



Board Members

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**State of Arizona
Board of Psychologist Examiners**

1965-2015
50 Years of Service to Arizona

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REGULAR SESSION MINUTES

February 27, 2015
8:30 a.m.

Pima County Juvenile Court Training Center
2225 East Ajo Way
Tucson, AZ 85713

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman DiBacco at 8:42 a.m. on February 27, 2015.

2. ROLL CALL

Board Members Present

John P. DiBacco, Ph.D., – Chair
Frederick S. Wechsler, Ph.D., Psy.D., ABPP – Vice Chair
Paul Beljan, Psy.D., ABPdN, ABN
Bob Bohanske, Ph.D.
Janice K. Brundage, Ph.D.

Joseph C. Donaldson
Ramona N. Mellott, Ph.D.
Rob Robichaud

Board Members Absent

Tamara Shreeve, MPA – Secretary

Board Staff

Dr. Cindy Olvey, Executive Director
Lynanne Chapman, Deputy Director
Heather Duracinski, Licensing Coordinator

Attorney General’s Office

Jeanne Galvin, Esq.

3. REMARKS/ANNOUNCEMENTS

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

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

Remarks, Board Member and Staff Appreciation – Dr. DiBacco presented a plaque to Dr. Bohanske for his service as the 2014 Board Chair and a plaque for his service as a Board member. Dr. Wechsler presented a plaque to Dr. DiBacco for his service as a Board member. Dr. DiBacco recognized the passing (January 30, 2015) of Mathilda Canter, Ph.D. Dr. DiBacco thanked Board members and Staff for their dedication and hard work.

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

Dr. Bohanske provided a summary to the Board stating that this meeting is being held in Tucson to help celebrate the 50th year anniversary since psychology was first recognized as a profession. Activities are scheduled to commemorate this anniversary including an in-person Board meeting will be held in Flagstaff in August, the Association of State and Provincial Psychology Boards will hold its annual meeting in Arizona, Commemorative certificates will be available for a cost, and the Board plans to have a display that will provide historical Board information at the Arizona Psychological Association's annual convention. Dr. DiBacco called upon former Board members in the audience and asked them to introduce themselves. Fred Wiggins, Ph.D. and Miki Paul, Ph.D. were in the audience and made brief statements.

5. COUNSEL REPORT

Ms. Galvin reported that an Evidentiary Hearing for the appeal filed by Anthony Luick, Ph.D., was heard on May 21, 2014, in Pima County Superior Court. Dr. Luick filed his appeal on five grounds. Ms. Galvin stated that Judge Aragon issued his decision and is remanding one issue back to the Board for consideration.

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

Dr. Bohankse made a motion, seconded by Dr. Brundage, to approve the items on the Consent Agenda. The motion carried 8-0.

(a) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL FOR EXAM AND/OR LICENSURE

- Darnell Durrah, Ph.D.
- Joshua Boswell, Psy.D.
- Marita Haskins, Psy.D.
- Mary Orias, Psy.D.
- Michael Epstein, Ph.D.
- Nnamdi Ohaeri, Sr., Psy.D.
- Sarah Opuroku, Psy.D.
- Viktoriya Samarina, Ph.D.

ii. REQUESTING APPROVAL FOR LICENSURE BY WAIVER

- Dana Anderson, Ph.D.
- Patrick Schonbachler, Psy.D.
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(b) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- Adeline Low, M.A.
- Amanda Sumney, M.Ed.
- Corinna Ndolo, M.Ed.
- Hanna Roen, M.A.S.
- Jeannie Long, M.Ed.
- Jessica Marshall, M.A.S.
- Katie Que, M.Ed.
- Lynette Hill, Ed.D.
- Marja Huzevka, MSED.
- Paula Spicerkuhn, M.Ed.

(c) EXECUTIVE DIRECTOR'S REPORT

(d) INVESTIGATIONS REPORT

(e) LICENSING REPORT

(f) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST TO WITHDRAW PSYCHOLOGIST APPLICATION FROM SHAWNA LEPPERT, PSY.D.

7. CALL TO THE PUBLIC

Dr. DiBacco invited the public to address the Board at this time. Martin Lynch was present, requested to speak and addressed the Board. Mr. Lynch stated that he is going through a court case involving custody of children; Parenting Coordinator was appointed. The Parenting Coordinator is a licensed psychologist in Arizona. Mr. Lynch stated that he submitted a complaint to the Board on February 13, 2015, and the complaint was returned pursuant to A.R.S. §32-2081(B). Mr. Lynch expressed his concern about the lack of oversight of court appointed psychologists acting as Parenting Coordinators. Mr. Lynch affirmed that he believes the Board has jurisdiction in his case and indicated there are many professions that can act as a Parent Coordinator.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING DETERMINATION OF JURISDICTION FOR COMPLAINT SUBMITTED TO THE BOARD

Dr. Beljan recused from hearing this item. Ms Chapman provided a summary to the Board stating that the Board received a Request for Investigation against a psychologist who was a Court appointed Parenting Coordinator. Upon review of the Court Order and in consultation with the Board's Assistant Attorney General, Jeanne Galvin, the Request for Investigation was returned pursuant to A.R.S. §32-2081(B). Subsequently, the Board office received a request from the Complainant asserting that the Board has jurisdiction and requested that the matter be reconsidered.

At 9:42 a.m. Mr. Donaldson made a motion, seconded by Mr. Robichaud, to go into Executive Session to receive confidential legal advice from the Board's attorney. The motion carried 7-0-1 with Dr. Beljan recused. Open session reconvened at 10:00 a.m.

The individual who filed the complaint was present. Board members indicated that A.R.S. §32-2081(B) provides a process whereby the Judge first reviews the complaint and, if the Judge finds substantial basis to refer the complaint to the Board, the Board may then open the complaint. The Board encouraged the individual to follow the process pursuant to the statute.

After deliberation, the Board determined that it does not have subject matter jurisdiction in this case. Dr. Mellott made a motion, seconded by Dr. Brundage, that the Board does not have subject matter jurisdiction pursuant to A.R.S. §32-2081(B) and directed Board staff to return the Request for Investigation to the Complainant. The motion carried 7-0 with Dr. Beljan recused.

9. INFORMAL INTERVIEW – ERNESTO CARAVEO, PSY.D. RFI 14-09 DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO ALLEGATIONS OF UNPROFESSIONAL CONDUCT, PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, POSSIBLE DISCIPLINE AND/OR OFFER OF A CONSENT AGREEMENT OR REFERRAL TO A FORMAL HEARING

Chairman DiBacco reviewed Informal Interview procedures. Dr. Caraveo and his legal counsel, Scott Holden, were present telephonically. Dr. DiBacco swore in Dr. Caraveo. Chairman DiBacco stated that the

Board initiated this Request for Investigation after receiving documentation from the Navy pertaining to a sexual harassment investigation. Chairman DiBacco provided a summary of the allegations to the Board. Chairman DiBacco concluded that the Navy cleared Dr. Caraveo of any wrongdoing.

Dr. Caraveo and his legal counsel, Scott Holden, requested to speak, made statements and answered Board members' questions. Board members asked Dr. Caraveo what type of continuing education he received from the Navy. Dr. Caraveo attested that all individuals in the Navy are required to complete two to three hours of sexual harassment training annually. Board members asked Dr. Caraveo to clarify the timeline of the investigation within the Navy and when he submitted his application for licensure as a psychologist in Arizona. Dr. Caraveo affirmed that when he submitted his application for licensure the investigation was concluded, although he clarified that when he applied he still was unsure as to whether he would undergo administrative action in the Navy (Board of Inquiry). Mr. Holden stated that Dr. Caraveo believed he answered all questions on the application for licensure appropriately and that there was no deception intended.

Board members deliberated and asserted that the Navy cleared Dr. Caraveo of all allegations. Board members expressed concern that Dr. Caraveo did not divulge the investigation conducted by the Navy on his application for licensure, even though he has indicated he did not intend to mislead the Board. After deliberation, Dr. Wechsler made a motion, seconded by Dr. Brundage, to issue Dr. Caraveo a non-disciplinary Letter of Concern for not reporting the investigation on his application for licensure. The motion carried 5-3 on a roll call vote with Mr. Donaldson, Dr. Mellott and Mr. Robichaud voting no.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO RFI NO. 14-14, CONCERNING DR. R RUSS AND THE OFFER OF SETTLEMENT PRESENTED BY DR. RUSS AND IF NECESSARY, VACATING THE FORMAL HEARING SET FOR APRIL 9, 2015

Dr. Beljan recused from this matter. Dr. Russ and his legal counsel, Larry Cohen and Natalia Ter-Gregoryan, were present telephonically. Ms. Galvin provided a summary to the Board, stating that this matter involves an investigation against Dr. Russ, which is set to go to formal hearing in April, 2015, for misrepresentations on Dr. Russ' initial license application and for a felony conviction. As a result of a recent informal settlement conference, Dr. Russ and his attorneys have offered a Consent Agreement in an effort to resolve the matter. The terms of the proposed Consent Agreement include a Decree of Censure; an agreement that Dr. Russ would not renew his Arizona license when it expires in April, 2015; an agreement that Dr. Russ would not apply for licensure again in Arizona; and an agreement that he would not apply for licensure in any other jurisdiction in which he is not already licensed. The Conclusions of Law in the proposed Consent Agreement offered by Dr. Russ' counsel are A.R.S. § 32 2061(15)(j), making an untrue statement to the Board, or its investigators or staff; and A.R.S. § 32 2061(15)(m), using misrepresentation or deception to obtain a psychology license. The proposed Consent Agreement does not include a Conclusion of Law regarding Dr. Russ' prior felony conviction.

Mr. Cohen requested to speak, described how the currently proposed Consent Agreement differs from one previously rejected by the Board, and answered Board members' questions. Mr. Cohen stated that Dr. Russ has given notice to all of the jurisdictions in which he is licensed of the current matter pending in Arizona.

Board members deliberated regarding whether the proposed Consent Agreement adequately fulfills the Board's mission related to protect the health, safety, and welfare of the public, and the future enforceability of the provision in the proposed Consent Agreement for reversion of Dr. Russ' license status to a revocation, should he violate the terms of the Consent Agreement after he is no longer licensed.

Mr. Robichaud made a motion to accept the Consent Agreement with a stipulation that the Board would provide a copy of the Consent Agreement directly to all jurisdictions where Dr. Russ is currently licensed. The motion died for lack of a second.

Dr. Bohanske made a motion to accept the Consent Agreement, as is. The motion was seconded by Mr. Donaldson. The motion carried 6-1-1 on a roll call vote, with Dr. Wechsler voting no and with Dr. Beljan recused.

Mr. Robichaud made a motion to vacate the matter for Formal Hearing, seconded by Dr. Bohanske. The motion carried 6-1-1 on a voice vote, with Dr. Wechsler voting no and with Dr. Beljan recused.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION PERTAINING TO LEGISLATIVE UPDATE INCLUDING, BUT NOT LIMITED TO, SB 1439

Stuart Goodman from Goodman Schwartz Public Affairs was present telephonically and addressed the Board. Mr. Goodman summarized the stake holder meeting stating that Senator Smith proposed:

- Request for Investigations submitted to the Board that fall under A.R.S. §32-2081(B) will be reviewed individually by three Board members; one of the Board members will be a public member
- The three reviewers will provide their recommendations to the Board's Executive Director
- If any of the three reviewers recommend there is merit to open a complaint, a complaint will be opened and the licensee notified
- There will be no appeal process

Board members discussed the proposal including the number of recommendations required to open a complaint. The Board's Assistant Attorney General expressed concern with compliance of the open meeting law. Board members discussed options for addressing this issue. Following deliberation, it was the consensus of the Board to ask Mr. Goodman to discuss with Senator Smith the possibility of revising the proposal to a majority of recommendations by reviewers not to open a complaint rather than requiring unanimous recommendations. In addition, the Board asked Mr. Goodman to express to Senator Smith that an issue with the open meeting law may exist and this issue may need to be revisited at a future date.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEW OF RFI 14-33, SANDRA BRIM, PH.D.

Dr. Brundage, Mr. Donaldson and Dr. Mellott recused from hearing this item.

Dr. Bohanske provided a summary of allegations including billing disputes and licensee behavior. Dr. Bohanske stated that Dr. Brim responded to the allegations. Dr. Bohanske stated that the Complaint Screening Committee reviewed this case and forwarded it the full Board for further review. Specifically the Committee expressed concern with billing, multiple relationships, inappropriate text messages and possible violations of confidentiality pursuant to A.R.S. §32-2061(15)(b)(h)(k)(o) and (p). Also A.R.S. 32-2061(15)(dd) as it pertains to Standard 3.05 of the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association and adopted by the Board.

The Complainant, N.G., was present telephonically, requested to speak and made a statement. The Complainant summarized her concerns. Dr. Brim and her legal counsel, Faren Akins, were present, requested to speak, made a statement and answered Board members' questions. Mr. Akins stated that new allegations were made by the Complainant today and asked that the Board not hear those allegations or to table this matter to allow time to prepare a response to the new allegations. Mr. Akins affirmed that billing issues were resolved and disputed additional allegations. Dr. Brim stated that she appreciates the seriousness of the allegations and elaborated on corrective measures she has taken including continuing education she has obtained, modifications in her record keeping and consultation with two psychologists regarding her practice. Board members asked Dr. Brim about text messages, to which Dr. Brim responded. Board members asked Dr. Brim about the lack of progress notes in this case. Dr. Brim acknowledged that she did not always write progress notes and indicated that she may not have progress notes for some of her other patients.

At 2:52 p.m. Dr. Beljan made a motion, seconded by Dr. Wechsler, to move into Executive Session to discuss confidential medical records. The motion carried 5-0 with Dr. Brundage, Mr. Donaldson and Dr. Mellott recused. Open session reconvened at 3:10 p.m.

Board members asked Dr. Brim about billing issues. Dr. Brim acknowledged that she has corrected the billing issues. Board members asked Dr. Brim about confidentiality to which she stated that she has also corrected this issue.

Board members deliberated and expressed concerns including billing issues, record keeping, multiple relationships, confidentiality, and possibly practicing while impaired. Board members acknowledged that Dr. Brim has taken some corrective action.

After deliberation, Dr. Wechsler made a motion, seconded by Mr. Robichaud, to forward this case to an Informal Interview for possible violation of A.R.S. §32-2061(15)(b) for possibly betraying professional confidences; A.R.S. §32-2061(15)(h) for possibly failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient; A.R.S. §32-2061(15)(k) for possibly violating any federal or state laws or rules that relate to the practice of psychology or to obtaining a license to practice psychology; A.R.S. §32-2061(15)(o) for possibly providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; A.R.S. §32-2061(p) for possibly falsely or fraudulently claiming to have performed a professional service, charging for a service or representing a service as the licensee's own when the licensee has not rendered the service or assumed supervisory responsibility for the service and A.R.S. §32-2061(15)(dd) for possibly violating an ethical standard adopted by the Board as it pertains to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct 3.05 Multiple Relationships. The motion carried 5-0-3 on a roll call vote with Dr. Brundage, Mr. Donaldson and Dr. Mellott recused.

Mr. Akins inquired about the possibility of initiating a Consent Agreement to address the possible violations. Board members provided ideas for possible inclusion in a Consent Agreement.

13. CALL TO THE PUBLIC (continued)

Chairman DiBacco invited the public to address the Board at this time. Olga Carranza, Ph.D., was present representing Walden University. She requested to speak and made a statement. Dr. Carranza stated that she has been attending Board meetings for some time and has heard the Board discuss applications for licensure and express concerns with some doctoral programs. Dr. Carranza assured the Board that Walden University strives to ensure that their doctoral psychology students will meet the requirements for licensure. Dr. Carranza asked that the Board consider having Representatives from Walden University come before the Board to discuss their doctoral psychology program. Chairman DiBacco thanked Dr. Carranza and suggested that she contact the Board's Executive Director, Dr. Cindy Olvey to this request.

14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO ANTHONY LUICK, PH.D., RFI-12-28 AND THE DECISION FROM THE SUPERIOR COURT

Dr. Olvey provided a summary to the Board stating that Judge Aragon has rendered his decision for the appeal filed by Anthony Luick, Ph.D., in Pima County Superior Court. Dr. Luick filed his appeal on five grounds and Judge Aragon issued his recommendation remanding one issue back to the Board for consideration. Ms. Galvin explained that Judge Aragon found that the scope of Dr. McPhee's testimony exceeded what appeared in the Complaint and Notice of Public Hearing. Dr. Olvey stated that the Board can accept the remand or appeal the decision. After deliberation, Dr. Bohanske made a motion, seconded by Dr. Wechsler, to accept the remand and hear the new information at the June Board meeting. The motion carried 8-0.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION CONCERNING CONSIDERATION OF WHETHER THE BOARD SHOULD CONDUCT BACKGROUND AND/OR FINGERPRINT CHECKS AS PART OF THE APPLICATION AND LICENSING PROCESS

Dr. Bohanske provided a summary to the Board stating that during Board member training at a prior Board meeting the issue of background checks was raised. Dr. Bohanske stated that most other professions require some sort of background check and recommended that the Board look at making background checks a requirement as part of the application process. Dr. Olvey indicated that requiring background checks would require a statute change. Additionally, she stated that agencies use various methods of conducting background checks. It was the consensus of the Board to direct Dr. Olvey to do further research on conducting background checks and bring the information back to the Board for consideration.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION CONCERNING WHETHER PSYCHOLOGISTS PRACTICING IN ARIZONA UNDER A.R.S. §32-2075(A)(4) SHOULD NOTIFY THE BOARD OF THEIR PRESENCE

Dr. Wechsler provided a summary and referenced A.R.S. §32-2075(A)(4). Dr. Wechsler elaborated stating that at this time a psychologist practicing under A.R.S. §32-2075(A)(4) is not required to notify the Board that they are providing services in Arizona pursuant to this statute. Dr. Wechsler asked the Board to address this issue as he believes that the Board should be notified. Dr. Bohanske stated that this issue may be addressed during the agenda item pertaining to the Association of State and Provincial Psychology Boards Telepsychology Compact, Competency, and Mobility.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING UPDATE ON ISSUES FROM THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS INCLUDING, BUT NOT LIMITED TO, COMPETENCY, TELEPSYCHOLOGY COMPACT, AND MOBILITY

Dr. Bohanske provided a summary stating that the psychology profession does not currently have a competency examination. Dr. Bohanske stated that the Association of State and Provincial Psychology Boards (ASPPB) is developing a competency examination that is proposed to be in a second part of the Examination for Professional Practice in Psychology (EPPP). Dr. Bohanske stated that the guidelines for the competency examination will be completed in approximately nine months and that validity studies will be conducted before implementation. Board members asked how competency will be assessed. Dr. Bohanske clarified that the assessment has not yet been concluded.

Dr. Olvey stated that the Telepsychology Compact proposed by ASPPB has been finalized and will be brought to the Board at a future meeting for review. Participating in the Compact would require legislative approval and statutory change. Dr. Olvey expressed that the Board's definition of a day is different than most jurisdictions, which would likely need to be addressed in order to participate in the Compact. Additionally, Arizona allows psychologists licensed in another jurisdiction to practice in Arizona for up to 20 days, which varies by jurisdiction.

18. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO INCLUSION OF SCHOOL PSYCHOLOGIST IN BOARD AD HOC COMMITTEE ON SCHOOL PSYCHOLOGY

Dr. DiBacco summarized that an Ad Hoc Committee has been identified to discuss school psychology in Arizona. Dr. DiBacco expressed that he would like to see school psychologists to participate in the Ad Hoc Committee meetings. It was the consensus of the Board to ask the Board's Executive Director to send a letter to the Arizona Association of School Psychologist and request nominations for school psychologists to serve on the Ad Hoc Committee as well as a letter to the Department of Education informing them that the Board has formed an Ad Hoc Committee and asking for nominations of individuals to serve on the Committee.

19. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FROM THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS TO REVIEW AND COMMENT ON A PAPER RELATED TO LICENSING ISSUES FOR CONSULTING AND INDUSTRIAL-ORGANIZATIONAL PSYCHOLOGISTS

This item is table to a future meeting of the Board.

20. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Board members requested that an item pertaining to whether a psychologist should be required to register with the Board if they are practicing in Arizona but not licensed in Arizona be included in the telepsychology compact.

21. ADJOURN

There being no further business to come before the Board, Dr. Mellott made a motion, seconded by Mr. Robichaud, to adjourn the meeting at 4:27 p.m. The motion carried 8-0.

Respectfully submitted,

John P. DiBacco, Ph.D.
Board Chair