstances were granted licensure without requiring completion of Part 2 of the exam, and asked the Board to allow the remaining individuals to become licensed in a similar fashion.

5. COUNSEL UPDATE

This item was considered around 10:17 a.m.

AAG Galvin updated the Board regarding the matter involving Dr. Sadeh. She reported that oral argument was held on September 10th and Dr. Sadeh subsequently filed a motion to supplement the record. AAG Galvin further reported that the State filed an objection to Dr. Sadeh's motion and that she anticipated a hearing on that motion within the next thirty days, and resolution of the underlying case thirty days thereafter.

6. CONSENT AGENDA - DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION

The Consent Agenda was considered around 10:17 a.m.

MOTION: Mr. Dynar moved for the Board to approve the items listed under the Consent Agenda.

SECOND: Ms. Shreeve

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Mellott and Ms. Shreeve. The following Board member was absent: Dr. Meier.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse (one recusal noted under item number 6E as referenced herein), 1-absent. MOTION PASSED.

A. APPROVAL OF MINUTES

- September 3, 2021 Regular Session Minutes
- September 3, 2021 Executive Session Minutes

B. EXECUTIVE DIRECTOR'S REPORT

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

Requesting Approval to Sit for EPPP Only

- 1) Chantel Osman, Psy.D.
- 2) Oubah Abdalla, Psy.D.
- 3) Stephanie Salisbury, Psy.D.

EPPP Required – Part 1 or Parts 1 & 2

- Part 1 & Part 2
Part 1 & Part 2
Part 1 & Part 2

Requesting Approval to Sit for EPPP & Licensure

- 1) Amy Bissinger, Psy.D.
- 2) Amanda Malak, Psy.D.
- 3) Ashley Rupp, Psy.D.
- 4) Brynna Farbod, Psy.D.
- 5) Daniel R. Brown, Ph.D.
- 6) Samantha Jacobson, Psy.D.
- 7) Suzanne Lucille Frost, Psy.D.

EPPP Required – Part 1 or Parts 1 & 2

- Part 1 & Part 2
Part 1 & Part 2
Part 1 & Part 2
Part 1 & Part 2
Part 1 & Part 2
Part 1 & Part 2
Part 1 & Part 2

Requesting Approval for Licensure by Waiver

- 1) Dennis Apker, Ph.D.
- 2) Mary Kalpakoff, Psy.D.

Requesting Approval for Licensure by Universal Recognition

- 1) Elisa Vazquez, Ph.D.
- 2) Jaseon Outlaw, Ph.D.
- 3) Mary Lynne Mack, Ph.D.
- 4) M. Joy Bodzioch, Ph.D.
- 5) Emily C. Edmonds, Ph.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Brittany Wagner, M.A.
- 2) Darby Nason, M.Ed.
- 3) Madison V. Williams M.Ed.
- 4) Danielle Braun, M.S.
- 5) Jennifer Bacigalupo, M.A.
- 6) Abberdeen Ariam Avelar, M.A.
- 7) Sydney Alexandra Applewhite, M.S.
- 8) Adrianna Marie Quinones, M.A.
- 9) Anna Stocking, M.A.
- 10) Laurie Kristine Tarter, Psy.D
- 11) Jennifer Vannarath, M.Ed.
- 12) Eva-Marie Velez, M.A.
- 13) Victoria J. Williams, M.Ed.
- 14) Ashley Caroline Gisting, M.A.
- 15) Korynn Burnett, M.S.
- 16) Crystal R. Diaz, M.S.
- 17) Megan Deffenbaugh, M.Ed.
- 18) Alexa Leininger, M.A.
- 19) Christina Lant, M.S.
- 20) Shaela M. Bruce, M.A.
- 21) Elise Escobar, M.A.
- 22) Jacquelyn Lanphear, M.S.
- 23) Natalie M. Klein, M.A.
- 24) Merry D. Janssen, M.A.
- 25) Brittany Rene Gonzalez, M.S.
- 26) Brittany Olsen, M.Ed.

E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON REQUEST FOR APPROVAL OF POSTDOCTORAL WRITTEN TRAINING PLAN MODIFICATION FROM MICHAEL WOODWARD, PH.D., TEMPORARY LICENSE HOLDER PSY-T-000045

Dr. Mellott was recused from this item.

F. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON REQUEST FOR TESTING ACCOMMODATIONS FROM LAUREN GOLDEN, PSY.D.

G. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO THE COMMITTEE ON BEHAVIOR ANALYSTS RECOMMENDATION TO ISSUE A LETTER OF CONCERN TO RYAN GLASGOW, BCBA, FOR COMPLAINT NO. 21-28.

TIMED ITEMS – 10:15 a.m.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO THE COMMITTEE ON BEHAVIOR ANALYSTS RECOMMENDATION REGARDING THE FOLLOWING COMPLAINTS AND/OR INITIAL CASE REVIEW OF THE FOLLOWING COMPLAINTS

These items were considered around 10:23 a.m.

Chairwoman Davis-Wilson was recused from these matters.

- a) Complaint No. 21-21 Tami Jursich, BCBA**
- b) Complaint No. 21-22 Kaitlyn Wittig, BCBA**

The Board considered these items together. Complainant SB, Ms. Jursich and Ms. Wittig participated in the virtual meeting during the Board’s consideration of these matters.

The Board observed that SB submitted a complaint against the behavior analysts mentioned in the above referenced cases, alleging inadequate supervision and unethical practice. The CBA reviewed the information gathered in both cases and recommended dismissal after finding that the investigative record and verbal testimony did not support the complaint.

SB stated that she did not receive the supervision that she expected, that she asked for support and feedback on multiple occasions, and that she felt the licensees did not provide her with adequate supervision until she complained. SB stated her concerns regarding the licensees providing similar inadequate supervision to other potential licensing applicants.

Vice-Chairman Davey thanked the parties for appearing today and noted that the CBA discussed that SB may have misunderstood the type of supervision she would receive based on the contract she signed when she was employed by the agency. Vice-Chairman Davey also recognized that the licensees did their due diligence to provide what was required and fixed any errors that were identified during this process.

MOTION: Ms. Shreeve moved for dismissal of both cases.

SECOND: Mr. Dynar

VOTE: The following Board members voted in favor of the motion: Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Mellott and Ms. Shreeve. The following Board member was recused: Chairwoman Davis-Wilson. The following Board member was absent: Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEWS OF THE FOLLOWING COMPLAINTS

- a) Complaint No. T-21-03 Josh Smith, Psy.D.**

This item was considered around 11:54 a.m.

Dr. Smith and Attorney Sara Stark participated in the virtual meeting during the Board’s consideration of this matter.

The Board observed that this matter stemmed from another case that involved a licensing applicant wherein the Board noted that Dr. Smith was listed as a supervisor and voted to initiate an investigation against Dr. Smith regarding possible practicing without a license in violation of A.R.S. § 32-2084.

Ms. Stark stated that Horizon is the LLC through which Dr. Smith contracts with schools to provide services as a school psychologist within the school setting. She stated that Dr. Smith is the sole member and manager of Horizon. Ms. Stark explained that as a school psychologist, Dr. Smith is exempt from licensure pursuant to A.R.S. § 32-2075(A)(1) as he is employed in a school setting and is certified by the Arizona Department of Education. She reported that Dr. Smith also worked under the supervision

of Dr. Mather at Arizona Neuropsychology Centers. Ms. Stark informed the Board that Dr. Smith has heard the Board's concerns and took down his website and Facebook page to address the issues. She added that Dr. Smith has taken the Board's case seriously and has reassessed his practices to ensure that he is in full compliance. Additionally, she stated that Dr. Smith completed 12 hours of CE and was fully committed to cooperating with the Board in order to address any further concerns as he worked toward becoming fully licensed.

Dr. Caterino questioned Dr. Smith as to whether he has performed any psychological or neuropsychological evaluations at his office. Dr. Smith stated that his contracted work with the schools had been done in the school setting, and that the remainder of his work was done through Arizona Neuropsychology Centers with Dr. Mather. Dr. Caterino questioned why Dr. Smith would need a website to advertise his services if his services were being provided through the schools and Dr. Mather. Dr. Smith explained that his website was initially intended for educating parents and families to better understand the processes involved and differences between psychological and neuropsychological evaluations. Dr. Smith stated that his intention was to eventually become licensed and have the ability to provide those services to families, and that it was not his intention to deceive, misinform or harm the public.

Dr. Gill noted that there was some confusion relating to when Dr. Smith was providing services under his school contracts versus his contract to work with Dr. Mather. Dr. Smith reported that he was on sabbatical and not currently working with Dr. Mather in the office while he prepares for his exams. In response to Dr. Mellott's questioning, Dr. Smith confirmed that he continued to provide services under his contract with the schools. Chairwoman Davis-Wilson questioned how parents were able to obtain an evaluation independent from the school if they present to Dr. Smith and are receiving those services under his school contract. Dr. Caterino recognized that the majority of school districts contract with licensed psychologists to provide these services. In response to further questioning by Dr. Caterino, Dr. Smith stated that he has received compensation through purchase orders issued by the school and that he referred individuals to licensed psychologists when appropriate. He explained that his business was initially established for educational advocacy purposes and that he knew he could not practice independently.

MOTION: Dr. Mellott moved for dismissal.

SECOND: Ms. Shreeve

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Mellott and Ms. Shreeve. The following Board member voted against the motion: Dr. Caterino. The following Board member was absent: Dr. Meier.

VOTE: 7-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

b) Complaint No. T-22-01 Scott Padilla, Psy.D.

This item was considered around 12:27 p.m. Ms. Laboy departed from the meeting during the Board's consideration of this item.

Dr. Padilla and Complainant TB participated in the virtual meeting during the Board's consideration of this matter.

The Board observed that Dr. Padilla surrendered his Arizona license after multiple complaints were reviewed that alleged inappropriate conduct with multiple patients. The Board subsequently received notification from a patient (TB) indicating that Dr. Padilla was still practicing psychology and seeing clients at home or at a coffee shop under the guise of being a therapist. According to TB, Dr. Padilla informed her in December of 2020 that he was not renewing his psychology license but would be able to continue seeing her for counseling in a coaching capacity while clarifying that it would not differ from the services provided previously. TB reported that Dr. Padilla did not disclose to her that he surrendered his psychology license.

TB stated that she was not aware of Dr. Padilla's license surrender, but later became aware of his prior Board history after conducting her own research after she had already begun being seen by Dr. Padilla for therapy. TB explained that she reported Dr. Padilla's unlicensed practice to the Board with

the hope that others would become aware if they are continuing to receive services from him. TB confirmed that her last visit with Dr. Padilla took place on June 21, 2021. Board staff reported that the last progress note was dated as June 23rd and it was not clear whether the visit was done in person or by virtual means. TB clarified that she was seeking psychological services when she presented to Dr. Padilla. In response to Ms. Shreeve's questioning, TB explained that she continued to see Dr. Padilla past November and that the services did not change from psychology to coaching.

Dr. Padilla stated that he was not providing psychology services and was not holding himself out as being a licensed psychologist. He stated that he notified his active clients in November of 2020 that he was no longer licensed and referred those clients that wished to continue seeking psychology services elsewhere. He stated that a small handful of individuals elected to continue to see him in whatever capacity they could. Dr. Padilla stated that he had no intention to deceive anyone or pose himself as a psychologist, and that he clearly stated in his email correspondence that he was no longer allowed to practice psychology or use that term. Dr. Padilla stated that he was no longer interested in this type of work and has no interest in pursuing a career in therapy any further. Dr. Caterino questioned Dr. Padilla as to how his services differed between psychology and counseling. Dr. Padilla explained that his mentality switched to providing more supportive guidance in his approach to his clients and was no longer geared towards any type of diagnosis or treatment.

MOTION: Ms. Shreeve moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Chairwoman Davis-Wilson

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Ms. Laboy and Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board entered into Executive Session at 12:52 p.m.

The Board returned to Open Session at 12:59 p.m.

No legal action was taken by the Board during Executive Session.

Dr. Gill stated his concerns regarding the provision of psychological services without holding an active license to do so in that Dr. Padilla continued to hold himself out as being a licensed individual after the effective date of his license surrender.

MOTION: Dr. Gill moved for the Board to issue a Cease and Desist Order for violations of A.R.S. § 32-2084(A), (C)(1) and (2).

SECOND: Ms. Shreeve

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board member voted against the motion: Mr. Dynar. The following Board members were absent: Ms. Laboy and Dr. Meier.

VOTE: 6-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

THE FOLLOWING AGENDA ITEMS ARE UNTIMED AND MAY BE DISCUSSED AND DECIDED UPON AT VARIOUS TIMES THROUGHOUT THE MEETING AT THE DISCRETION OF THE CHAIR

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO THE BOARD'S DENIAL NOTICE ISSUED TO RACHEL SCHWARTZ, PSY.D., APPLICANT FOR PSYCHOLOGIST LICENSURE, AND POSSIBLE ALTERNATIVE MOTION TO INCLUDE ISSUANCE OF AMENDED DENIAL NOTICE

This item was considered around 11:46 a.m.

Attorney Flynn Carey participated in the virtual meeting on behalf of Ms. Schwartz during the Board's consideration of this matter.

The Board observed that Dr. Schwartz applied for licensure and self-reported charges for shoplifting and criminal damage that occurred in May of 2021 and had not yet been adjudicated by the Court. Dr. Schwartz's application was considered by the Board at its July 2021 meeting and at the conclusion of the review, the Board voted to deny the application. Mr. Carey subsequently contacted Board staff and requested revisions to the denial notice relating to the contents surrounding the criminal charges. The Board recognized that the proposed revisions were supported by Board staff with the exception that the applicant has not successfully passed EPPP and has not provided the Board with adequate information to demonstrate that the conduct has been corrected and resolved. Mr. Carey stated that the proposed amended denial captured the pending nature of the criminal complaint and Dr. Schwartz's rehabilitative efforts. He asked the Board to accept the amendment and allow it to supersede the previous denial letter.

AAG Galvin clarified that Mr. Carey reached an agreement with Board staff to withdraw the request for rehearing in the event the Board accepted the amended denial notice. Mr. Carey confirmed that once the amendment was approved, he would file a motion with the Board to withdraw the request for rehearing. In response to Ms. Shreeve, AAG Galvin stated that she supported the proposed amendment that was presented to the Board as it accurately reflected the state of the criminal proceeding and also reflected the Board's concern.

MOTION: Ms. Shreeve moved for the Board to accept the amended notice of denial.

SECOND: Mr. Dynar

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Ms. Laboy and Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

AAG Galvin stated that the amended notice of denial would be finalized, signed and sent to the parties. Mr. Carey confirmed that he would be withdrawing his request for rehearing within a few days of the Board's meeting.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE CONSENT AGREEMENT AND ORDER FOR DECREE OF CENSURE FOR BRIAN SCHAFFER, M.S., IN CASE NO. 21-01, AND POSSIBLE ACTION REGARDING MR. SCHAFFER'S NOTIFICATION THAT HE IS RETURNING TO PRACTICE IN ARIZONA

This item was considered around 10:29 a.m.

Chairwoman Davis-Wilson was recused from this item. Mr. Schaffer participated in the virtual meeting during the Board's consideration of this matter.

The Board observed that Mr. Schaffer was issued a BA license in 2019. In August of 2020, the CBA reviewed a pending complaint against Mr. Schaffer that alleged he engaged in inappropriate behaviors resulting in termination of employment, including roughhousing with a minor client. At its December 2020 meeting, the Board conducted an initial review of the case and voted to proceed to interview while authorizing staff to negotiate a Consent Agreement in the interim. Mr. Schaffer's legal counsel subsequently reported that he had no plans of practicing in Arizona at that time and based on this information, Mr. Schaffer was offered a Consent Agreement for Decree of Censure with stipulation that in the event he returned to Arizona to practice, he may be subject to further probation and monitoring as determined by the Board. Mr. Schaffer signed the proposed Consent Agreement, which was subsequently accepted by the Board and the interview was vacated. On August 31, 2021, nine months after entering into the Consent Agreement, the Board received email correspondence from Mr. Schaffer indicating his consideration for returning to Arizona to practice and inquired as to the process for doing so. After Board staff explained the process, Mr. Schaffer expressed his discontent with the Board's decision in this case and reported that he accepted a job he expected to start in October 2021. He submitted a two page letter to the Board regarding his plans, which indicated an employment start date of October 4th and that Mr. Schaffer was waiting to hear from the BACB regarding approval for his Colorado based mentor to remotely mentor him. The Board noted that the mentor was not licensed in the State of Arizona.

Mr. Schaffer stated that he had nothing to add to his written statements previously submitted to the Board and that he was available for questions. Vice-Chairman Davey stated his concerns regarding Mr. Schaffer's correspondence submitted to the Board and stated that his core points were not clear from the letter. Mr. Schaffer clarified that the discipline issued in this case was not warranted and has caused employment difficulties to the affect that he has had five jobs in the last year that all resulted in termination based on the Board's disciplinary sanction in this case. Vice-Chairman Davey recalled that the initial complaint related to a video that showed Mr. Schaffer roughhousing with a minor client, and stated that it was difficult to capture the context of the interaction as there was no audio included with the video. Vice-Chairman Davey

stated that the Board's concerns in this case related to the failure to update treatment protocols and treatment goals, as well as the lack of support for treatment targets that were in place. Mr. Schaffer stated that he understood the Board imposed the requirement for a year of mentorship, but he felt there was no direction or guidance provided regarding what the mentorship should entail. He stated that he spoke to a number of individuals who disagreed with the Board's sanction in this case, and that it was not common for BAs to resubmit a treatment plan when a reinforcer has changed as those changes occur daily which he believed would be time consuming and overwhelming for insurance companies.

Vice-Chairman Davey stated that the treatment plan and protocol drive daily tasks with the RBT and the individual being served, and that the licensee's statements were the very reason why the Board found that a mentorship and additional supervision were warranted in this case.

MOTION: Vice-Chairman Davey moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Mr. Dynar

VOTE: The following Board members voted in favor of the motion: Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Mellott and Ms. Shreeve. The following Board member was recused: Chairwoman Davis-Wilson. The following Board member was absent: Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 10:43 a.m.

The Board returned to Open Session at 10:55 a.m.

No legal action was taken by the Board during Executive Session.

Mr. Schaffer stated that he learned a valuable lesson from this experience and that he felt the mentorship has been very effective and enjoyable. He reported that he received an offer for a job working with adults and that he was waiting to hear back with regard to the results of his background check. He reiterated his concerns regarding the challenges he has encountered in his attempts to find gainful employment with the disciplinary sanction on his record. Dr. Mellott questioned whether Mr. Schaffer was disclosing the disciplinary action to the places where he has applied for employment. Mr. Schaffer explained that the information was disclosed when asked, but that he was not initially disclosing the sanction and was later terminated from a number of jobs that ultimately discovered the Consent Agreement. Mr. Schaffer added that he has since been forthcoming when applying for jobs and was no longer receiving offers. He stated that the Arizona based company who offered him employment was not made aware of the disciplinary action until the background check was performed.

In response to Dr. Caterino's questioning, Mr. Schaffer explained that his new position would involve designing behavior plans for clients with challenging behaviors in residential settings and that he would not be providing direct services. Dr. Gill noted that the mentor was not licensed in Arizona and questioned Mr. Schaffer as to whether he believed his discontent with the Board's decision in this case could affect his ability to practice at his new place of employment. Mr. Schaffer stated that he wished to move forward and that he will go above and beyond in his performance to ensure a similar incident does not occur in the future. Dr. Gill stated his concerns regarding Mr. Schaffer's written correspondences to the Board. Mr. Schaffer responded to Ms. Shreeve's questioning by stating that he met with his mentor on two occasions since the requirement became effective in September of 2021, and that both encounters exceeded the prescribed hour duration. Dr. Mellott noted that there were specific terms outlined to which Mr. Schaffer would be subject in the event he returned to Arizona, including a practice monitor and completion of CEs. Dr. Mellott recognized that Mr. Schaffer submitted proof of completion of CEs and stated that he needed to complete an additional 9 hours to satisfy this requirement. Dr. Mellott also commented that Mr. Schaffer's mentor must be licensed in the State of Arizona and approved by the Board.

Vice-Chairman Davey stated his concerns regarding Mr. Schaffer's initial written correspondence wherein he stated that he felt the mentor was useless versus his testimony today where he indicated that he was enjoying his time working with the mentor. Mr. Schaffer explained that his written correspondence was emotionally charged and that he was wrong. He stated his concerns regarding the cost of the mentorship, and stated that after he began meeting with his mentor, he realized that it was useful and enjoyable. Mr. Schaffer asked the Board to consider allowing him to continue with his mentor located in Colorado to satisfy this requirement.

MOTION: Vice-Chairman Davey moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Ms. Shreeve

VOTE: The following Board members voted in favor of the motion: Vice-Chairman Davey, Dr. Caterino, Mr.

Dynar, Dr. Gill, Ms. Laboy, Dr. Mellott and Ms. Shreeve. The following Board member was recused: Chairwoman Davis-Wilson. The following Board member was absent: Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 11:1 a.m.

The Board returned to Open Session at 11:24 a.m.

No legal action was taken by the Board during Executive Session.

Vice-Chairman Davey recognized that Mr. Schaffer reported he would be the only BCBA practicing at his new place of employment and he questioned who would oversee his work and provide clinical direction. Mr. Schaffer clarified that he would be reporting to another licensed and experienced BCBA. The Board discussed the terms for an amended Consent Agreement, including the requirement to engage with a Board approved mentor twice a month for one year with quarterly reports to the Board and completion of the remaining CEs previously discussed. The Board clarified for Mr. Schaffer that CEs already completed can be applied to this requirement upon receipt of proof of completion and that the mentor must be licensed in the State of Arizona. Ms. Shreeve requested including an option to return in six months to request termination based upon the mentor's recommendations as to whether further monitoring was needed. The Board also clarified that the Consent Agreement is disciplinary in nature, that it cannot be reduced from a disciplinary sanction, and that the Board was statutorily required to display disciplinary sanctions online for up to five years.

MOTION: Dr. Mellott moved for the Board to amend the Consent Agreement based on the licensee's report of his intent to return to practice in Arizona to include the following terms: One year probation to meet with a Board pre-approved practice monitor licensed in the State of Arizona twice a month for one hour each session with quarterly reports to the Board and shall include review of areas involving assessment of treatment, clinical documentation, ongoing treatment plans, ethics and professionalism; CEs may be satisfied upon proof of completion of CEs already completed by the licensee in the areas of assessment of treatment, clinical documentation, ongoing treatment plans, ethics and professionalism; and, after six months, the licensee may return to the Board to request probation termination and shall be contingent upon the practice monitor's recommendations.

SECOND: Dr. Caterino

Mr. Dynar stated that he understood the licensee's frustrations with the process and stated that he was hopeful the licensee would take the amended Consent Agreement to heart and return in six months for possible probation termination. Ms. Shreeve stated that she echoed Mr. Dynar's comments and that the Board wanted to see the licensee be successful in his career.

VOTE: The following Board members voted in favor of the motion: Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Mellott and Ms. Shreeve. The following Board member was recused: Chairwoman Davis-Wilson. The following Board member was absent: Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO POSSIBLE UNLICENSED ACTIVITIES OF JOHN DENBOER PH.D., TO INCLUDE POSSIBLY SEEKING AN INJUNCTION PURSUANT TO A.R.S. § 32-2083, OR CONSIDERATION OF OTHER AVAILABLE LEGAL REMEDIES

This item was considered around 1:03 p.m.

The Board observed that Dr. DenBoer surrendered his license in November of 2020 as a result of multiple complaints, that information was received shortly thereafter that reported he continued to hold himself out as a licensed psychologist, and that he was issued a Cease and Desist Order after the Board voted to do so at its February 2021 meeting. The Board noted that an anonymous letter was recently received that indicated Dr. DenBoer continued to practice psychology and hold himself out as a clinical psychologist on his website. Board staff reviewed Dr. DenBoer's active website and discovered that he offered psychology services from his Scottsdale location and continued to hold himself out as a psychologist. Board staff subsequently emailed Dr. DenBoer to inform him of today's proceedings, to which he did not respond.

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Mellott and Ms. Shreeve. The following Board member was absent: Dr. Meier.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 1:07 p.m.
The Board returned to Open Session at 1:15 p.m.
No legal action was taken by the Board during Executive Session.

Ms. Shreeve recognized that Dr. DenBoer is no longer licensed by this Board and stated her concerns regarding the possibility that he was offering psychology services out of his Scottsdale location.

MOTION: Ms. Shreeve moved for the Board to pursue an injunction and referral to law enforcement regarding Dr. DenBoer's unlicensed practice.

SECOND: Dr. Gill

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Ms. Laboy and Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

12. DISCUSSION CONSIDERATION AND POSSIBLE ACTION ON THE EPPP PART 2 REQUIREMENT TO INCLUDE COMMUNICATIONS ISSUED TO TEMPORARY LICENSE HOLDERS CONCERNING THE REQUIREMENT WHEN APPLYING FOR AN UNRESTRICTED LICENSE ON OR AFTER NOVEMBER 1, 2020

This item was considered around 1:17 p.m.

Executive Director Herbst Paakkonen reported that staff assembled templated documents based on the communications issued to temporary license holders concerning the requirement to take EPPP Part 2 when applying for an unrestricted license on or after November 1, 2020, and provided some commentary relating to areas in the documents where there may be an opportunity to be more clear. Executive Director Herbst Paakkonen reported that the correspondences included subject lines that specifically indicated the notification pertained to the temporary license only and was not intended apply to any future applications filed with the Board. Ms. Shreeve and Dr. Mellott stated their concerns that there was some confusion relating to the part of the letters that indicate authorization to sit for Part 1 and that there was not a requirement to complete Part 2. Dr. Caterino suggested placing more emphasis on the fact that the correspondence only applied to the individual's temporary license. Dr. Mellott suggested clarifying in the correspondence that upon application for a regular license, the applicant would be subject to all licensing requirements in place at the time they apply.

Chairwoman Davis-Wilson encouraged the Board to focus its discussion on the correspondences and not the 17 individuals who received these correspondences. She directed staff to ensure that all future documentation in matters similar to these clearly outline at the onset that the information does not apply to any future applications filed with the Board. She noted that the language used in the correspondences aligned with the Board's rules, and commented that the Board may want to consider a possible rule change in the future to help provide some clarity. Dr. Mellott requested the Board agendaize at its next meeting a discussion topic and possible action relating to the status of temporary license holders who were recently informed about having to take EPPP Part 2 to review potential solutions. Ms. Shreeve spoke in support of Dr. Mellott's request.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING SCHEDULING SPECIAL MEETING TO REVIEW RECOMMENDATIONS FOR REVISIONS OF THE ADMINISTRATIVE RULES THAT REGULATE THE PRACTICE OF PSYCHOLOGY AND BEHAVIOR ANALYSIS IN ARIZONA (A.A.C. TITLE 4, CHAPTER 26, ARTICLES 1-3)

This item was considered around 1:56 p.m.

Executive Director Herbst Paakkonen reported that the Rules Committee met on September 22nd and made a series of recommendations for the Board's consideration. She asked the Board to consider holding a special meeting for review of the proposed recommendations. Chairwoman Davis-Wilson spoke in favor of convening a special session for the Board to focus solely on the proposed recommendations. Dr. Mellott also spoke in support of holding a special meeting to review the rules and proposed recommendations.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING IMPLEMENTATION OF THE OUT-OF-STATE TELEHEALTH PRACTICE REGISTRY ESTABLISHED AT A.R.S. §36-3606

This item was considered around 1:57 p.m.

Executive Director Herbst Paakkonen informed the Board that all connections have been made for the registry application process to go live on the website including the payment portal. She reported that staff had only received two inquiries regarding the new telehealth practice registry and that interest in this licensing pathway may increase over time as more information becomes available. Executive Director Herbst Paakkonen also reported that a request was made for an additional appropriation for more staff in the event that interest in the registration grew similar to that of the temporary emergency licenses. Chairwoman Davis-Wilson thanked the Executive Director and Board staff for their hard work and efforts.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING LICENSURE AND REGULATORY ISSUES RELATIVE TO COVID-19

This item was considered around 1:55 p.m.

Executive Director Herbst Paakkonen reported that this item was agendaized for the Board to discuss any new developments and that there was no update for the Board to consider at this time.

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION FOR EXAM & LICENSURE AND STUDY PLAN FROM THOMAS EDWARD BYBEE, PSY.D.

This item was considered around 11:51 a.m.

The Board observed that Dr. Bybee submitted an updated study plan for taking the exam that was received late last evening.

MOTION: Dr. Mellott moved for the Board to approve the application for exam and licensure.

SECOND: Mr. Dynar

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Mellott and Ms. Shreeve. The following Board member was absent: Dr. Meier.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REAPPLICATION FOR EPPP ONLY FROM EMILY BERRY, PSY.D. AND POSSIBLE DENIAL OF THE SAME

This item was considered around 1:54 p.m.

The Board observed that the applicant requested this matter be rescheduled for a future meeting as she only recently retained legal representation. It was the consensus of the Board to table this matter to its November 2-21 meeting and Executive Director Herbst Paakkonen reported that she would inform the parties and schedule the matter accordingly.

18. NEW AGENDA ITEMS FOR FUTURE MEETINGS

This item was considered around 2:01 p.m.

Dr. Mellott requested the Board agendaize for a future meeting a discussion topic relating to EPPP early entry and invite representatives from ASPPB to present to the Board. Dr. Gill requested the Board agendaize an update regarding ASPPB's license mobility programs and Executive Director Herbst Paakkonen requested the Board consider providing staff with some direction regarding whether to move forward with participation.

19. ADJOURNMENT

MOTION: Dr. Gill moved for the Board to adjourn.

SECOND: Dr. Mellott

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Ms. Laboy and Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board's meeting adjourned at 2:04 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Matt Meier Psy.D." in a cursive style.

Matt Meier, Psy.D.

Secretary