



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 November 5, 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.
Ramona N. Mellott, Ph.D.
Tamara Shreeve, MPA
Todd Wynn, M.A.

1. CALL TO ORDER

Chairwoman Davis-Wilson called the Board's meeting to order at 8:32 a.m.

2. ROLL CALL

The following Board members participated in the virtual meeting: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino (partial attendance), Mr. Dynar (partial attendance), Dr. Gill, Dr. Meier, Dr. Mellott, Ms. Shreeve, and Mr. Wynn.

ALSO PRESENT

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

3. REMARKS/ANNOUNCEMENTS

- **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.

- **Welcome New Board member, Todd Wynn**

Mr. Wynn introduced himself to the Board and stated that it is an honor to have been appointed to serve. He shared some information concerning both his professional background and some personal details of interest. The Board welcomed Mr. Wynn to his new role.

4. **CALL TO THE PUBLIC**

Dr. Emily Kade was granted permission to address the Board. She advocated for the Board to reverse its previous determination that temporary license holders who applied for temporary licensure prior to November 1, 2020 be required to take and pass Part 2 of the EPPP.

5. **COUNSEL UPDATE**

Ms. Galvin stated she had no updates to share with the Board.

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

Dr. Meier and Mr. Wynn announced they are recused from voting on the draft minutes. Dr. Davis-Wilson indicated she is recused from the applications of Briar Lopez and Jayne Turner.

MOTION: Dr. Davey 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, Dr. Davey, Dr. Gill, Dr. Meier, Dr. Mellott, Ms. Shreeve, and Mr. Wynn. The following Board members were absent: Dr. Caterino and Mr. Dynar.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse (*recusals noted in item numbers 6A and 6D as stated herein*), 2-absent.

MOTION PASSED.

A. **APPROVAL OF MINUTES**

- **October 1, 2021 Regular Session Minutes**
- **October 1, 2021 Executive Session Minutes**

B. **EXECUTIVE DIRECTOR'S REPORT**

C. **DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS**

Requesting Approval to Sit for EPPP Only

- 1) Ashley J. (Tanton) Jones, Psy.D.
- 2) Sarah Emert, Ph.D.
- 3) Sharon Simington, Psy.D.
- 4) Arialda Fejzic, Psy.D.

EPPP Required – Part 1 or Parts 1 & 2

- Parts 1 & 2
- Parts 1 & 2
- Part 1 Only
- Parts 1 & 2

Requesting Approval to Sit for EPPP & Licensure

- 1) Aimee Marie Poleski, Psy.D.
- 2) Amanda M. Haas, Ph.D.

- Parts 1 & 2
- Parts 1 & 2

- 3) Andrea Annibale, Psy.D. Parts 1 & 2
- 4) Anne Kathryn Harper, Psy.D. Part 1 Only
- 5) Luis R. Sanchez Vazquez, Ph.D. Parts 1 & 2
- 6) Naudia Renae Moorley, Psy.D. Parts 1 & 2
- 7) Rodney T. Reed, Psy.D. Parts 1 & 2
- 8) Tammy J. Ricci, Psy.D. Parts 1 & 2

Requesting Approval for Temporary Licensure and Sit for the EPPP

- 1) Bret A. Ringdahl, Ph.D.
- 2) Laurinda Cumming, Ph.D.
- 3) Rachel Jensen, Psy.D.

Requesting Approval for Licensure by Credential (ABPP, CPQ or National Register)

- 1) Andrew Bertagnolli, Ph.D.
- 2) Michael A. Elliott, Ph.D.

Requesting Approval for Licensure by Universal Recognition

- 1) Brandi Luedtke, Psy.D.
- 2) Julie Edwards, Psy.D.
- 3) Meghan Carlson Hammel, Ph.D.
- 4) Philip Charles Hammel, Psy.D.
- 5) Nicole Wolf, Ph.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Bryanna Gabbert, M.S.
- 2) Briar Lopez, M.S.
- 3) Tara Nicole Russell, M.S.
- 4) Trishta Siqueiros-Villalta, M.S.
- 5) Jessica Leichtweisz, M.P.S.
- 6) Jayne C. Turner, M.Ed.
- 7) Whitney Marie Cromley, M.S.
- 8) Meghan Frances King, M.A.
- 9) Kate Walker, M.A.
- 10) Jesus Belmonte, M.Ed.
- 11) Alexandra Montenegro, M.S.

- 12) Laura Rivera, M.S.
- 13) Elizabeth Marie Dodd, M.S.
- 14) Kayla Foster, M.A.
- 15) Leah Janell Fairweather, M.A.
- 16) Amy L. Turner, M.S.
- 17) Allyson D. Standifird, M.A.
- 18) Emily MacRae, M.S. (Universal Recognition)

- E. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RETAKE REQUEST FROM SAMANTHA LYNN JACKSON, PSY.D., TEMPORARY LICENSE HOLDER NO. PSY-T-000038**
- F. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING MODIFICATION OF WRITTEN TRAINING PLAN FROM JENNIFER LYNNE NANSON, PSY.D., TEMPORARY LICENSE HOLDER NO. PSY-T-000002**

TIMED ITEM – 9:00 a.m.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEW OF COMPLAINT NO. 21-27 AGAINST GREGORY NOVIE, PH.D., AND HIS PENDING RENEWAL APPLICATION

Dr. Meier summarized the allegations of the complaint, noting that Dr. Novie prepared court-ordered evaluations concerning three minor children whose parents were accused by the Arizona Department of Child Safety of neglect. One of the parents filed this complaint alleging that Dr. Novie's psychological testing was not properly administered, that he caused substantial delays in responding to requests for the testing results, and that he used incomplete data to arrive at his findings. Dr. Novie's response reflected that he refutes the allegations, and explains how he arrives at his conclusions and how the data is analyzed. Dr. Novie further indicated that he found the mother to lack some comprehension of the process, and this formed some of the basis of his findings. He affirmed that he has submitted the entire clinical record for in response to the complaint. The Complaint Screening Committee review found several concerns in the record to include lack of documented informed consent, substandard quality of the reports, lack of supporting information for the diagnosis, and psychological testing fell below the standard of practice. The CSC noted possible violations of A.R.S. §32-2081(16):

- (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;
- (o), providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; and
- (dd), violating an ethical standard adopted by the Board as it pertains to sections 3.10 (Informed Consent) and 9.01 (Bases for Assessment) of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct.

The complainant was not present for the review of the complaint. Dr. Novie affirmed that he was present in compliance with the Board-issued subpoena. The Board questioned whether there is enough support in the clinical record to substantiate his conclusions, noting what appears to be incomplete testing that was conducted. Dr. Novie responded that he administered the entire testing passages, to which the Board noted that this is not documented. He defended his use of the testing but acknowledged the approach he used is not

commonly conducted. He admitted under questioning that he would have conducted the evaluation differently if given another opportunity, and that he could see the value in completing the evaluation in such a way that more closely emulates the expected standard of care.

The Board questioned whether this is a reflection of his standard approach to doing evaluations. He indicated that he looks at each evaluation on a case-by-case basis. The Board also asked him to explain how it appears he was evasive to email requests to which Dr. Novie denied that he ignored any communications.

The Board delivered the case, noting that there were concerns about the quality of his work which is clearly below the standard of care. There is no research supporting that there is any validity to the approach to conducting evaluations that he has described. It was also noted that he had not demonstrated any interest or effort to improve the quality of his work. The discussion also acknowledged the lack of informed consent.

In response to a question posed by the Board relative to whether this case must be resolved prior to making a decision on Dr. Novie's renewal application, Ms. Galvin advised to hold the application until such time this case is resolved; his license will remain active in the meantime. She advised that the case could be moved forward to an evidentiary hearing, but the Board could also direct her and the staff to negotiate a consent agreement with him in the meantime. Dr. Novie questioned whether a consent agreement would allow him to retire. Ms. Galvin indicated that it would be up to the Board to determine whether discipline in this case is warranted, and should he wish to resume practice in the future, Dr. Novie would need to establish he has corrected his conduct. The Board discussed whether continuing education might be appropriate in this case. Ms. Galvin advised that a consent agreement could allow him to withdraw his renewal application and retire from practice, but a provision could be included in the agreement requiring that should he wish to return to practice, he would need to meet the application requirements in place at that time, and also demonstrate that he has effectively remedied the concerns presented in this case.

In response to Board questioning, Dr. Novie stated that he has not been working recently and that he intends to retire.

MOTION: Dr. Meier offered a motion that would forward this case to an informal hearing, but to also offer a consent agreement that would allow Dr. Novie to withdraw his application, and should he wish to resume practicing in the future, that he be required to demonstrate that he has effectively corrected the conduct amounting to the statutory violations cited with respect to this case through continuing education.

SECOND: Ms. Shreeve

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

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

MOTION PASSED.

It was the consensus of the Board to refund Dr. Novie's fee should he elect to withdraw his renewal application.

TIMED ITEMS – 10:00 a.m.

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

- a) Complaint No. 21-14 Susanne Mumby, Psy.D.
- b) Complaint No. 22-01 Susanne Mumby, Psy.D.

Ms. Michaelsen informed the Board that she received an email from Dr. Mumby this morning in which she indicates she is unable to participate in today's review of the complaints despite having been noticed of this review approximately six weeks prior. The email further requests the Board "discontinue" her license as she feels she has no alternative options to pursue at this time with respect to these matters. Ms. Michaelsen advised the Board that she informed Dr. Mumby that a "discontinuation" is not a possibility, but that the Board may consider whether to offer her a consent agreement constituting a surrender of her license. Finally, Ms. Michaelsen noted that Dr. Mumby has yet to submit the entire clinical record for the client who is the subject of Complaint 22-01.

Dr. Gill summarized the allegations of Complaint 21-14, noting that the allegations consist of Dr. Mumby going on an extended medical leave from the Bayliss clinic for which she was previously employed, but was subsequently terminated from the facility for failure to respond to any communications sent by her employer, poor work performance, missing client charts for which she was responsible, and for failing to participate in a transfer of care plan discussion amounting to abandoning her patients. Dr. Mumby's response to this allegation is that she was of the impression she remained employed during her leave of absence, and that she did her due diligence where continuity of care for her former clients are concerned in spite of her short term medical disability. Dr. Gill noted that the Complaint Screening Committee (CSC) observed that Dr. Mumby's assertions were not documented, and she was requested to supply evidence of her claims. Ultimately the CSC identified a series of concerns with respect to her management of her client caseload which may constitute violations of A.R.S. §32-2061(dd) for possibly violating an ethical standard adopted by the Board as it pertains to sections 3.12 (Interruption of Psychological Services), 10.09 (Interruption of Therapy), and 10.10 (Terminating Therapy) of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct.

Dr. Gill then summarized Complaint 22-01, noting that it was submitted by the mother of a child who sought psychological services for the daughter through her Employee Assistance Program and was referred to Dr. Mumby. The complaint alleged that on several occasions Dr. Mumby would abruptly cancel scheduled sessions, fail to show for scheduled sessions, and not respond to urgent text messages sent by mother. Ultimately the daughter committed suicide. The complaint further alleges that Dr. Mumby has been unresponsive to father's requests for his daughter's session notes. Dr. Gill described the efforts by Board staff to obtain all of the documentation for the daughter's record of care, but in spite of these the Board does not yet have the entire record. Dr. Mumby represented in an email to Ms. Michaelsen that she was not practicing, and that she had no intention to do so. Dr. Mumby did eventually supply some notes to Ms. Michaelsen, but they contain numerous inaccuracies according to the complainant.

In reviewing the case the CSCS identified possible violations of A.R.S. §32-2081(16):

- (e), gross negligence in the practice of a psychologist;
- (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;
- (l), practicing psychology while impaired or incapacitated to the extent and in a manner that jeopardizes the welfare of the client or patient or renders the psychological services provided ineffective;
- (o), providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice
- (cc), failing to make available to a client or patient or to the client's or patient's designated representative, on written request, a copy of the client's or patient's record, including raw test data, psychometric testing materials and other information as provided by law;
- (v), abandoning or neglecting a client or patient in need of immediate care without making suitable arrangements for continuation of the care;
- (dd), violating an ethical standard adopted by the Board as it pertains to sections 2.06 (Personal Problems and Conflicts), 3.10 (Informed Consent), 3.12 (Interruption of Psychological Services), 4.02 (Discussing the Limits of Confidentiality), 6.02 (Maintenance, Disseminate, and Disposal of Confidential Records)

and 10.01 (Informed Consent to Therapy) of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct.

The complainant for 21-14 was not present for the review of that complaint. KR, the complainant for 22-01, was present and thanked the Board for hearing the case. She made a statement, questioning whether the outcome for her daughter would have been different had Dr. Mumby provided her with the attention, care and help that she clearly required. KR stated that Dr. Mumby merely ignored her child's needs, and stated that she should never again be entrusted with providing psychological care to a child. The child's father, OF, was permitted to speak and in doing so stated that Dr. Mumby failed their daughter at the time she was most needed. He criticized Dr. Mumby's lack of compassion and noted that her absence today is a reflection of her lack of concern and professionalism. Both parents expressed a desire that the Board revoke Dr. Mumby's license to practice psychology.

The Board questioned the child's parents as to whether Dr. Mumby ever supplied the complete clinical record to them. The parents indicated that they have only some records that include inaccurate information such as dates of service, and other records are still missing. Ms. Michaelson affirmed that the Board has also not received the entire record.

In response to a question, KR described how Dr. Mumby would simply not show for scheduled appointments, and in other instances would fail to send the session link. KR described her daughter's disappointment and anger when this occurred, and explained that she was afraid to disrupt her daughter's care for fear it would undermine her progress.

The Board deliberated the case, acknowledging that while Dr. Mumby states she has ceased practicing, the evidence that has been assembled for these cases gives rise to grave concerns for the safety and well-being of the public.

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

SECOND: Dr. Gill

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

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

MOTION PASSED.

The Board entered into Executive Session at 10:39 a.m.

The Board returned to Open Session at 10:51 a.m.

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

Mr. Dynar joined the meeting at 10:50 a.m.

MOTION: Dr. Gill moved to find Dr. Mumby in violation of A.R.S. §32-2081(16) at (e), (h), (o), (r), (v), (cc) and (dd) with respect to multiple sections of the Code, and to adopt the findings of fact reflected by the record of the review of the two cases.

SECOND: Dr. Meier.

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

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

MOTION PASSED.

MOTION: Ms. Shreeve offered a motion to remand the case to a formal hearing in order to seek a revocation of Dr. Mumby's license to practice psychology, and to also offer to Dr. Mumby a consent

agreement accepting the surrender of her license with the same findings of fact and conclusions of law.
SECOND: Dr. Meier.

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

VOTE: 7-yay, 0-nay, 1-abstain, 0-recuse, 1-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 REGARDING REQUEST TO TERMINATE PROBATION FOR CASE NO. 20-27 FOR LISA GALPER, PSY.D.

Ms. Michaelsen reminded the Board that Dr. Galper was previously ordered to a period of probation during which she was required to complete specific corrective actions concerning the complaint 20-27. She noted that Dr. Galper's order permits her to petition for termination of probation after one year, and such a petition has been submitted. Ms. Michalesen noted that Dr. Sonya Raciti, Dr. Galper's practice monitor, is recommending termination of probation as she finds Dr. Galper has completed her requirements under the order.

Dr. Galper and Dr. Raciti were present for the review and discussion, along with Mr. David Derickson, Dr. Galper's attorney. Dr. Galper advised the Board that she takes responsibility for her actions and regrets the adverse impacts of them to her former client. She stated her confidence that she has implemented a series of reforms to her practice and her clinical care practices. She also acknowledged the continuing education she has completed has been valuable with respect to reforming her practice.

Dr. Raciti provided the Board with a summary of her monitoring program with Dr. Galper and affirmed she is in compliance with the Board's statutes and rules, and with the APA Code of Ethical Conduct.

MOTION: Ms. Shreeve moved to approve the petition for termination of Dr. Galper's probation

SECOND: Dr. Davey.

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

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

MOTION PASSED.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REAPPLICATION FOR EPPP ONLY FROM EMILY BERRY, PSY.D., TO INCLUDE CONSIDERATION OF CRIMINAL HISTORY AND POSSIBLE MISREPRESENTATIONS ON THE APPLICATION AND TO THE BOARD AND POSSIBLE DENIAL OF THE APPLICATION

Dr. Mellott summarized this matter, noting that Dr. Berry was subpoenaed to appear before the Application Review Committee (ARC) to speak to her both her disclosed criminal history, and also to answer to the fact that certain information was omitted from her history. While Dr. Berry did initially comply with this subpoena, she departed the meeting during the ARC's Executive Session and did not return. The ARC voted to forward the application to the full Board given the concerns that Dr. Berry is in violation of A.R.S. §32-2061(16)(c), making or using statements of a character tending to deceive or mislead and also (m), using fraud, misrepresentation or deception to obtain or attempt to obtain a psychology license or to pass or attempt to pass a psychology licensing examination or in assisting another person to do so.. Dr. Mellott reviewed Dr.

Berry's application history, and also the history of her criminal charges to include a DUI she reported to the Board, along with additional undisclosed charges.

Dr. Berry was present along with her attorney, Flynn Carey. Mr. Carey explained that driving on a suspended license is a charge that it not required to be disclosed to the Board pursuant to A.R.S. §32-3208. Additionally, he asserted that the citation concerning the fire ban violation is administrative in nature and also not required to be reported. He reminded the Board that Dr. Berry appropriately disclosed the DUI, acknowledging that the execution with respect to how she did so is not ideal. Mr. Flynn asserted that Dr. Berry has no intention to deceive the Board, and asked the Board to not find her in violation of the unprofessional conduct charges cited.

Dr. Berry addressed the Board, explaining that she was embarrassed by the charges and that this was the cause of her being less than entirely forthcoming about the event and the circumstances. She stated that it was not her intention to be deceitful and she realizes that she needs to earn the Board's trust. The Board questioned whether the missing records identified by the ARC have been submitted. Board staff explained what had been requested and received, noting that two essential pages from the City of Chandler police report concerning the DUI have yet to be received. Mr. Carey indicated that content from the missing pages probably does not contain any information that would rise to a higher level of concern than the information she did supply. Board staff explained that the missing pages summarize a police officer interview of Dr. Berry; the Board commented that Dr. Berry appears to be exhibiting a pattern of behavior that intended to evade scrutiny. Mr. Carey assured the Board that it will have access to all records, but stated that his client isn't attempting to hide anything. In response to the Board's questions, Dr. Berry stated that she did not tamper with the records and that she turned everything over to the Board.

The Board asked why her account of the events depart significantly to that of the authorities. She explained that she is attempting to portray herself in the best possible light. She stated that her household is currently clean and sober following a period of trauma that led to some poor coping choices. Dr. Berry also indicated that she is receiving therapeutic support at this time.

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: Dr. Gill

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

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

MOTION PASSED.

The Board entered into Executive Session at 12:36 p.m.

The Board returned to Open Session at 12:49 p.m.

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

MOTION: Dr. Mellott moved to permit Dr. Berry to approve her reapplication to take the EPPP, and to issue an interim order to submit to both a substance abuse and a fitness for duty evaluation by a Board-approved evaluator within six months, the results of which will inform the Board's future determinations with respect to granting licensure.

SECOND: Ms. Shreeve.

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

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

MOTION PASSED.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST FOR CLARIFICATION FILED BY MATTHEW MILSTEIN, PSY.D., PURSUANT TO §41-1001.02, RELATING TO THE BOARD'S INTERPRETATION OF A.R.S. §32-2071(F)(6)

Ms. Paakkonen summarized the petition submitted by Dr. Milstein, noting that A.R.S. §41-1001.02 permits a person to petition a licensing board to obtain an opinion as to whether he or she meets the qualifications for licensure. In the case of Dr. Milstein, he is requesting an opinion as to whether the internship he completed for licensure in California meets Arizona's requirements, given that the experience does not meet the 1:20 hour supervision ratio established in Board rule. She summarized the materials submitted by Dr. Milstein which represents his internship.

Dr. Milstein was present for the review and discussion, and summarized his professional training program history. He explained that he is completing a post-doctoral training program. He asked whether the Board could identify a way for him to address this requirement deficiency given that he has relocated his family to Arizona and they have settled in to a community.

The Board advised Dr. Milstein that Arizona follows what is mostly a national standard with respect to the supervision ratio for internships, California being an exception to this widely accepted requirement. The Board acknowledged the issue, but noted that this particular internship is very much an outlier with respect to the supervision ratio deficiency. The discussion also reflected that, practically speaking, Dr. Milstein is unable to re-enroll in a doctoral program for purposes of remedying the deficiency.

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

SECOND: Dr. Meier

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

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

MOTION PASSED.

The Board entered into Executive Session at 11:30 a.m.

The Board returned to Open Session at 11:44 a.m.

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

Upon resuming the meeting in public session, the Board acknowledged that the internship that Dr. Milstein submitted does not meet Arizona's requirements, and that there is no pathway in the statutes for him to remedy the supervision ratio deficiency. The Board affirmed that he cannot address the deficiency through the auspices of his post-doctoral training program. It was noted that he may seek licensure in another jurisdiction, and apply to Arizona through an alternative pathway. It was the consensus of the Board that Dr. Milstein may withdraw his application; he had not submitted the required fee as he was waiting to hear the outcome of his petition.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING THE COMMITTEE ON BEHAVIOR ANALYSTS RECOMMENDATION REGARDING BEHAVIOR ANALYST APPLICATION FOR ALEXANDER MARULL, M.A.

Dr. Caterino was present for only agenda item 12 and for a portion of item 13, and then left the meeting and did not return.

Board staff advised that attempts were being made to contact the applicant to ascertain whether he would be attending and participating in the discussion. Dr. Davey summarized the application file, noting that Mr.

Marull has disclosed a history of several alcohol related criminal convictions between 2014 and 2016, and a more recent citation which occurred in Scottsdale, Arizona in August of 2021. Dr. Davey noted that there were significant discrepancies between the applicant's version of the events, and those that are described in the arrest and court records. He reported that the Committee on Behavior Analysts (CBA) is recommending that Mr. Marull be required to submit to a substance abuse and fitness for duty evaluation.

MOTION: Dr. Davey moved to issue an interim order to Mr. Marull requiring him to submit to both a substance abuse and a fitness for duty evaluation by a Board-approved evaluator within six months, the results of which will inform the Board's future determinations with respect to granting licensure.

SECOND: Dr. Mellott

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

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

MOTION PASSED.

Following the motion's adoption, Mr. Marull joined the meeting. Ms. Galvin advised the applicant of the action taken by the Board, and explained that he would soon be hearing from Board staff.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING OPENING A COMPLAINT AGAINST JOHN MATHER, PH.D., FOR FURTHER INVESTIGATION

Dr. Meier summarized this matter, noting that it is on the agenda as the review of the application for Dr. Mather's trainee, Dr. John Czaplewski, raised several questions including whether appropriate oversight was being provided. Dr. Meier commented that the supervision contract submitted was undated and did not encompass all of the required elements that are intended to ensure that the supervision supplied by Dr. Mather was sufficient. Concerns were raised as to whether Dr. Mather was possibly signing off on Dr. Czaplewski's work without actually reviewing it. Additionally, the role and involvement of Dr. Josh Smith, an unlicensed person, in the training plan raised some concerns relative to whether Dr. Mather was improperly permitting him to provide supervision to Dr. Czaplewski.

Board staff advised the Board that this matter initially emerged when she realized that the supervisor for Dr. Czaplewski (Dr. Smith) which then raised questions concerning Dr. Mather's role and conduct. The Board members discussed whether any of the information submitted to the Board raises concerns such that a complaint should be opened and investigated.

MOTION: Dr. Mellott moved to close this matter without opening a complaint.

SECOND: Dr. Gill seconded the motion.

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

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

MOTION PASSED.

14. DISCUSSION CONSIDERATION AND POSSIBLE ACTION ON EPPP PART 2 AS A LICENSURE REQUIREMENT FOR TEMPORARY LICENSE HOLDERS WHO APPLY FOR AN UNRESTRICTED LICENSE ON OR AFTER NOVEMBER 1, 2020

Ms. Paakkonen summarized the history of the Board's discussion, and called to the Board's attention the minutes that capture those conversations and actions. It was noted that all temporary license holders have registered to take the EPPP. The Board discussed the fact that the communications issued to temporary license holders referenced the Part 1 requirement, but not the Part 2 requirement. The members recalled that

the most recent Board discussion focused on the content of the communications that were issued to the temporary license holders, and how those temporary license holders construed those notices. Ms. Paakkonen reviewed for the Board key statements in the various communications that were issued to temporary license applicants and temporary license holders. The Board observed that the temporary license holders' requirements were not directly addressed when the EPPP Part 2 requirement effective date was established.

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: Dr. Meier

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

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

MOTION PASSED.

The Board entered into Executive Session at 1:38 p.m.

The Board returned to Open Session at 2:19 p.m.

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

MOTION: Mr. Dynar proposed a motion that temporary license holders who applied for that license on or before November 1, 2020 are not subject to Part 2 of the EPPP.

SECOND: Dr. Meier

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

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

MOTION PASSED.

Mr. Dynar departed from the meeting at the conclusion of this agenda item.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING LEGISLATION TO BE PROPOSED BY THE ARIZONA PSYCHOLOGICAL ASSOCIATION TO EXPAND THE SCOPE OF PRACTICE OF PSYCHOLOGY WITH PRESCRIPTIVE AUTHORITY

Ms. Paakkonen reminded the Board that the Arizona Psychological Association (AzPA) intends to bring a request to the Arizona State Legislature to sponsor legislation that would permit qualifying psychologists to have prescriptive authority. Dr. Jeffrey Thomas was present for the discussion, and explained that their group is in the process of meeting with state legislators to secure support for proposed legislation to achieve this. In response to a question, Dr. Thomas stated that it is AzPA's position that they do not tell other professions how they are to practice, and therefore AzPA expects to be shown the same courtesy. He indicated that at this time they have not reached out to other groups to discuss this objective. Dr. Thomas reviewed the history of AzPA's previous attempts to secure prescriptive authority for psychologists, and what their members have learned from these experiences. He noted that this is not about expanding the scope of practice; this is an effort to establish a specialty area of practice. He further stated that this authority has existed in other five other states for more than a decade with no complaints filed against those practitioners for failing to meet the standard of care.

It was the consensus of the Committee to adopt a neutral position at this time given that there is a lack of clarity as to the tools and resources that the Board will need to acquire to effectively regulate this specialty area of practice. Ms. Paakkonen received assurance from Dr. Thomas that AzPA will invite her to stakeholder discussions to ensure the Board has input into the resources that will be required to regulate this new practice area.

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS FOR REVISIONS OF THE ADMINISTRATIVE RULES THAT REGULATE THE PRACTICE OF PSYCHOLOGY IN ARIZONA (A.A.C. TITLE 4, CHAPTER 26, ARTICLES 1-3)

Ms. Paakkonen reviewed the proposed revisions as recommended by the Rules Committee. Board members supplied input and gave direction on the proposed revisions. Ms. Paakkonen advised the Board that the resultant draft reflecting the Board's discussion will be supplied to Jeanne Hann, contract rule writer. Ms. Hann's draft will be presented to the Board for another review on a future meeting agenda.

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

Ms. Paakkonen summarized this matter, explaining that she is requesting the Board provide her with some direction as it relates to implementing the Telehealth Registry, given that the agency is still offering the temporary emergency license opportunity to out-of-state licensees who wish to serve their clients who are in Arizona due to the state of emergency. She noted that the requirements for each are quite different, and that the Registry requires a fee while the temporary emergency license does not.

The Board discussion reflected the fact that the Telehealth Registry's requirements appear to provide a higher level of public protection than the temporary emergency license. Ms. Paakkonen explained that Registry applicants will need to undergo a substantive review by the applicable review committee and by the Board. The concern was raised that out-of-state behavior analysts may erroneously assume that the Telehealth Registry permits qualifying supervision for purposes of a behavior analysis trainee meeting this requirement for licensure when, in fact, that is not the case. It was noted that this will need to be clearly communicated to interested behavior analysts given the proliferation of pop-up behavior analytic practices in Arizona. The conversation reflected that it is difficult to predict how desirable the Telehealth Registry will be, and also how insurance companies will perceive this type of practice authorization.

It was the consensus of the Board to continue to offer the temporary emergency license application until the current state of emergency declaration by Governor Doug Ducey is lifted.

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

Ms. Paakkonen reported that there are no updates from the Governor's Office relative to the lifting of the state of emergency, but some clarity may be provided to Arizona's health care regulatory boards on November 9, 2021 as the Director of the Office of Boards and Commissions is on the agenda for the 90/10 Executive Director's meeting.

19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PSYCHOLOGIST EXAM & LICENSURE APPLICATION FOR, AND REQUEST FOR WAIVER OF REQUIREMENT TO TAKE AND PASS PART 2 OF EPPP FROM, VERONICA POORE, PSY.D.

Dr. Mellott summarized the application submitted by Dr. Poore, noting that the applicant was advised that if she did not pass the EPPP Part 1 by May of 2021, she would need to submit a new application in the future. Dr. Poore made several attempts to pass the examination between 2016 and 2018 but was not successful. She has now passed EPPP Part 1 (having applied for approval through other state), however since her current application was filed after November 1, 2020, Dr. Poore is required to take and pass Part 2. It was noted that Dr. Poore has acknowledged she is required to take Part 2, but she is requesting a waiver from this requirement.

MOTION: Dr. Mellott moved to approve the application, and affirm the requirement that Dr. Poore is required to take Part 2 of the EPPP.

SECOND: Dr. Meier

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

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

MOTION PASSED.

20. NEW AGENDA ITEMS FOR FUTURE MEETINGS

The following items were requested for inclusion on a future meeting agenda:

- Revisiting the issue of the Telehealth Registry and behavior analyst trainee supervision
- A presentation by Ms. Paakkonen to address evidence-based continuing education
- The Authorized Continuing Education (ACE) Provider application process to the Behavior Analyst Certification Board

21. ADJOURNMENT

MOTION: Ms. Shreeve moved to adjourn the meeting.

SECOND: Dr. Meier seconded the motion.

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

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

MOTION PASSED.

The meeting concluded at 3:44 p.m.

Respectfully submitted,



Matt Meier, Psy.D.

Secretary