

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 6, 2020

Board Members

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

1. CALL TO ORDER

Chairwoman Shreeve called the Board's meeting to order at 8:34 a.m.

2. ROLL CALL

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

ALSO PRESENT

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

3. REMARKS/ANNOUNCEMENTS

This item was considered around 8:35 a.m.

- **Board Surveys**

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

- **Board Member and Staff Appreciation**

Chairwoman Shreeve acknowledged and thanked Board members and staff for their efforts in facilitating the Board's meeting. The Board recognized and congratulated the Vice-Chair on the new addition to her family and welcomed her baby girl.

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

Chairwoman Shreeve announced that meeting attendees were eligible for education credit. She reported that code words would be provided throughout today's meeting that attendees are to email Board staff.

- **Certificate of Recognition by ASPPB to Arizona Board of Psychologist Examiners**

Executive Director Herbst Paakkonen reported that the Board received a certificate of recognition from the ASPPB for its contributions to the development of PSYPACT, the interstate compact, and as the first state to adopt the compact language.

4. **CALL TO THE PUBLIC**

No individuals addressed the Board during the Call to the Public.

5. **COUNSEL UPDATE**

This item was considered around 8:38 a.m.

AAG Galvin reported that Dr. Sadeh's request for judicial review continues to progress, and that Dr. DenBoer's counsel is currently working on a proposed Consent Agreement for the Board's consideration that she expects to receive within the next week or two. The Board discussed placing the matters involving Dr. DenBoer on its December 2020 meeting agenda to proceed with the hearings if the settlement offer is not to the Board's satisfaction.

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

The Consent Agenda was considered around 8:41 a.m.

MOTION: Dr. Davey moved for the Board to approve the items as listed under the Consent Agenda.

SECOND: Mr. Dynar

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

A. APPROVAL OF MINUTES

- October 2, 2020 Regular Session Minutes
- October 2, 2020 Executive Session Minutes
- October 16, 2020 Regular Session Minutes
- October 22, 2020 Regular Session Minutes
- October 22, 2020 Executive Session Minutes

B. EXECUTIVE DIRECTOR'S REPORT

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

Requesting Approval to Sit for Examination (EPPP) Only

- 1) Emily Marie Graber, Psy.D.
- 2) Jennifer Lynn Holzapfel, Ph.D.

Requesting Approval to Sit for Examination (EPPP) & Licensure

- 1) Benjamin Owen Emmert-Aronson, Ph.D.
- 2) Daniel Moritz, Ph.D.
- 3) Dustin Howard, Psy.D.
- 4) Geoffrey M. Streeter, Psy.D.

- 5) Mark Kent, Ph.D.
- 6) Roger Yoder, Ph.D.
- 7) Wen-Yu Cheng, Psy.D.

Requesting Approval of Supervised Experience for Licensure

- 1) Dhvani Kothari, Ph.D.
- 2) Jenna Rudo-Stern, Ph.D.

Requesting Approval for Licensure by Waiver

- 1) Lyle J. Noisy Hawk, Ph.D.

Requesting Approval of Temporary Licensure and to Sit for EPPP

- 1) Lauren Perry Blake, Psy.D.
- 2) Marci Lynn Haines, Psy.D.

Requesting Approval for Licensure by Universal Recognition

- 1) Koyun Chi, Ph.D.
- 2) Russell W. Buford, Ph.D.
- 3) Steven O. Moldin, Ph.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Austin Sargent, M.Ed.
- 2) Breanna Mosca, M.S.
- 3) Heather Phillips, M.Ed.
- 4) Hope Laurance, M.S.
- 5) Rachel K. de Jesus, M.Ed.
- 6) Sonja Timm, M.A.
- 7) Maria Antoinette Land, M.Ed.
- 8) Nicole Collins Duffy, M.A.
- 9) Julie Hickerson, M.S.
- 10) Teresa Cardon, Ph.D.

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

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED CONSENT AGREEMENT FOR SURRENDER OF LICENSE FOR SCOTT PADILLA, PSY.D. IN CASE NOS. 18-34, 20-41, 21-04, AND POSSIBLE MOTION TO RESCIND THE 9/4/2020 MOTION TO REFER CASE NO. 20-41 TO A FORMAL HEARING

This item was considered around 8:42 a.m.

Deputy Director Michaelsen summarized that complaint 20-41 involved patient LD who alleged that Dr. Padilla had an inappropriate and dual relationship with her during and after treatment. At its September 4, 2020 informal interview with Dr. Padilla, the Board made multiple findings of unprofessional conduct, voted to proceed to Formal Hearing for license revocation, and authorized the AAG and staff to enter into negotiation discussions with the licensee for possible voluntary surrender. Following the informal interview, Dr. Padilla retained legal counsel and notified staff of his plans to participate in the Formal Hearing. Two weeks later, the Board received another complaint (case number 21-04) filed by NC who he treated from 2017-2018 alleging that Dr. Padilla engaged in sexual activity and had an inappropriate relationship with her. NC submitted text messages that Dr. Padilla had allegedly instructed her to destroy, which took place during the timeframe of August 2019 through September 2020. On October 19, 2020, the complaint notification was sent to Dr. Padilla who shortly thereafter contacted staff and requested to surrender his license. Deputy Director Michaelsen reported that staff received the signed proposed Consent Agreement for voluntary surrender of licensure, and that if approved, will serve

as the final disposition of this matter and become effect upon execution by the Executive Director today.

Complainants LD (case number 20-41) and MC (case number 21-04) participated in the virtual meeting during the Board's consideration of this matter.

LD stated that she wished she had spoken up sooner and thanked the Board for addressing her concerns. She stated her appreciation to the Board for never making her feel shame for coming forward. NC stated that she too regretted not speaking up sooner and thanked the Board for their time and efforts in reviewing these matters.

MOTION: Dr. Bohanske moved for the Board to accept the proposed Consent Agreement for surrender of licensure.

SECOND: Dr. Gill

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

MOTION: Mr. Dynar moved for the Board to vacate the Formal Hearing in case number 20-41.

SECOND: Dr. Caterino

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board considered whether to refer these matters to law enforcement for further review and possible investigation.

MOTION: Dr. Bohanske moved for the Board to forward this matter to law enforcement for further review and possible investigation.

SECOND: Dr. Gill

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED NON-DISCIPLINARY CONSENT AGREEMENT AND ORDER NOT TO RENEW FOR PATTI WATSON, ED.D., IN CASE NO. 20-50, AND POSSIBLE MOTION TO VACATE THE INFORMAL INTERVIEW

This item was considered around 8:51 a.m.

Dr. Watson participated in the virtual meeting during the Board's consideration of this matter.

Deputy Director Michaelsen summarized that at its October 2, 2020 meeting, the Board conducted an initial review of case number 20-50 and found concerns that the licensee may have been providing teletherapy services for a client after he relocated to other states where she was not licensed. The Board noted that Dr. Watson had indicated that she was providing life coaching services only, and not psychotherapy. The Board at that time moved to forward the case to informal interview and after receiving notification of such, Dr. Watson retained counsel and indicated that she had no intention of renewing her license that was due to expire October 2020 and planned to retire. Dr. Watson signed the proposed Consent Agreement stipulating that her license was due to expire on October 31, 2020, agrees to not submit a renewal application, and requires that she not practice or

hold herself out as a licensed psychologist in the State of Arizona as of November 1, 2020. Deputy Director Michaelsen clarified that the Consent Agreement was non-disciplinary and is public, but would not be reported to the national databank. Dr. Bohanske spoke in favor of accepting the proposed Consent Agreement.

MOTION: Dr. Bohanske moved for the Board to accept the proposed Consent Agreement and Order not to renew for Patti Watson, Ed.D. in case number 20-50.

SECOND: Dr. Gill

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

MOTION: Dr. Bohanske moved for the Board to vacate the informal interview in this matter.

SECOND: Mr. Dynar

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED CONSENT AGREEMENT AND ORDER FOR DECREE OF CENSURE FOR BRIAN SCHAFFER, M.S., IN CASE NO. 21-01, AND POSSIBLE MOTION TO VACATE THE INFORMAL INTERVIEW.

This item was considered around 8:55 a.m.

Attorney Flynn Carey participated in the virtual meeting on behalf of Mr. Schaffer. Complainant HR also participated during the Board's consideration of this matter.

Deputy Director Michaelsen summarized that at its October 2, 2020 meeting, the Board conducted an initial review for case number 21-01, after which the Board voted to proceed to informal interview and authorized the AAG and staff to enter into negotiation discussions for possible settlement. Mr. Carey subsequently informed the Board that Mr. Schaffer had no plans of practicing in Arizona and had received a job opportunity in another state. The licensee subsequently signed the proposed Consent Agreement for a Decree of Censure that requires notification to the Board prior to returning to Arizona to practice under his current Behavior Analyst license as well as the condition that should Mr. Schaffer return to practice in Arizona, he may be subject to further probation and monitoring. Deputy Director Michaelsen clarified that the Decree of Censure is discipline and will be reported to the national databank as well as the Behavior Analyst Certification Board.

Mr. Carrey stated that the resolution came together quickly, and that the licensee is currently working elsewhere and is undergoing mandatory training. He stated that the signed proposed Consent Agreement is a reflection of negotiation discussions, and requested the Board accept the settlement proposal and vacate the informal interview.

MOTION: Dr. Davey moved for the Board to accept the proposed Consent Agreement and Order for Decree of Censure for Brian Schaffer

SECOND: Vice-Chairwoman Davis-Wilson

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

MOTION: Dr. Davey moved for the Board to vacate the informal interview in this matter.

SECOND: Vice-Chairwoman Davis-Wilson

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ACTION TAKEN AGAINST THOMAS MCCAFFREY'S, PSY.D., PSYCHOLOGY LICENSE BY THE TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

This item was considered around 8:59 a.m.

Dr. McCaffrey participated in the virtual meeting during the Board's consideration of this matter.

Deputy Director Michaelsen reported that on October 23, 2020, the Board received a disciplinary alert report indicating that Dr. McCaffrey was disciplined by the Texas Board in May of 2020 for unlicensed practice. According to the Texas Board's Order, Dr. McCaffrey submitted his Texas application in July 2019 and was found to have provided false, inaccurate or misleading information on the application. Specifically, Dr. McCaffrey claimed to have completed a postdoctoral supervised experience from January 2017 to January 2018, claiming that he held trainee status at that time; however, this status was not issued until February 2019. Dr. McCaffrey was found to have provided psychological services in Texas from January 2017 to January 2018 without licensure. The Texas Board issued an Order for a \$1,500 penalty and was placed on Probation for a period of two years. The Order also included a stayed suspension pending successful completion of Probation.

The Board noted that Dr. McCaffrey currently holds an Arizona license that is due to expire on January 31, 2021 if not renewed, and that he currently resides and practices in New Mexico. The Board also noted that Dr. McCaffrey's licenses in New Mexico and Missouri appear to be in good standing, while his Texas license is on Probation.

Dr. McCaffrey updated the Board that he received correspondence from the Texas Board indicating that his license was to be converted to licensed psychologist with provisional status. He stated that he regretted that he made a mistake in misinterpreting the license application question as he believed his training program was APA approved due to the intense nature of the training. He also stated that he thought a provisional license was something you earned by virtue of completing a postdoc fellowship.

Dr. Gill questioned the status of Dr. McCaffrey's New Mexico and Missouri licenses and whether or not they were aware of the action taken in Texas. Dr. McCaffrey stated that his licenses are currently active and in good standing, and that no action has been taken against him in either state. The Board discussed and considered initiating a complaint and issuing discipline mirroring the Texas Board's Order.

MOTION: Dr. Bohanske moved for the Board to open a complaint and offer the licensee a Consent Agreement for discipline that mirrored the action taken by the Texas Board.

SECOND: Dr. Gill

Dr. Bohanske spoke in support of the motion and commented that it is the Board's responsibility to protect the residents of Arizona. He stated that Dr. McCaffrey was placed on Probation in Texas for unprofessional conduct, and that monitoring of such is imperative for the public's protection.

Dr. McCaffrey stated that the correspondence he received from the Texas Board dated August 14, 2020 did not mention Probation, and reiterated that his provisional license was to be converted to licensed psychologist with provisional status. The Board questioned why the licensee did not provided the Board with this information during the course of the investigation, and Deputy Director Michealsen reported that the Texas Board's website indicated that Dr. McCaffrey's licensure status was active on Probation. Dr. Bohanske stated his concerns that

the licensee had not informed the Board of the change of his licensure status in Texas for at least four months as well as Dr. McCaffrey's failure to report the Texas Board's action to the Board, noting that this matter stemmed from notification received by the ASPPB.

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

Board staff informed Dr. McCaffrey that a Consent Agreement will be drafted and sent to him in the coming weeks.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PENDING BEHAVIOR ANALYST APPLICATION FROM COLTEN OLIVER, M.A., INCLUDING POSSIBLE DENIAL OF THE SAME

This item was considered around 9:21 a.m.

Vice-Chairwoman Davis-Wilson was recused from this matter.

Deputy Director Michaelsen summarized that the Board previously denied licensure for this applicant based on forged documentation to which the applicant admitted during the Board's questioning at its meeting. Two months later, he submitted a second application for licensure which was reviewed by the Committee on Behavior Analysts ("CBA") in August 2020. The Committee recommended the staff subpoena the supervisor's testimony as well as the client list for staff to conduct review of five random clients. In the week following the CBA's meeting, staff was notified by the applicant's current employer that he was terminated on August 14, 2020 in light of information that came to their attention regarding his intentional deception and circumstances. Dr. Oliver informed staff of the termination that same day. His employer submitted a corrective action memo and reported that based on their review of the BCA meeting, the applicant misrepresented information to the Committee and noted that Mr. Oliver confirmed that he intentionally withheld information regarding the incident with his previous employer. In September 2020, the Board was notified by the BACB that their review committee determined to suspend Dr. Oliver's certification for one year, after which he is required to complete several corrective action measures. This matter returned to the CBA in October 2020 and they recommended denial.

MOTION: Dr. Davey moved for the Board to accept the BCA's recommendation to deny the license based on A.R.S. § 32-2901.02(3), (6), and (7) with ethical provisions of 1.04(A) and (B), 2.13, 10.01, and 10.02.

SECOND: Dr. Gill

Dr. Davey stated his concerns regarding the established pattern of unethical behavior that not only occurred prior to the complaint and application review, but also unethical behavior that occurred throughout those processes as well. He added that the applicant has a lot of work to do to prove to the Committee that he possesses the required good moral character and is deserving of a license to practice in Arizona.

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

VOTE: 6-yay, 0-nay, 0-abstain, 1-recuse, 3-absent.

MOTION PASSED.

The Board recessed at 9:33 a.m. for a brief break, and reconvened at 9:45 a.m.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO RECOMMENDATIONS OF THE LEGISLATIVE COMMITTEE

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

a. Reintroduce proposed revisions of HB2224 psychology board; licensure; fingerprinting filed in 2020

The Board noted that HB2224 did not pass the prior session due to its abrupt conclusion, and discussed reintroducing the Bill at the next legislative session. The Board directed staff to add an additional 12 months for students affected by the closure of the university in light of the current pandemic.

MOTION: Dr. Bohanske moved for the Board

SECOND: Dr. Meier

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

b. Clarify A.R.S. §32-2081 Grounds for disciplinary action; duty to report; immunity; proceedings; board action; notice requirements; civil penalty at (1) and A.R.S. § 32-2091.09 Grounds for disciplinary action; duty to report; immunity; proceedings; board action; notice requirements; civil penalty at (E) allow for summary suspension consideration by the Board without requiring prior committee review

The Board discussed revising the statutory language to no longer require that all cases be reviewed by the Complaint Screening Committee, or the Committee on Behavior Analysts, prior to proceeding to the full Board for review and consideration, particularly in matters that are more serious in nature.

MOTION: Dr. Bohanske moved for the Board to pursue the statutory revisions as proposed.

SECOND: Dr. Caterino

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

c. Appointment of a work group to research and make recommendations concerning licensure exemption of school psychologists pursuant to A.R.S. §32-2075(A)

The Board considered establishing a Committee to research and make recommendations on this topic, and discussed which members should be involved, including various stakeholders.

MOTION: Chairwoman Shreeve moved for the Board to have the Committee to research and make recommendations concerning licensure exemption of school psychologists pursuant to A.R.S. §32-2075(A), with members to include Dr. Caterino, Dr. Mellott, Vice-Chairwoman Davis-Wilson, as well as other stakeholders.

SECOND: Dr. Meier

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Davis-Wilson, Dr. Bohanske, Dr. Caterino, Mr. Davey, Dr. Gill, and Dr. Meier. The

following Board member voted against the motion: Mr. Dynar. The following Board members were absent: Ms. Laboy and Dr. Mellott.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

d. Consider the efforts of the Arizona Psychological Association (AzPA) to expand the scope of practice to achieve prescriptive authority for qualifying psychologists

Executive Director Herbst Paakkonen informed the Board regarding the Legislative Committee's review of this topic, and stated that the staff has recently learned of the AzPA's intention to proceed to a Sunrise Hearing in the Fall of 2021. The Board also noted that the AzPA has expressed interest of tasking this Board with regulating the practice of psychologists with prescriptive authority.

e. Consider the efforts of the Psychological Clinical Science Accreditation System (PCSAS) to achieve recognition as an accreditation entity for doctoral psychology education programs [A.R.S. § 32-2071.01(C)]

Several stakeholders participated in the virtual meeting during the Board's consideration of this matter, including David Sbarro, Ph.D., University of Arizona; Sabrina Vazquez, University of Arizona; Mariann Burnett-Atwell, Psy.D., ASPPB; and, Alex Siegel, JD, Ph.D., ASPPB.

The Board observed that the Legislative Committee recommended the individuals pursuing this legislation appear before the Board for further discussion of this topic. Ms. Vazquez reported that they planned to pursue this legislation in the 2021 session, and clarified that the Bill would amend A.R.S. § 32-2071.01 to include PCSAS as a program accrediting entity. The Board considered additional comments made by stakeholders regarding the differences between PCSAS and APA accredited programs.

Dr. Bohanske stated his concerns regarding this item and stated that he has yet to receive and review a standards manual from PCSAS to assure him that the programs are acceptable. Dr. Sbarro directed the Board to PCSAS's website to review their standards and pointed out that PCSAS is a different model than that of APA. Dr. Burnett-Atwell stated the ASPPB's concerns regarding the PCSAS model in that the curricula is not clear and the structure is not standardized, while flexibility and innovation appeared to be at the forefront. She stated concerns relating to the area of applied training, and recognized the changes and efforts of PCSAS. Dr. Siegel informed the Board regarding concerns he had heard from other jurisdictions regarding this topic. Dr. Bohanske stated that the State needs competent psychologists that are highly trained and have successfully completed basic requirements for licensure.

The Board considered PCSAS's request to support their pursuit of legislation in the 2021 session, and requested a copy of PCSAS's standards manual. Dr. Sbarro offered to forward the information available on their website as well as a recent self-study for the Board's review. Chairwoman Shreeve instructed him to submit the information to the Executive Director for her to disseminate among the Board members. Mr. Dynar commented that the Board should take no position on this matter and follow whatever directive comes from the legislature and enacted by the Governor's Office.

f. Update on the topic of regulation of Independent Medical Examinations ("IMEs") as performed by psychologists

Executive Director Herbst Paakkonen updated the Board regarding this topic, and stated that based on further research, it was noted that the Arizona Board of Osteopathic Examiners has statutory language that she submitted to the Board in her memorandum regarding their Board's ability to review IME cases. The Board noted that the next step in this process is to solicit public comment and possibly consider legislation in the future. The Board discussed the number of different stakeholders that may be interested in participating in further discussion on this topic.

g. Revisit topic of individuals who have completed post-doctoral training requirements, continue to work as psychology associates, but remain unlicensed

The Board observed the Legislative Committee's recommendation to modify its SPS to add another section regarding individuals who completed requirements that shall remain under the written training plan until becoming licensed. The individual would be prohibited from practicing without supervision and must comply with Board statutes. AAG Galvin recommended pursuing a statutory change rather than addressing this through the SPS.

Chairwoman Shreeve instructed the Vice-Chair to work with staff to incorporate language applicable to Behavior Analysts and report back to the Board in December 2020 for possible approval and pursuit in the 2021 legislative session.

h. Recommend to the Board Chair combining the Legislative and Rules Committees

The Board discussed combining the committees and to staff the new Committee with a total of five members. Chairwoman Shreeve instructed Board members to inform the Executive Director if they wish to participate in the new Committee.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING STRATEGIES TO PROMOTE JURISPRUDENCE COMPREHENSION BY LICENSEES

This item was considered around 9:53 a.m.

Executive Director Herbst Paakkonen reported that this item was agendaized for the Board to consider and discuss developing some strategies or solutions given the number of recent cases involving licensees who admitted to not having recently reviewed the Board's statutes and rules. The Board considered one strategy of offering CE courses or workshops that focus on jurisprudence requirements to practice lawfully in Arizona. She informed the Board that the AzPA recently reached out to Board staff to partner with them in developing educational opportunities for psychologists. Executive Director Herbst Paakkonen referred the Board members to her memorandum regarding possible development of an assessment tool focused on this topic that she believed to be a more effective, long-term strategy, and is based on the Board's authority in rule and statute to establish a jurisprudence assessment requirement at the time of initial licensure as well as renewal of licensure.

Dr. Caterino pointed out that a number of other states require a test on laws in that state relating to psychology at the time of licensure. Dr. Caterino spoke in support of requiring a test at the time of initial licensure, and to require CE in jurisprudence for renewal of licensure. Mr. Dynar spoke in favor of the outline presented by the Executive Director, especially the idea of periodically performing the assessment. The Board discussed how implementing such a requirement could potentially affect licensees as well as Board staff's workload. Executive Director Herbst Paakkonen informed the Board that the requirement could count towards the required CE for license renewal, and that the rule could be revised to indicate a dedicated requirement for the subject of jurisprudence, similar to the current requirement for CE in ethics. She stated that there are costs associated to the development of a reliable assessment, which would be an initial investment on the part of the Board, and that it would be priced consistent with the average cost of what individuals are currently paying for CEs.

Dr. Bohanske stated his concerns regarding development of an assessment test versus requiring CEs specific to jurisprudence. Dr. Bohanske cautioned the Board regarding developing such an assessment due to the associated costs, legal ramifications, and challenges as to its validity, reliability, and predictive validity for practice. Dr. Bohanske spoke in favor of proceeding with the Board providing an automated CE course specific to jurisprudence relating to the psychology profession. Dr. Gill concurred with Dr. Bohanske's comments, and Dr. Caterino agreed with Dr. Bohanske's suggestion and she suggested the Board's legal team research whether other states offer such a CE course and/or exam.

The Board instructed the Executive Director to research both avenues of an assessment versus a CE course, to

which the Executive Director agreed and stated she would reach out to the ASPPB to request a partnership in pursuing these options.

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

This item was considered around 10:12 a.m.

Executive Director Herbst Paakkonen informed the Board that this item is agendaized during the Board's meetings to discuss matters related to the current pandemic if the need arises.

Dr. Bohanske stated his support for telepsychology and stated that these services should continue to be available after the state of emergency has been rescinded.

Vice-Chairwoman Davis-Wilson reported that the public health emergency has been extended through the end of January 2021.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING LIFE COACHING AS A PUBLIC PROTECTION REGULATORY ISSUE

This item was considered around 10:14 a.m.

Executive Director Herbst Paakkonen reported that researching this topic was challenging in that she could not locate any scholarly articles on the topic of life coaching, and her request to other Executive Directors for input and/or guidance did not receive much response. The Board noted that life coaching is not regulated in the State of Arizona and did not appear to be defined in statute. The Board discussed the circumstances of a psychologist practicing life coaching services, and whether they had the ability to do so.

Dr. Bohankse stated based on his participation in recent ASPPB workgroups, it was the consensus that once an individual becomes a psychologist, the services provided thereafter are psychological in nature as the individual would be practicing with knowledge, skills, and tools of a psychologist. Dr. Gill commented that based on his own research, there is no mechanism for licensure as a life coach in any state, but there is currently a certification process available to become a certified life coach, which requires completion of a six-month program. Dr. Gill spoke in support of the Board pursuing this topic and conducting further research. Chairwoman Shreeve stated her concerns relative to life coaching being a non-regulated profession and questioned whether the Board should consider drafting a Substantive Policy Statement. AAG Galvin offered to research the topic of life coaching with other state regulatory agencies and report back with approach options that are appropriate to this Board.

Chairwoman Shreeve instructed the AAG to research the Board's potential options and report back to the Board at its December 2020 meeting.

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING BOARD PROCEEDINGS:

This item was considered around 10:25 a.m.

Halina Brooke, licensed associate marriage and family therapist, participated in the virtual meeting during the Board's consideration of this item. She offered the Board feedback regarding its proceedings from the perspective of a past complainant, and stated that she has listened to hours of the Board's meetings as well. Ms. Brooke stated that she noted differences in meetings when the Board had a smaller case load versus a number of interviews to hold in one session, and she stated her concerns that her review demonstrated that in some cases, issues raised at the initial review were not carried over into future proceedings. With regard to potential time limitations on speakers, Ms. Brooke stated that complainants participate in the proceedings in order to assist the Board in its review, and that some clinicians choose to attack the character of the complainants when defending their position before the Board. Ms. Brooke commented that she believed complainants need enough time to address, refute or clarify issues that are raised during the discussion.

a. Arriving at consistent case dispositions

The Board considered the Model Board Action Guidelines Tool from the Federation of State Boards of Physical Therapy provided by the Executive Director, and discussed creating a matrix-based approach to identify the type and level of infraction, whether it was a singular instance or pattern of behavior, and in doing so, arrive at what is ideally consistent case dispositions. Dr. Bohanske recognized that the Board through thorough investigation at times has uncovered additional concerns that were not related to or mentioned in the complaint, and that would not have come to the Board's attention had a complaint not been filed. Chairwoman Shreeve agreed with Dr. Bohanske's comments, and stated that there have been a number of instances where a complaint was received and other issues are identified during the course of the Board's investigation. The Board considered establishing a workgroup to further review this topic and make recommendations to the Board. Mr. Dynar, Chairwoman Shreeve, Vice-Chairwoman Davis-Wilson, and Dr. Bohanske volunteered to participate in the workgroup.

b. Distinction between an initial review and an informal interview

AAG Galvin explained that each complaint is first heard by the Complaint Screening Committee to determine whether there is evidence to suggest a possible statutory violation and refers matters to the full Board. The Board thereafter conducts an initial review similar to the Committee to determine whether there is enough evidence to suggest that one or more statutory violations may have occurred and if so, proceed to informal interview for a more in-depth or thorough review of the facts and allegations. AAG Galvin clarified that the initial review is a brief overview of the facts and that the parties have the ability to participate in the proceeding to assist the Board in determining whether an informal interview is warranted.

c. Time limitations for addressing the Board

The Board discussed whether to impose time limitations for speakers to address the Board, noting that it is common for boards to place time limitations on all speakers, with some flexibility. The Board recognized the delicate balance between individuals wanting to be heard and conducting the Board's proceedings in a more structured manner as the Board has already reviewed the material gathered in the investigations. The Board also noted that the Chair had the discretion to instruct the speakers to conclude their summary statements as they approach, have reached, or exceed the time limit.

The consensus of the Board was to have guidelines in place for time limitations for all parties addressing the Board during its meetings, with the Chair having the discretion to lengthen the time if needed. The Board recognized that questioning by the members of the Board allows for further dialogue between the Board and the parties. Chairwoman Shreeve instructed the staff to include in its meeting notices the time limit of five minutes for all speakers to comment during their case review.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING CORRESPONDENCE RECEIVED CONCERNING THE EPPP REQUIREMENT FOR LICENSURE

This item was considered around 10:52 a.m. Dr. Burnetti-Atwell participated in the virtual meeting during the Board's consideration of this matter.

a. Correspondence from Camille Malcherczyk, Psy.D.

b. Correspondence from Mariann Burnetti-Atwell, Psy.D., CEO of ASPPB

Executive Director Herbst Paakkonen reported that the Board received two correspondences from Drs. Malcherczyk and Burnetti-Atwell that appeared to be related in terms of the subject matter.

Dr. Burnetti-Atwell thanked the Board for allowing her to appear, and reported regarding the correspondence she submitted as well as correspondence the ASPPB had been receiving from its members relative to access to testing centers, availability of remote testing, and some concerns about the exam itself. She stated that the concerns relating to access to testing and the desire for remote testing has been staffed

and ASPPB has worked collectively with vendors to gain increased access and increased hours. She added that she is not aware of any backlogs or problems with scheduling individuals in Arizona. Dr. Burnetti-Atwell stated that significant safety concerns have been raised regarding remote access, including issues relating to technology, security, and the potential for theft of test items. She stated that she attempted to outline the development process for the exam in her correspondence to the Board to address the concerns raised regarding the development, validity, and potential bias with the exam. Chairwoman Shreeve noted that another issue that has been raised related to the cost of the EPPP. Dr. Burnetti-Atwell reported that the cost of the exam has not changed for many years, and that the costs associated with the various levels of testing differ among the different professions.

The Board observed that the correspondence submitted by Dr. Malcherczyk accused the EPPP of not having the appropriate content and predictive validity. Dr. Burnetti-Atwell stated that the exams are based on criterion validity, that they follow the standards of the American Education Research Association in developing these exams, and that they have worked closely with a psychometrician. She stated that the ASPPB has the duty to be responsible for continuing to assess their practices and recognize the sensitivity around concerns with this test and progressing into the field and having the ability to practice independently. The Board thanked Dr. Burnetti-Atwell for appearing and offering input on this item.

18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING CORRESPONDENCE RECEIVED FROM THE NATIONAL REGISTER OF HEALTH SERVICE PSYCHOLOGISTS CONCERNING ACCREDITATION OF CONTINUING EDUCATION (“CE”) PROVIDERS

This item was considered around 11:12 a.m.

Executive Director Herbst Paakkonen summarized that the Board received a request from the organization to recognize or accept their accreditation of CE coursework. According to their correspondence, the organization believed that A.A.C. R4-26-207 permits the Board to make such a determination. Executive Director Herbst Paakkonen stated that it did not appear the Board had the authority to recognize or accept a certain accreditor’s CE, and that historically, there has been no pre-acceptance or categorical acceptance of accreditors. She stated that the Board’s Committee evaluates the information provided by licensees relative to CEs completed to determine whether they meet the rule requirements.

Chairwoman Shreeve stated her concerns regarding the request. Dr. Bohanske pointed out that the APA’s Committee on Accreditation provides CE under very strict standards, of which essentially all professional groups who are providing CE to psychologists are a member. Dr. Bohanske stated his concerns regarding the request, and pointed out that the Board’s process that is currently in place for CE review and approval is similar to processes followed by other boards. The Executive Director informed the Board that her most recent professional work involved CE accreditation in the field of Physical Therapy, and offered input regarding the marketplace as well as the potential for a change in rule.

Ms. Poe described for the Board the process currently in place for review and approval of CE and explained that a more in-depth review is not performed until a licensee is selected for a random CE audit that occurs every two years. She clarified that when licensees contact staff for guidance prior to completing CE, the staff directs the individuals to the CE rules that outline the qualifying criteria. Ms. Poe informed the Board that in most instances where a licensee was found to have submitted CE credits that do not meet the criteria to qualify, the individual is given additional time to remedy the deficiency. Additionally, Ms. Poe confirmed for the Board that in the past, the Board has not denied a CE credit course based on a lack of accreditation.

Dr. Bohanske stated that would be in favor of an organization that had an application process, standards process, criteria outlined, reaccreditation process, and review of what is taking place. Dr. Bohanske stated that these processes are similar to that of the APA and has been deemed acceptable CE. The Board considered whether to continue requiring the CE course to meet rule requirements or to also require completion of an APA accredited CE course. Dr. Caterino spoke in support of continuing with the requirement for the course to meet the rule criteria. Executive Director Herbst Paakkonen stated that requiring the course to meet the rule criteria allows for other learning opportunities and allows a pathway for the course to demonstrate that it meets a prescribed

set of standards and criteria acceptable to the Board. She commented that based on her review of the request, the standards presented by this organization fell short of what she would consider evidence-based CE.

Chairwoman Shreeve instructed the Executive Director to respond to the organization's request that the Board's position is to continue with the current process and not accredit any specific course or organization. Dr. Bohanske requested the organization also be provided feedback that their standards fall short of the Board's expectations. Executive Director Herbst Paakkonen stated if the Board wished to take a more comprehensive look at an approach to CE or continuing competence, she offered her expertise by virtue of her work in another profession as well as her experience on a national level. The Board discussed reviewing last years' audit results to determine what percentage of CE courses approved were also APA accredited.

The Board recessed at 11:35 a.m. for a brief break, and reconvened at 11:45 a.m. Dr. Meier joined the virtual meeting around 11:40 a.m.

19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION FOR TEMPORARY LICENSURE AND APPROVAL TO SIT FOR EPPP FROM BEVERLY ROZIO, PSY.D.

This item was considered around 9:46 a.m.

Dr. Gill summarized that the Application Review Committee noted that the application as missing reference forms and an NPDB self-query. The Board observed that the information was subsequently received and the application file is complete.

MOTION: Dr. Gill moved for the Board to approve the application for temporary licensure and to sit for the EPPP.

SECOND: Dr. Davey

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

20. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION FOR EXAM AND LICENSURE

This item was considered around 9:48 a.m.

a. CRAIG ZINKIEWICZ, PSY.D.

Dr. Caterino summarized that the Application Review Committee requested the applicant submit evidence demonstrating passing of a comprehensive exam and whether it covered ethics. Dr. Zinkiewicz submitted the requested documentation including a letter from the school confirming that the practice included a comprehensive exam and that ethics was incorporated in a number of their courses.

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

SECOND: Dr. Bohanske

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

b. S. KATHLEEN BAILEY, PH.D.

Dr. Caterino summarized that the Application Review Committee requested the applicant submit evidence demonstrating passing of a comprehensive exam and whether ethics was covered. Dr. Bailey submitted the

requested documentation including a letter from the school confirming that ethics content was an integral part of the comprehensive exam.

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

SECOND: Dr. Bohanske

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

21. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION FOR BEHAVIOR ANALYST LICENSURE FROM BEVERLY RAZO, M.S.

This item was considered around 9:52 a.m.

Dr. Davey summarized that this application was considered by the Committee in September 2020, at which time it was noted that licensure verification had not been received from Nevada. The Committee elected to table this matter until that verification was received to determine whether there was a history of discipline. The Board subsequently received the verification, which demonstrated a history void of any prior disciplinary infractions prior to Ms. Razo electing to no longer renew her Nevada license. Dr. Davey noted that the application is now complete, and he spoke in support of approving the license application.

MOTION: Dr. Davey moved for the Board to approve the license application for Behavior Analyst Beverly Razo, M.S.

SECOND: Vice-Chairwoman Davis-Wilson

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

22. NEW AGENDA ITEMS FOR FUTURE MEETINGS

This item was considered around 1:15 p.m.

Dr. Meier questioned whether the Board had addressed the issues surrounding telepsychology supervision. Executive Director Herbst Paakkonen reported that this issue was going to be incorporated into the next rules revision package, and that a Committee meeting will be held after the two committees are combined.

Chairwoman Shreeve reiterated her appreciation of the Board and staff's hard work and efforts.

23. ADJOURNMENT

MOTION: Dr. Meier moved for adjournment.

SECOND: Mr. Dynar

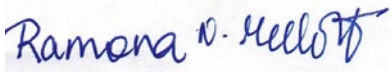
VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Davis-Wilson, Dr. Bohanske, Dr. Caterino, Mr. Davey, Mr. Dynar, Dr. Gill, and Dr. Meier. The following Board members were absent: Ms. Laboy and Dr. Mellott.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board's meeting adjourned at 1:17 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Ramona Mellott". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Ramona Mellott, Ph.D.
Secretary