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Frederick S. Wechsler, Ph.D., Psy.D., ABPP



## **State of Arizona Board of Psychologist Examiners**

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## **Staff**

Dr. Cindy Olvey

Executive Director

Lynanne Chapman

Deputy Director

Heather Duracinski

Licensing Coordinator

## **REGULAR SESSION MINUTES**

**October 3, 2014, 8:30 a.m.**

Arizona State Capitol – Executive Tower

1700 W. Washington St.

Basement Conference Room

Phoenix, AZ 85007

### **1. CALL TO ORDER**

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman Bohanske at 8:30 a.m. on October 3, 2014.

### **2. ROLL CALL**

#### **Board Members Present**

Bob Bohanske, Ph.D., – Chair

John P. DiBacco, Ph.D., – Vice – Chair

Joseph C. Donaldson

Paul Beljan, Psy.D., ABPdN, ABN

Janice K. Brundage, Ph.D.

Ramona N. Mellott, Ph.D.

Rob Robichaud

Tamara Shreeve, MPA

Frederick S. Wechsler, Ph.D., Psy.D., ABPP

#### **Staff Present**

Cindy Olvey, Psy.D., Executive Director

Lynanne Chapman, Deputy Director

Heather Duracinski, Licensing Coordinator

#### **Attorney General's Office**

Jeanne Galvin, Esq.

### **3. REMARKS/ANNOUNCEMENTS**

**CE Documentation** – Dr. Bohanske announced that licensees could receive CE credits in Ethics for attendance at Board meetings and explained how to obtain credit.

**Board Assessment Forms** – Dr. Bohanske encouraged members of the audience to complete a Board Meeting Assessment Survey and place them in the survey box.

**Remarks, Board Member and Staff Appreciation** – Dr. Bohanske thanked Board members and Staff for their dedication and hard work.

### **4. CALL TO THE PUBLIC**

Dr. Bohanske invited the public to address the Board at this time.

Gary Perrin, Ph.D. requested to speak and introduced himself as the Arizona Psychological Association (AzPA) Liaison to the Board. Dr. Perrin stated that this is his second time serving as the AzPA Liaison to the Board.

## **5. COUNSEL REPORT**

Ms. Galvin reported that an Evidentiary Hearing for the appeal filed by Anthony Luick, Ph.D., was heard on May 21, 2014, in Pima County Superior Court. Ms. Galvin stated that a briefing schedule has been set and that she will file the Board's Answering Brief as required next week. Ms. Galvin stated that she will keep the Board apprised as the appeal moves through the process.

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

Dr. Wechsler requested that item (l) be removed from the Consent Agenda for independent discussion. Dr. Brundage made a motion, seconded by Mr. Donaldson, to approve the following items on the Consent Agenda with item (l) removed for independent discussion. Mr. Donaldson abstained from the August 1, 2014, Regular and Executive Session Minutes. The motion carried 9-0.

### **(a) APPROVAL OF MINUTES**

- August 1, 2014, Regular Session Minutes (Mr. Donaldson abstained)
- August 1, 2014, Executive Session Minutes (Mr. Donaldson abstained)

### **(b) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS**

#### **i. REQUESTING APPROVAL TO SIT FOR THE EXAM (EPPP) ONLY**

- Diana Milner, Ph.D.

#### **ii. REQUESTING APPROVAL FOR EXAM AND LICENSURE**

- Adrian Fletcher, Psy.D.
- Jesus Lovett, Psy.D.
- Najah Swartz, Ph.D.
- Thomas Hallinan, Ph.D.
- Tyler Russell, Psy.D.

#### **iii. REQUESTING APPROVAL FOR LICENSURE BY WAIVER**

- Danielle Powers, Psy.D.
- Leslie Manson, Psy.D.

#### **iv. REQUESTING APPROVAL OF SUPERVISED PROFESSIONAL EXPERIENCE HOURS AND LICENSURE**

- MaryAnne Belton, Psy.D.
- Natalie Hurd, Psy.D.

### **(c) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS**

- Berenice Diaz, M.Ed.
- Karalyn Semenchuk, M.Ed.
- Robert Craighead, M.Ed.

### **(d) EXECUTIVE DIRECTOR'S REPORT**

### **(e) INVESTIGATIONS REPORT**

### **(f) LICENSING REPORT**

### **(g) RESCISSION OF THE BOARD'S SEPTEMBER 5, 2014, MOTION TO APPROVE KIMBERLY WEINGART, PH.D. APPLICATION FOR LICENSURE**

- (h) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING A REQUEST FROM MATHILDA CANTER, PH.D. TO CANCEL HER LICENSE**
- (i) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING NATALIE CHASE, MA, REQUEST TO ADMINISTRATIVELY CANCEL HER LICENSE TO PRACTICE BEHAVIOR ANALYSIS AND TO WITHDRAW HER APPLICATION FOR LICENSURE AS A BEHAVIOR ANALYST**
- (j) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REACTIVATION OF INACTIVE LICENSE FROM JENNIFER RHODES, PH.D.**
- (k) REQUEST FOR EXTENSION OF TIME TO SIT FOR THE EPPP FROM LINDA SALVUCCI, PH.D.**

~~**(l) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO ACCEPTANCE OF PROPOSED CONSENT AGREEMENT TO SURRENDER LICENSE TO PRACTICE PSYCHOLOGY SUBMITTED BY DR. WAYNE HOLTZMAN**~~

**7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR LICENSURE AND SUPPLEMENTAL INFORMATION RECEIVED BY KAREN PUTNAM, PH.D.**

Dr. Mellott provided a summary to the Board stating that at the September 30, 2014, Application Review Committee meeting, Dr. Beljan was unable to review Dr. Putnam's application due to technical difficulty. Due to lack of a quorum, Dr. Putnam's application was forwarded to the full Board for review.

Upon review, the Board noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. Dr. Mellott made a motion, seconded by Dr. Beljan, to approve Dr. Putnam's application to take the EPPP and licensure upon a passing score and payment of the pro-rated licensure fee. The motion carried 9-0.

**8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING COMMEMORATING 50 YEARS (1965-2015) SINCE ENACTMENT OF ENABLING LEGISLATION REGULATING PSYCHOLOGY AS A PROFESSION**

Dr. Bohanske summarized stating that arrangements have been made to hold a Board meeting in Tucson and Flagstaff in 2015. Dr. Bohanske stated that a reception will be held after the Board meetings. ASPPB will be hosting its 2015 annual meeting in Arizona and commemorative certificates are being researched.

**9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEW OF RFI 14-09, ERNESTO CARAVEO, Psy.D.**

Dr. DiBacco provided a summary to the Board stating that the Board initiated this complaint after receiving information pertaining to an investigation by the Navy into allegations of possible sexual harassment. The Complaint Screening Committee forwarded this case to the full Board for further review for possible violations of A.R.S. §§32-2061(15)(o), (m), and (dd) as it pertains to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct Standard 3.02, Sexual Harassment and 4.01, Maintaining Confidentiality.

Dr. Caraveo was present telephonically, requested to speak, made a statement and answered Board members' questions. Additionally, Dr. Caraveo stated that at the time he submitted his application for licensure he was no longer under investigation and that the matter was considered an administrative matter.

Board members deliberated and expressed concern that Dr. Caraveo did not report this matter on his initial application as he applied in May of 2013 and the issue was not resolved with the Navy until October 2013.

After deliberation, Dr. Wechsler made a motion, seconded by Mr. Donaldson, to move this matter to an Informal Interview for further investigation. The motion carried 9-0 on a roll call vote.

**10. INFORMAL INTERVIEW – Kimberly Wright, Ph.D. RFI 13-25**

**DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO ALLEGATIONS OF UNPROFESSIONAL CONDUCT, PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, POSSIBLE DISCIPLINE AND/OR OFFER OF A CONSENT AGREEMENT OR REFERRAL TO A FORMAL HEARING**

Dr. Beljan and Dr. Wechsler recused from this item.

Chairman Bohanske reviewed Informal Interview procedures. Dr. Wright and her legal counsel, Larry Cohen, were present. Dr. Bohanske swore in Dr. Wright. Dr. Bohanske provided a summary of the allegations to the Board. The Complainant was not present. Dr. Wright and her legal counsel, Larry Cohen requested to speak, made statements and answered Board members' questions.

Dr. Brundage provided a summary to the Board stating that the Board forwarded this case to an Informal Interview for further review of a possible violation of A.R.S. §32-2061(15)(dd) as it pertains to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct Standard 3.05, Multiple Relationships.

Board members asked questions of Dr. Wright. Board members deliberated. Following deliberation, Mr. Robichaud made a motion, seconded by Dr. Mellott, to dismiss this matter as there is no evidence of violation of statute or rule. The motion carried 6-1-2, with Dr. DiBacco voting no and Drs. Beljan and Wechsler recused.

**11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO ACCEPTANCE OF PROPOSED CONSENT AGREEMENT TO SURRENDER LICENSE TO PRACTICE PSYCHOLOGY SUBMITTED BY DR. WAYNE HOLTZMAN**

Dr. Wechsler requested that this item be removed from the Consent Agenda for further discussion due to the nature of the allegations. Ms. Chapman provided a summary to the Board stating that the Board office received a Request for Investigation pertaining to Dr. Holtzman. Dr. Wechsler stated that he requested that the matter be removed from the Consent Agenda for further discussion due to the nature of the allegations. Given the allegations, Dr. Wechsler stated that a referral to the Maricopa County Attorney's Office may be appropriate, to investigate the applicability of A.R.S. §13-1418.

Dr. Holtzman was not present, however his attorney, Larry Cohen, was present. Mr. Cohen stated that Dr. Holtzman has agreed to surrender his license in lieu of an investigation which would satisfy the Board's mission to protect the public.

Dr. Wechsler noted that investigation of possible criminal violations is outside of the Board's jurisdiction and that this matter should be referred to an entity with jurisdiction to investigate such matters. Board members stated that the Board has a responsibility to protect the public from psychologists in performance of their professional responsibilities which would be accomplished in this case via the surrender of a license, treated as a license revocation. The investigation of other allegations is outside of the Board's jurisdiction.

After deliberation, Dr. Wechsler made a motion, seconded by Mr. Donaldson, to accept the proposed Consent Agreement for the surrender of Dr. Holtzman's license to practice psychology, and to refer the matter to the Maricopa County Attorney's office for possible criminal investigation. The motion carried 8-0-1 on a roll call vote, with Dr. Beljan abstaining.

**12) INFORMAL INTERVIEW – Steven Fox, Ph.D. RFI 14-06**

**DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO ALLEGATIONS OF UNPROFESSIONAL CONDUCT, PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,**

## **POSSIBLE DISCIPLINE AND/OR OFFER OF A CONSENT AGREEMENT OR REFERRAL TO A FORMAL HEARING**

Chairman Bohanske reviewed Informal Interview procedures. Dr. Fox and his legal counsel, Terence Cushing, were present. Dr. Bohanske swore in Dr. Fox. Dr. Bohanske provided a summary of the allegations to the Board. Dr. Fox and his legal counsel, Terence Cushing requested to speak, made statements and answered Board members' questions.

Dr. DiBacco provided a summary to the Board stating that the Board forwarded this case to an Informal Interview for further review for possible violations of A.R.S. §32-2061(15)(o) for possibly providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; A.R.S. §32-2061(15)(g) for possibly engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training and experience; A.R.S. §32-2061(15)(h) for possibly failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient; and A.R.S. §32-2061(15)(dd) for possibly violating an ethical code adopted by the Board as it pertains to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct Standard 6.06, Accuracy in Reports to Payors and Funding Sources.

The Complainant, C.H., was present and was sworn in by Chairman Bohanske, made a statement and answered Board members' questions.

Board members asked Dr. Fox additional questions followed by deliberation. Board members expressed concern that the evaluation report was substandard in a number of areas and the manner in which the report was released did not meet community standards of care.

Following deliberation, Dr. DiBacco made a motion, seconded by Dr. Wechsler, to find Dr. Fox in violation of A.R.S. §32-2061(15)(g) – Engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training and experience by conducting a psychosexual evaluation without the appropriate knowledge/training to conduct such an evaluation; A.R.S. 32-2061(15)(h) - Failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient by releasing a draft report without having any indication on the report that it was a draft; and A.R.S. §32-2061(15)(o) - Providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice. The motion carried 9-0.

Dr. Wechsler made a motion, seconded by Dr. Beljan, to issue Dr. Fox a Decree of Censure and an Order for probation/supervision. Dr. Fox's license will be placed on probation for a period of 12 months. While on probation, Dr. Fox shall not conduct psychosexual evaluations or psychological evaluations with a sexual emphasis. Dr. Fox shall update all informed consent notifications to reflect this practice restriction. While on probation, Dr. Fox's practice shall be supervised by a Supervisor/Practice Monitor approved by the Board. Supervision shall include the Supervisor/Practice Monitor's review and assessment of Dr. Fox's intake documentation and testing associated with all evaluations completed, review of all evaluation reports completed by Dr. Fox with a co-signature on all evaluation reports completed signifying the Supervisor/Monitor's agreement with Licensee's evaluation process and resulting evaluation report, including the conclusions and recommendations provided in the report, as well as review of Dr. Fox's record keeping practices. During the probationary period, Dr. Fox shall meet with the Supervisor/Practice Monitor face to face at least two times monthly for at least two hours per session. The Supervisor/Practice Monitor shall provide feedback to Dr. Fox regarding his practice, to include testing, evaluative, and record keeping practices. After six months of supervision, Dr. Fox may petition to appear before the Board with his Supervisor/Practice Monitor to request that the term, duration, length and/or scope of the supervision be modified. Dr. Fox shall enter into an agreement with a Board approved psychologist to serve as his Supervisor/Practice Monitor and provide the Board written notification of the agreement. The Supervisor/Practice Monitor shall provide written quarterly reports, to the Board regarding Dr. Fox's understanding and progress associated with conducting evaluations, report writing, and record keeping. Dr.

Fox is responsible for ensuring that the Supervisor/Practice Monitor submits his/her reports to the Board. At the end of 12 months, unless otherwise ordered by the Board, Dr. Fox shall petition the Board, in writing, and request termination from probation and supervision. The motion carried 9-0 on a roll call vote.

**13) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REVIEW OF RFI T-14-13 PERTAINING TO CHRIS WYLIE, ED.D.**

Dr. DiBacco provided a summary to the Board stating that Dr. Wylie is a certified school psychologist and it is alleged that he is practicing independently outside of a school setting. Dr. DiBacco stated that the Complaint Screening Committee reviewed this matter and voted to forward it to the full Board for possible violation of A.R.S. §§32-2075 and 32-2084.

Neither the Respondent nor the Complainant were present. Board members deliberated and expressed concern that Dr. Wylie was practicing independently outside of the school system. Board members stated that Dr. Wylie has indicated that he no longer will be practicing as a school psychologist as he is pursuing a career as a life coach.

After deliberation, Dr. Brundage made a motion, seconded by Dr. DiBacco, to take no action in this matter. The Board directed Board staff to send a letter to Dr. Wylie indicating that, the Board did find that he was practicing psychology outside of a school setting, that he shall not hold himself out as or practice as a psychologist unless it is within a school setting, and to request that he submit documentation for the dissolution of his LLC. The motion carried 9-0.

**14) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO IMPLEMENTATION OF A.R.S. §32-2091.03 AS PASSED IN HB 2173 REGARDING ADOPTING LICENSING STANDARDS CONSISTENT WITH STANDARDS SET BY A NATIONALLY RECOGNIZED BEHAVIOR ANALYST CERTIFICATION BOARD**

Dr. Olvey provided a summary to the Board stating that legislation passed which requires the Board to adopt education and training standards for behavior analysts. After deliberation, Dr. Bohanske made a motion, seconded by Dr. Wechsler, to accept the Behavior Analyst Certification Board standards and directed Board staff to work with the Rules Committee to draft rules. The motion carried 9-0.

**15) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO IMPLEMENTATION OF A.R.S. §32-2073(B) PERTAINING TO TEMPORARY LICENSURE FOR POSTDOCTORAL EXPERIENCE**

Dr. Mellott provided a summary to the Board stating that the Rules Committee forwarded this item to the Board to determine whether an individual applying for temporary licensure is required to have obtained 3,000 hours of supervised work experience prior to obtaining a temporary license or if completion of the required internship is sufficient. It was the consensus of the Board that completion of at least 1,500 hours of internship is sufficient to apply for temporary licensure because the intent of the license is to allow applicants to obtain postdoctoral experience under the temporary license. In addition, the Board discussed whether an applicant is required to pass the EPPP prior to obtaining a temporary license. A.R.S. §32-2073(B) does not require a passing score on the EPPP in order to obtain a temporary license. The Board asked the Rules Committee to move forward in developing draft rules for temporary licensure.

**16) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO IMPLEMENTATION OF A.R.S. §32-2091.03 AS PASSED IN HB 2173 REGARDING ADOPTING LICENSING STANDARDS CONSISTENT WITH STANDARDS SET BY A NATIONALLY RECOGNIZED BEHAVIOR ANALYST CERTIFICATION BOARD (Cont.)**

The Board continued this item to allow two behavior analysts to speak. Bryan Davey, Ph.D., and Diana Davis-Wilson, M.Ed., were present and requested that the Board consider allowing behavior analysts to give input in the drafting of the rules for the behavior analysis profession. The Board encouraged behavior analysts to actively participate in the rules making process and to consider attending the Rules Committee meetings, which are open to the public. The Board expressed that expertise provided by behavior analysts during this process is appreciated. After deliberation, Dr. Bohanske made a motion, seconded by Mr. Robichaud, to expend funds for a rule writer for behavior analyst rules.

**17) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO COMMENTS RECEIVED PERTAINING TO DRAFT PSYCHOLOGY RULES POSTED ON THE BOARD'S WEBSITE, FINALIZING DRAFT RULES, APPROVING THE FILING OF A NOTICE OF DOCKET OPENING AND NOTICE OF PROPOSED RULE MAKING**

Dr. Mellott provided a summary to the Board stating that the Rules Committee reviewed the public comments received on the draft rules. Dr. Mellott stated that there were several comments regarding the release of raw test data and that the Rules Committee drafted changes that follow Arizona law for consideration by the Board. Additionally, Dr. Mellott stated that a change which would allow the Board to accept primary source verification from the Association of State and Provincial Psychology Boards was made. After deliberation, Dr. Mellott made a motion, seconded by Dr. Bohanske, to approve changes recommended by the Rules Committee, authorize Opening of a Docket and filing a Notice of Proposed Rule Making. The motion carried 9-0.

**18) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR LICENSURE, APPROVAL OF POSTDOCTORAL EXPERIENCE AND REVIEW OF SUPPLEMENTAL INFORMATION RECEIVED FOR KATHLEEN BREE, PSY.D.**

Dr. Beljan recused from the consideration of this item.

Board members proceeded with a substantive review of Dr. Bree's application. Upon review, the Board noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. Dr. Mellott made a motion, seconded by Dr. DiBacco to approve Dr. Bree's application for licensure upon payment of the pro-rated licensure fee. The motion carried 8-0-1 with Dr. Beljan recused.

**19) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO UPDATE FROM THE ARIZONA PSYCHOLOGICAL ASSOCIATION REGARDING EXPANDING SCOPE OF PRACTICE FOR PSYCHOLOGISTS TO INCLUDE PRESCRIPTIVE AUTHORITY**

Jeff Thomas, Ph.D. was present on behalf of the Arizona Psychological Association (AzPA) and provided a summary to the Board stating that a sunrise document for prescriptive authority for psychologists was not submitted this year. He explained the reasons that AzPA decided not to submit a sunrise document and will not pursue legislation during the 2015 Legislative Session. Dr. Thomas elaborated that Illinois recently passed a law authorizing psychologists to prescribe. Arizona is studying that law, which may impact future legislation.

**20) NEW AGENDA ITEMS FOR FUTURE MEETINGS**

Mr. Robichaud requested that an item be placed on a future agenda regarding the use of the acronym RAID, (Request for Additional Documentation/Information) as it pertains to applications.

Mr. Donaldson requested that an item pertaining to certified school psychologists be placed on a future agenda, specifically, licensing of the profession.

**21) ADJOURN**

There being no further business to come before the Board, a motion was made by Dr. Wechsler, seconded by Dr. Beljan, to adjourn the meeting at 3:20 p.m. on October 3, 2014. The motion carried 9-0.

**Respectfully submitted,**

**Joseph C. Donaldson  
Board Secretary**