



Board Members

Frederick S. Wechsler, Ph.D., Psy.D., ABPP
Chair
Tamara Shreeve, MPA
Vice-Chair
Paul Beljan, Psy.D. ABPdN, ABN
Secretary
Bob Bohanske, Ph.D.
Janice K. Brundage, Ph.D.
Joseph C. Donaldson
Lynn L. Flowers, Ph.D.
Ramona Mellott, Ph.D.
Rob Robichaud, M.A. CJ, SHRM-CP, PHR

State of Arizona Board of Psychologist Examiners

1400 West Washington, Suite 240
Phoenix, Arizona 85007
Phone: (602) 542-8162 Fax: (602) 542-8279
<https://psychboard.az.gov>

Staff

Dr. Cindy Olvey
Executive Director
Lynanne Chapman
Deputy Director
Heather Broaddus
Licensing Coordinator
Krishna Poe
Administrative Assistant

REGULAR SESSION MINUTES

October 7, 2016
8:30 a.m.
Capitol Center
15 S. 15th Ave.
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 Wechsler at 8:30 a.m. on October 7, 2016.

2. ROLL CALL

Board Members Present

Frederick S. Wechsler, Ph.D., Psy.D., ABPP – Chair
Tamara Shreeve, MPA – Vice Chair
Paul Beljan, Psy.D., ABPdN, ABN – Secretary
Bob Bohanske, Ph.D.
Janice K. Brundage, Ph.D.
Lynn L. Flowers, Ph.D.
Ramona N. Mellott, Ph.D.

Board Staff

Dr. Cindy Olvey, Executive Director
Lynanne Chapman, Deputy Director
Heather Broaddus, Licensing Coordinator
Krishna Poe, Administrative Assistant

Attorney General's Office

Jeanne Galvin, Esq.

Board Members Absent

Joseph C. Donaldson
Rob Robichaud, M.A. CJ, SHRM-CP, PHR

3. REMARKS/ANNOUNCEMENTS

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

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

Board Member and Staff Appreciation – Dr. Wechsler thanked Board members and Staff for their dedication and hard work.

4. CALL TO THE PUBLIC

There were no requests to speak at this time.

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

Dr. Bohanske made a motion, seconded by Dr. Brundage to approve the items on the Consent Agenda. Drs. Beljan and Bohanske abstained from the August 12, 2016, Executive Session Minutes (9:01 a.m. – 9:29 a.m., 9:47 a.m. – 9:53 a.m., 2:47 p.m. – 2:56 p.m.). Dr. Wechsler recused from Donna Heretick, Ph.D. The motion carried 7-0.

(a) APPROVAL OF MINUTES

- August 12, 2016, Executive Session (9:01 a.m. – 9:29 a.m.) (Drs. Beljan and Bohanske abstained)
- August 12, 2016, Executive Session (9:47 a.m. – 9:53 a.m.) (Drs. Beljan and Bohanske abstained)
- August 12, 2016, Executive Session (2:47 p.m. – 2:56 p.m.) (Drs. Beljan and Bohanske abstained)

(b) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL FOR EXAM ONLY

- Asheeki Elmore, Psy.D.
- Jodi Cuneo, Ph.D.

ii. REQUESTING APPROVAL FOR EXAM AND/OR LICENSURE

- Bekayla Dewar, Psy.D.
- Comel Belin, Ph.D.
- Emily Huls, Psy.D.
- Keith Reinhardt, Psy.D.
- Michele Ishikawa, Ph.D.
- Monela Beroni, Psy.D.
- Rachel Ocampo Hoogasian, Ph.D.
- Savana Krysiak, Psy.D.
- Sherri Ruggiero, Ph.D.
- Suzanne O'Connor, psy.D.
- Whitney Louis, Psy.D.

iii. REQUESTING APPROVAL FOR LICENSURE BY WAIVER

- Cathleen von Hippel, Ph.D.
- Donna Heretick, Ph.D. (Dr. Wechsler recused)
- Jeanine Copperstone, Ph.D.
- Jessica Schneider, Psy.D.
- Shannon Roden, Psy.D.
- Steven Caruso, Ph.D.
- Teresa Bobo, Psy.D.

iv. REQUESTING APPROVAL FOR LICENSURE BY CREDENTIAL

- Sara Howard, Ph.D.

v. REQUESTING APPROVAL OF SUPERVISED PROFESSIONAL EXPERIENCE HOURS AND LICENSURE

- Linzi Cody, Ph.D.
- Emily Bashah, Psy.D.

(c) DISCUSSION/DECISION REGARDING TEMPORARY LICENSE PSYCHOLOGIST APPLICANTS AND APPROVAL OF POSTDOCTORAL WRITTEN TRAINING PLAN AND TO SIT FOR THE EPPP

- Kelly Donohue, Ph.D.

(d) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- Kaitlin Causin, M.A.
- Matthew Lacoursier, M.S.
- Regina Maendler, M.A.

(e) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR REACTIVATION OF INACTIVE LICENSE SUBMITTED BY MICHAEL GANN, PH.D.

(f) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR EXTENSION TO SIT FOR THE EPPP SUBMITTED BY NISHA TODI, PSY.D.

(g) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST TO RETAKE THE EPPP SUBMITTED BY LESLIE MONTIJO, PSY.D.

(h) EXECUTIVE DIRECTOR'S REPORT

(i) INVESTIGATIONS REPORT

(j) LICENSING REPORT

6. INFORMAL INTERVIEW – DAVID MASELLI, PH.D. RFI 15-36

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. Wechsler recused from reviewing this agenda item and exited the meeting room. Dr. Maselli and his legal counsel, Brenton Barber, were present. Board members and staff introduced themselves. Vice-Chair Shreeve explained Informal Interview procedures and provided a summary of the allegations. Ms. Shreeve swore in Dr. Maselli. Dr. Maselli and his legal counsel, Mr. Barber, made a brief opening statement. Mr. Barber argued that the statute and rule pertaining to internship does not refer to supervisors. Mr. Barber stated that the applicant was aware of the internship program's procedures before entering into the internship.

Dr. Beljan provided a summary to the Board stating that this matter was the result of an applicant applying for licensure wherein the Board determined that the applicant's internship does not meet Arizona requirements. The Board noted that Dr. Maselli, as the applicant's supervisor, completed the internship verification form and answered "yes" to all of the questions. The Board determined that Dr. Maselli answered the majority of the questions on the internship inappropriately and may have tried to mislead the Board. Dr. Maselli addressed the Board and attested that the internship program employed a visiting psychologist from another country but the psychologist was not licensed in Arizona. Dr. Maselli stated that this meets California's criteria for licensure as a psychologist. Board members asked Dr. Maselli if there were other trainees in the internship program. Dr. Maselli stated that there were no other interns but the internship did have other master level trainees. Dr. Maselli affirmed that he believed he was answering the questions on the internship verification form for the applicant appropriately. Board members asked Dr. Maselli to describe how he believed that his internship program would meet Arizona's requirements. Dr. Maselli stated that his program was reviewed and approved by the applicant's university in California. Mr. Barber stated that the applicant was able to gain licensure in California. Board members asked Dr. Maselli how his internship program provided the two additional hours per week of training. Dr. Maselli answered.

At 9:07 a.m., Dr. Mellott made a motion, seconded by Ms. Shreeve to move into Executive Session to obtain confidential legal advice from the Board's attorney. The motion carried 6-0-1 with Dr. Wechsler recused. Open session reconvened at 9:20 a.m.

The Board deliberated and expressed concern that Dr. Maselli answered the questions on the internship verification form inappropriately. Additionally, Dr. Maselli indicated that he informed the trainees that were not two psychologists within the internship program but he indicated on the internship verification form that there were two psychologists on staff as supervisors.

After deliberation, Dr. Beljan made a motion, seconded by Ms. Shreeve, to find violations of A.R.S. §32-2061(15)(j) for making a fraudulent or untrue statement to the board or its investigators, staff or consultants; A.R.S. §32-2061(15)(y) for exploiting a client or patient, a student or a supervisee and; A.R.S. §32-2071(15)(dd) as it relates to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct 7.01 Design of Education and Training Programs. The motion failed on a roll call vote 0-6-1 with Dr. Wechsler recused.

Dr. Beljan made a motion, Seconded by Dr. Brundage, to find a violation of A.R.S. §32-2061(15)(j) for making a fraudulent or untrue statement to the board or its investigators, staff or consultants. The motion carried on a roll call vote 6-0-1 with Dr. Wechsler recused.

Dr. Bohanske made a motion to issue a Letter of Concern. The motion died for lack of a second.

Dr. Beljan made a motion, seconded by Dr. Flowers, to issue a Decree of Censure with an Order for continuing education. The continuing education should include ethics and supervision of trainees and Dr. Maselli is required to obtain 5 credits in each category. The continuing education shall be completed within six months of the Decree of Censure and the continuing education is in addition to the continuing education that is required for license renewal. The motion carried 5-1-1 on a roll call vote with Dr. Mellott voting no and Dr. Wechsler recused.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION CONCERNING PROPOSED CONSENT AGREEMENT AND POSSIBLE RESCISSION OF REFERRAL TO INFORMAL INTERVIEW FOR DONALD DURHAM, PH.D. (RFI 16-12)

Ms. Chapman provided a summary to the Board stating that on August 12, 2016, the Board forwarded RFI 16-12 to an Informal Interview for possible violations of A.R.S. §§32-2061(15)(h)(l) and (s). At the meeting the Board indicated that Dr. Durham and his attorney may wish to work with the Board's Assistant Attorney General in drafting a proposed Consent Agreement in order to resolve the matter prior to an Informal Interview. Prior to the scheduled Informal Interview the Board office received a proposed Consent Agreement. Ms. Chapman summarized the proposed Consent Agreement.

Dr. Durham and his legal counsel, Faren Akins, were present. Mr. Akins requested to speak and stated that Dr. Durham is willing to enter into the proposed Consent Agreement. Board members expressed concern that there are no disciplinary requirements in the proposed Consent Agreement. Mr. Akins stated that 12 months of probation will be added to the proposed Consent Agreement. The Board agreed that 12 months of probation be added to the proposed Consent Agreement and that the continuing education will be completed within six months of the effective date of the Consent Agreement. Dr. Durham may petition the Board for release of probation after six months of the effective date of the Consent Agreement. After deliberation, Dr. Brundage made a motion, seconded by Dr. Bohanske, to accept the proposed Consent Agreement with the modifications noted above. The motion carried 7-0 on a roll call vote.

Dr. Bohanske made a motion, seconded by Ms. Shreeve, to vacate the Informal Interview of RFI 16-12. The motion carried 7-0.

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

RFI 16-16, Adam McCray, Ph.D.

Dr. Mellott provided a summary to the Board stating that the Complainant, E.C., alleged that Dr. McCray destroyed documentation, that he violated HIPAA by divulging confidential information to other employees and entered into a multiple relationship by conducting an evaluation of his ex-wife.

E.C. was present, requested to speak, made a statement and answered Board members questions. E.C. provided background information including that he underwent counseling at the VA prior to retirement. E.C. stated that he was Dr. McCray's patient and Dr. McCray was unethical in evaluating his ex-wife. E.C. stated that Dr. McCray "leaked" information that led to his arrest and because of Dr. McCray's actions he has not been able to see his children for eight months.

Dr. McCray and his legal counsel, Faren Akins, were present, requested to speak, made statements and answered Board members questions. Dr. McCray provided background information stating that he was in the military and since his discharge from the military he has devoted his career to helping veterans. Dr. McCray affirmed that he conducted an evaluation on E.C.'s ex-wife and provided the Board his reasons for conducting the evaluation. Dr. McCray attested that he did not receive any information from the Court regarding the evaluation therefore he proceeded with the evaluation under the VA's guidelines. Dr. McCray attested that he did not breach confidentiality. He stated that other employees were found to have breached confidential information. Dr. McCray stated that he did not release the evaluation to E.C.'s attorney because he did not receive the appropriate release. Board members asked Dr. McCray to elaborate on how supervision of employees is conducted at the VA. Dr. McCray went over supervision procedures. Dr. McCray attested that he does not provide supervision to students but as the Team Leader he assists employees with difficult cases. Board members asked Dr. McCray to describe his relationship with E.C.'s ex-wife. Dr. McCray stated that the ex-wife's current provider referred her to him for an evaluation because the Court Ordered an evaluation. Dr. McCray stated that he did not receive any documentation from the Court therefore he gave the report to the ex-wife. Board members asked Dr. McCray to elaborate on the VA's investigative procedures regarding HIPAA violations. Dr. McCray elaborated on the procedure. Board members asked Dr. McCray if he was aware that the evaluation on the ex-wife was Court Ordered. Dr. McCray affirmed that he was made aware that the evaluation was Court Ordered but he never received any information or documentation from the Court or E.C.'s attorney regarding the Court Order.

The Board deliberated and determined that the breach of confidential information was not the fault of Dr. McCray. Board members determined that Dr. McCray consulted appropriately in this matter. Board members expressed concern that this was a Court Ordered evaluation and Dr. McCray did not contact the Court. After deliberation, Dr. Mellott made a motion, seconded by Dr. Beljan, to dismiss this matter as there are no violations of statute or rule. The motion carried on a roll call vote 5-1-1 with Dr. Flowers voting no and Dr. Wechsler abstained.

Dr. McCray attested that he would complete eight hours of continuing education relating to forensic work within the next six months and submit the documentation to the Board.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING WHETHER THE BOARD WILL OPEN A COMPLAINT REGARDING CHARGES SELF-REPORTED BY NICOLE HUGGINS, PSY.D.

Chairperson Wechsler moved to the agenda item pertaining to charges self-reported by Dr. Nicole Huggins. Dr. Beljan recused from reviewing this matter and exited the meeting room. Ms. Chapman provided a summary to the Board stating that Dr. Huggins self-reported a DUI charge within the ten day time-frame. Dr. Huggins subsequently pled guilty to the charge.

Dr. Huggins and her legal counsel, Faren Akins, were present. Mr. Akins requested to speak and asked the Board to table this matter until they can acquire more information and/or documentation to provide to the Board. It was the consensus of the Board to table this matter to a future meeting of the Board.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEWS OF THE FOLLOWING INVESTIGATIONS (continued)

Chairperson Wechsler returned to the agenda item pertaining to initial case reviews.

RFI 16-24, Colleen Kowalke, Psy.D.

Dr. Brundage provided a summarized the case for the Board. Dr. Kowalke responded to the complaint in a timely manner and refuted the allegations.

M.G. was present but declined to speak unless the Board has questions. Dr. Kowalke and her legal counsel, Faren Akins, were present, requested to speak, made statements and answered Board members questions. Dr. Kowalke stated that after contemplating the Complaint Screening Committee's concerns she determined that her notes did not support the facts in this case. Dr. Kowalke stated that she now documents everything and she acquired a consultant to contact with difficult cases. Additionally, she incorporated a no texting policy within her practice. Board members asked Dr. Kowalke to elaborate on the cancelled appointment. Dr. Kowalke stated that she recommended that M.G. attend a specific group for treatment.

Board members deliberated and determined that there was no violation of statute or rule in this case. After deliberation, Dr. Brundage made a motion, seconded by Dr. Mellott, to dismiss this matter as there is no violation of statute or rule. The motion carried on a roll call vote 5-1-1 with Dr. Wechsler voting no and Dr. Beljan abstained.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING UPDATE PERTAINING TO NOTIFICATION TO STAKEHOLDERS ISSUED BY AHCCCS REGARDING PROVIDER REGISTRATION, CODES AND SERVICE DESCRIPTIONS FOR BEHAVIOR ANALYSTS

Dr. Olvey provided a summary stating that at the July 8, 2016, Board meeting the Board reviewed codes and descriptions for behavior analysts provided by AHCCCS. The Board requested clarification from AHCCCS and AHCCCS responded by requesting a meeting. AHCCCS made changes to the code set based on the meeting and the changes were reviewed; however, some codes continued to be of concern. On September 21, 2016, a meeting was initiated by the Governor's Staff and included AHCCCS representatives, Board representatives as well as Behavior Analysts to discuss concerns. On October 4, 2016, Dr. Wechsler, Dr. Bohanske, the Board's Executive Director met with Senator Barto to update her on the status of this matter.

Dr. Bohanske provided information to the Board regarding AHCCCS coding and explained that the current codes were developed prior to the development of the Behavior Analyst profession. Dr. Wechsler and Dr. Bohanske recommended that the Board form a work group to review codes to find solutions to this matter. The work group should consist of five members including two Behavior Analysts—one of which should be from the State Association, two Board members and a representative from AHCCCS. Board members discussed the possibility of including faculty member from a behavior analyst program as part of the work group; however, selection of representatives of the Behavior Analyst community would be the choice of Behavior Analysts. After deliberation, Dr. Mellott made a motion, seconded by Ms. Shreeve, to form a work group to review AHCCCS codes for Behavior Analysts and develop possible solutions. The motion carried 7-0.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING WHETHER THE BOARD WILL OPEN A COMPLAINT REGARDING CHARGES SELF-REPORTED BY EMILY RODRIGUEZ, M.ED.

Ms. Chapman provided a summary to the Board stating that Ms. Rodriguez's legal counsel reported a misdemeanor involving animal neglect to the Board office within the required time frame. The Board reviewed the matter at its

August 12, 2016, Board meeting and voted to table the matter for a period of time to allow Ms. Rodriguez to complete the diversion program and comply with the Court. Ms. Chapman stated that the Board office received documentation that Ms. Rodriguez completed the diversion program and the Court dismissed the matter. After deliberation, Dr. Wechsler made a motion, seconded by Dr. Bohanske, to take no action in this matter. The Board directed Board staff to send a letter to Ms. Rodriguez expressing that the Board is very concerned with how she treated her animal. The motion carried 7-0.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO DATA SECURITY PRESENTED BY THE ARIZONA DEPARTMENT OF ADMINISTRATION'S ARIZONA STRATEGIC ENTERPRISE TECHNOLOGY DATA SECURITY OF BOARD MATERIALS

Dr. Olvey provided a summary to the Board stating that the State of Arizona is tightening up data security, which includes confidential materials sent to Board members in preparation for Board meetings. Mr. Ed Yeargain with the Arizona Department of Administration's Arizona Strategic Enterprise Technology (ASET), was present and presented a power point on data security including:

- Security concepts
- ASET teams
- Cyber-crime statistics
- Social engineering
- Use of laptops and flash drives
- Use of business computers

13. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Dr. Wechsler requested that an item be placed on the December Board meeting agenda pertaining to Request for Investigations vs. Complaints and to have the Board's Assistant Attorney General provide a legal opinion regarding the differences between the two.

14. ADJOURN

There being no further business to come before the Board, Dr. Mellott made a motion, seconded by Ms. Shreeve, to adjourn the meeting at 1:58 p.m. The motion carried 7-0.

Respectfully submitted,

Paul Beljan, Psy.D., ABPdN, ABN
Secretary