



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

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

Committee on Behavior Analysts

REGULAR SESSION MINUTES

December 3, 2020 - 9:30 a.m.

Held via Zoom

1. CALL TO ORDER

Dr. Davis-Wilson called the meeting to order at 9:33 a.m.

2. ROLL CALL

Committee Members Present

Diana Davis-Wilson, DBH, BCBA

Bryan Davey, Ph.D., BCBA-D

Paige Raetz, Ph.D., BCBA-D

Donald Stenhoff, Ph.D., BCBA-D

Staff Present

Heidi Herbst Paakkonen, Executive Director

Jennifer Michaelsen, Deputy Director

Kathy Fowkes, Licensing Specialist

Assistant Attorney General Present

Marc Harris, Esq.

3. REMARKS/ANNOUNCEMENTS

- **General Committee Remarks, Announcements and Updates**

Dr. Davis-Wilson thanked Board staff for preparing for this meeting, acknowledging the ongoing challenges involved in doing so remotely. She also welcomed Tisha Denton, M.Ed., BCBA, who was very recently appointed by Governor Doug Ducey to fill the vacancy on the Committee. Ms. Denton provided a brief and informal introduction to the Committee and indicated she would begin her service on the Committee in January. The members welcomed Ms. Denton with friendly advice.

4. APPROVAL OF MINUTES

A. October 30, 2020 Regular Session

B. October 30, 2020 Executive Session Minutes

MOTION: Dr. Davey moved to approve both sets of draft minutes as drafted. Dr. Stenhoff seconded the motion.

VOICE VOTE: The motion was approved with 3 affirmative votes and 1 recusal.

5. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR ANALYST APPLICANTS

A. Behavior Analyst Application for Licensure

1) Brandon Greenberg, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

2) Chauntae Gold, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

3) Jennifer R. Vasquez, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

4) Madison Bidnick, M.Ed.

Dr. Raetz disclosed that she works at the same agency as the applicant but is able to review and vote on the application without bias. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

5) Skyra Jalisa Mayo, M.Ed.

Dr. Raetz disclosed that she works at the same agency as the applicant but is able to review and vote on the application without bias. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

6) Stacy DeMaranville, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee members discussed that the documentation summarizing the applicant's hours of supervised experience does not reflect the minimum required number due to the time frames her supervisors were not licensed. The Committee discussed whether staff could request additional information pertaining to the supervision documentation that encompasses all completed hours required to make a determination. Mr. Harris advised that either an explanation from the applicant or completion of the Board's supervision verification form should supply the clarity that is required. The review also noted a few incomplete address fields that Ms. Fowkes will obtain from the applicant.

MOTION: Dr. Davey moved to forward the applications of Brandon Greenberg, M.S.; Chauntae Gold, M.Ed.; Jennifer R. Vasquez, M.S.; Madison Bidnick, M.Ed.; and Skyra Jalisa Mayo, M.Ed. to the Board with a recommendation for approval. The motion included the provision that Stacy DeMaranville, M.Ed. will be issued a request for additional information as reflected by the discussion. Dr. Stenhoff seconded the motion.

VOTE: The motion was approved 4-0.

6. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING ALLEGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT CONCERNING BEHAVIOR ANALYSTS IDENTIFIED IN INVESTIGATIVE RECORD FOR COMPLAINT 21-01 –

Ms. Michaelsen summarized this matter, reminding the Committee that on August 28, 2020 it reviewed complaint number 21-01 against Brian Schaffer, a licensed behavior analyst, filed by Mr. Schaffer's former supervisor, HR, also a licensed behavior analyst. The complaint alleged that Mr. Schaffer rough-housed with a minor client, mocked the client, and engaged in other inappropriate behaviors during two therapy sessions at one of BlueSprig Pediatrics clinics where he was employed. The complaint indicated that based on the circumstances and video footage reviewed, BlueSprig Pediatrics terminated Mr. Schaffer's employment in July of 2020. Ms. Michaelsen noted the Committee forwarded the complaint to the Board based on its findings of potential violations of unprofessional conduct. She reminded the Committee that it raised concerns over certain practices at BlueSprig as it relates to billing, supervision practices, adequacy of Mr. Schaffer's supervision, the initial intake work completed on the client, and the agency's responsiveness to the Board's subpoena for medical records. Ms. Michaelsen noted that the Committee requested a meeting agenda item to consider and discuss possible recommendations to the Board to open complaints regarding licensed behavior analysts identified in the Schaffer investigative report.

Ms. Michaelsen indicated that the complainant and Clinical Director for BlueSprig, and former direct supervisor of Mr. Schaffer, Hilary Ramirez, is present along with Samantha Schultz, Regional Director for BlueSprig, who signed off on some of Mr. Schaffer's documentation; both have agreed to answer questions.

Ms. Ramirez and Ms. Schultz introduced themselves to the Committee. Ms. Schultz made a statement summarizing the company's hiring and training protocol, and the client intake and assessment processes. She acknowledged that due to COVID-19 there were some delays and departures from their processes, but that they fully communicated these with their clients. She also apologized for the records that were initially omitted from the file that submitted to the Board during the investigation, but stated that the error was quickly addressed. Ms. Ramirez reviewed the timeline of events while Mr. Schaffer was employed by BlueSprig and what actions she followed to supervise him and to support the delivery of services. She further explained how supervision is supplied and how communication is shared, acknowledging her awareness of her ethical responsibilities. Ms. Schultz also supplied an explanation relative to how COVID-19 has heightened the need for supervision involvement and communication. She further described the supervision ratio as 1:5 and also explained the records management system used by the company.

In response to questioning Ms. Schultz stated that the permission form for video-recording of clients has been updated to address the concerns expressed by the Committee. She guided the Committee through the events concerning the evaluation of the client under Mr. Schaffer's care, noting that the treatment plan was previously established and that Mr. Schaffer had only expressed a desire to gather more information about the needs of the client. Ms. Ramirez stated there was agreement that there would be no modifications to the original care plan given that COVID-19 limited their ability to make modifications. The Committee commented that the documentation did not always clearly indicate the child's precise needs. Ms. Schultz advised the Committee that this investigation prompted the organization to do training to reinforce the necessity of following the established treatment plan. Ms. Ramirez outlined the process followed for revising and updating treatment plans. Ms. Schultz described how the company leadership is restructuring the organization and its systems to ensure compliance with the statutes and rules.

The committee questioned how the organization reconciles quality care and compliance when the payer will not reimburse for additional evaluations. Ms. Schultz stated the plan is focused entirely on the child's needs and is not predicated on whether they will be paid for further evaluations. She affirmed that their policies specific to child restraints have been updated. Both behavior analysts described the newly refined approach to checking in with their client families periodically and how information that is collected is documented.

The Committee discussed the fact that behavior analyst supervision and administrative responsibilities and structures associated with behavior analytic services have evolved over the years, and that best practices have similarly evolved. The members concurred that more education should be invested in preparing behavior analysts for these roles and their responsibilities. The members further concurred that the discussion with Ms. Schultz and Ms. Ramirez provided assurance that there are no violations of the statutes. The Committee commended the guests for seeking and implementing management reforms within their organization. The discussion reinforced that an administrator signing off on a clinical document means accepting what happens and is happening with respect to clinical treatment. The members thanked the guests for their candor and their efforts to understand and remedy the Committee's concerns and to implement process improvement. The Committee suggested this situation be used in various ways as a learning opportunity to education members of the profession specific to reporting to and compliance with the statutes, rules, and code of professional ethics. Ms. Schultz and Ms. Ramirez stated that they fully respect regulators' responsibilities to protect the public and affirmed their commitment to the same.

7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICANT INTERVIEWS TO ADDRESS APPLICATION DISCLOSURES

Ms. Paakkonen advised the Committee that this item was placed on the agenda by Committee request. She noted that questions have been posed concerning when and why applicants making disclosures of past events should come before the Committee for an interview.

Mr. Harris stated that first and foremost the Committee must be comfortable with all of the information provided by the applicant in order to make a recommendation. He noted that the Committee has the responsibility and duty to obtain any information necessary to make a recommendation and stated that a license is a privilege and not a right. Mr. Harris indicated it is helpful to staff to identify the type of information that the Committee needs to see, acknowledging it isn't always possible to anticipate every situation which necessitates an interview. He advised that the Committee should not allow potential discomfort of the applicant to supersede the responsibility to protect the public. The members acknowledged that while the disclosure is public record, there have been instances in the past where applicants shared more information on the record than is necessary. The Committee discussed whether to place time limitations on factoring into the review a previous criminal history, and how to establish boundaries between what needs to be explained and what they the applicant should refrain from saying. The members acknowledged that many interview invitations are issued because conflicting or confusing information was disclosed; the discussion reflected the fact that an applicant can always consult with an attorney. The discussion also noted that adopting prescribed guidance is difficult in that it can't anticipate every set of facts and circumstances that might present with an application. Board staff asked the Committee to identify any steps that can be taken at the administrative review level, including notifying applicants of the opportunity to attend the CBA meeting. Mr. Harris advised that the Committee has a number of tools to use in this process, and further advised that Executive Session is always an option. Staff noted that the CBA reviews more applications with disclosures than ARC and therefore can't look to ARC for much in the way of guidance on this approach. The members noted that during the questioning they can place parameters on what they need to hear from the applicant, respecting the balance between the applicant's dignity and privacy, and the responsibility to protect the public. The Committee cited the fact that the Board trusts the CBA to do its due diligence when reviewing applications and making recommendations. Mr. Harris suggested the Board and Committee could develop a matrix to serve as guidance. It was also noted that, beginning in 2022, applicants for licensure may be subject to fingerprint clearance which will assist in the review of applicants' good moral character.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECENT UPDATES FROM THE BEHAVIOR ANALYST CERTIFICATION BOARD (BACB)

Ms. Herbst Paakkonen summarized the two updates shared by the BACB consisting of some information regarding their ethics and investigations personnel and processes. Additionally the BACB has summarized the requirements for the BCBA and the BCaBA into handbooks published and posted online (both for the current requirements and also those that are in effect beginning January 1, 2022). The Committee noted that the 2022 handbooks will be useful for the rule revision effort that will be initiated in 2021.

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

Ms. Paakkonen advised the Committee that Governor Ducey has announced that as long as state employees are successful working from home they should continue to do so. Ms. Paakkonen commented that by extension this would appear to apply also to appointees of state boards, commissions and committees.

10. NEW AGENDA ITEMS FOR FUTURE MEETINGS

The Committee requested that, in regard to the special meeting to be held in early 2021 with stakeholders, that the agenda include an opportunity to discuss education strategies for applicants for licensure (i.e. being present for application reviews, guidance on how to answer interview questions, the board complaints process, and the roles of supervisors). Ms. Paakkonen advised the Committee that the scheduling poll found that January 22, 2021 from 8:30 AM to 12:30 PM is the preferred date and time for this meeting.

The Committee additionally requested an item on the January 8, 2021 agenda that would allow for an election of officers to begin serving in February 2021.

11. ADJOURNMENT

MOTION: Dr. Davey moved to adjourn the meeting. Dr. Stenhoff seconded the motion.

VOICE VOTE: The motion was approved 4-0. The meeting adjourned at 12:37 p.m.