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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 6, 2015, 7:45 a.m.
1400 W. Washington, Suite 240
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman DiBacco at 7:46 a.m. on February 6, 2015. No Executive Sessions were held.

2. ROLL CALL

Board Members Present

John P. DiBacco, Ph.D., – Chair
Frederick S. Wechsler, Ph.D., Psy.D., ABPP – Vice Chair (7:46 a.m. – 9:30 a.m.)
Tamara Shreeve, MPA – Secretary (7:46 a.m. - 8:36 a.m.)
Paul Beljan, Psy.D., ABPdN, ABN (7:46 a.m. – 9:25 a.m.)
Bob Bohanske, Ph.D. (7:46 a.m. - 9:16 a.m.)
Janice K. Brundage, Ph.D.
Joseph C. Donaldson
Ramona N. Mellott, Ph.D.
Rob Robichaud

Staff Present

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

Attorney General’s Office

Jeanne Galvin, Esq.

3. CALL TO THE PUBLIC

A member of the public, M.G., complainant in agenda item 10 pertaining to Dr. Maria Hamilton, requested to speak and made a statement. M.G. summarized the complaint she submitted to the Board office. Board members thanked M.G. for her summary of the complaint. Board members clarified that the Board will be determining jurisdiction and not hearing the merits of the complaint at this time.

4. COUNSEL REPORT

Ms. Galvin informed the Board that Oral Proceedings were held at the Pima County Superior Court on January 5, 2015, pertaining to Anthony Luick, Ph.D. Ms. Galvin stated that the Judge has taken the case under advisement and has 60 days to make a ruling. Ms. Galvin will keep the Board apprised as the case progresses.

Ms. Galvin informed the Board that the Formal Hearing pertaining to R Russ, Ph.D. has been scheduled for April 9, 2015, with the Office of Administrative Hearings.

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

Dr. Wechsler requested that item 5. e. be removed from the Consent Agenda for independent discussion. Dr. Mellott requested that items 5. d. & f. be removed from the Consent Agenda for independent discussion. Dr. Mellott made a motion, seconded by Ms. Shreeve, to approve the items on the Consent Agenda. The motion carried 9-0. Mr. Robichaud abstained from the January 9, 2015, Regular Session Minutes.

(a) APPROVAL OF MINUTES

- January 9, 2015, Regular Session Minutes (Mr. Robichaud abstained)

(b) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL FOR EXAM AND LICENSURE

- Heather Koutsogiannis, Psy.D.

ii. REQUESTING APPROVAL OF LICENSURE BY WAIVER

- Catherine Martyniuk, Psy.D.

iii. REQUESTING APPROVAL OF SUPERVISED PROFESSIONAL EXPERIENCE HOURS

- Jamie Bustamante, Ph.D.

(c) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- Adrienne Silva, M.S.
- Jonathan Pardee, M.S.W.
- Samantha Lambros, M.Ed.

~~(d) APPLICATION REVIEW COMMITTEE RECOMMENDATION FOR DENIAL OF APPLICATION FOR LICENSURE FOR JUDY LAMB, PH.D., IF APPLICANT DOES NOT WITHDRAW APPLICATION WITHIN 7 DAYS~~

~~(e) APPLICATION REVIEW COMMITTEE RECOMMENDATION FOR DENIAL OF APPLICATION FOR LICENSURE FOR JULIE L'ESPERANCE, PSY.D., IF APPLICANT DOES NOT WITHDRAW APPLICATION WITHIN 7 DAYS~~

~~(f) APPLICATION REVIEW COMMITTEE RECOMMENDATION FOR DENIAL OF APPLICATION FOR LICENSURE FOR MONIKA KOS, PH.D., IF APPLICANT DOES NOT WITHDRAW APPLICATION WITHIN 7 DAYS~~

6. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR LICENSURE AND SUPPLEMENTAL INFORMATION RECEIVED BY ALICJA STEWART, PH.D.

Dr. Mellott recused from reviewing Dr. Stewart's application.

Dr. Stewart and Eugene Moan, Ed.D. were present telephonically. Dr. Wechsler summarized Dr. Stewart's application stating that the Application Review Committee had concerns regarding Dr. Stewart's preinternship

experiences and Dr. Moan's roles as her supervisor and professor. Dr. Wechsler asked Dr. Moan to clarify his roles as supervisor and professor during Dr. Stewart's preinternship experience. Dr. Moan responded.

After deliberation, the Board determined that the materials submitted meet the requirements of statutes and rules. Dr. Wechsler made a motion, seconded by Dr. Bohanske, to approve Dr. Stewart's application for exam and licensure upon receiving a passing score on the EPPP and payment of the prorated license fee. The motion carried 8-0-1 with Dr. Mellott recused.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR BEHAVIOR ANALYST LICENSURE SUBMITTED BY THOMAS SZABO, PH.D. AND SUPPLEMENTAL INFORMATION RECEIVED

Dr. Wechsler provided a summary to the Board stating that the Application Review Committee forwarded Dr. Szabo's application to the full Board for further review of his supervised work experience. Dr. Wechsler stated that Dr. Szabo received his supervision in Nevada and Nevada has been offering licensure for behavior analysts since November 2011. Dr. Wechsler elaborated stating that Nevada does not require that a person be licensed to practice behavior analysis. Dr. Wechsler stated that a portion of Dr. Szabo's supervision was obtained before Nevada offered licensure for behavior analysts and a portion of his supervision was obtained after licensure was offered. Dr. Szabo's supervisor is not a licensed behavior analyst.

Upon deliberation, the Board determined that pursuant to A.R.S. §32-2091.03(E)(F), a person must receive supervision from a licensed behavior analyst if the state in which the supervision takes place offers licensure. Dr. Wechsler made a motion, seconded by Dr. Bohanske, to request that Dr. Szabo provide evidence of 1,500 hours of supervised work experience or independent fieldwork that meets the requirement of A.R.S. §32-2091.03. If Dr. Szabo is unable to provide evidence that he completed supervised work experience that meets the requirements of A.R.S. §32-2091.03 his application will be denied. The motion carried 9-0 on a roll call vote.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION CONCERNING POSSIBLE INITIATION OF COMPLAINT AGAINST GARY PLANK, PH.D., FOR HIS SUPERVISORY ROLE PERTAINING TO APPLICATION #14-29

Dr. Wechsler provided a summary to the Board stating that the Application Review Committee (Committee) reviewed an application in which Dr. Plank was the postdoctoral supervisor. The Committee expressed concern that Dr. Plank may not have acted ethically/professionally in his role as a postdoctoral supervisor. The Committee voted to forward the application to the full Board for further review of Dr. Plank's conduct.

Dr. Plank was present. The Board asked Dr. Plank to clarify his role as the postdoctoral supervisor. Dr. Plank elaborated on his supervisory role stating that the supervisee is a school psychologist and he was contracted by the school to provide supervision. Dr. Plank stated that the supervision took place in a rural area and there were times that the supervisee was unable to attend in-person supervision due to weather conditions.

After deliberation, the Board expressed concern that Dr. Plank may not have fulfilled his contract as a postdoctoral supervisor and may have acted unprofessionally/unethically in providing supervision. Dr. Wechsler made a motion, seconded by Mr. Donaldson, to open a Request for Investigation for possible violation of A.R.S. §32-2061(15)(O) for possibly falling below the current standards of practice and A.R.S. §32-2061(15)(dd) as it pertains to the American Psychological Association Ethical Principles and Code of Conduct 3.08, Exploitative Relationships and 7. Education and Training. The motion carried 9-0.

Ms. Shreeve left the meeting at 8:36 a.m.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LEGISLATIVE UPDATE

Brandy Petrone with Goodman Schwartz Public Affairs was present telephonically and provided an update on legislative matters to the Board. Ms. Petrone stated that Senate Bill (SB) 1439 was introduced by Senator Smith and stated that SB 1439 proposes to strike that portion of A.R.S. 32-2081(B) that pertains to judicially appointed psychologists for all court cases except those charged with sex offenses. Ms. Petrone recommended that the Board take a position on SB 1439. Board members expressed great concern with SB 1439. Board members stated that the intent of SB 1439 is to protect the public. After deliberation, Dr. Wechsler made a motion, seconded by Mr. Donaldson, to strenuously oppose SB 1439 and directed Ms. Petrone and Stuart Goodman to strongly advocate against SB 1439. The motion carried 8-0.

Ms. Petrone summarized SB 2238 & 1435. The Board offered no comments.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING DETERMINATION OF JURISDICTION FOR COMPLAINT RECEIVED AGAINST DR. MARIA HAMILTON, AN EMPLOYEE OF A FEDERAL FACILITY IN ARIZONA AND LICENSED IN ANOTHER STATE

Ms. Chapman provided a summary to the Board stating that Dr. Hamilton is licensed as a psychologist in Arkansas and works in Federal Facility in Arizona. Dr. Hamilton is not licensed as a psychologist in Arizona. Ms. Chapman stated that the Board office received a Request for Investigation against Dr. Hamilton and the matter is before the Board to determine jurisdiction.

The Board deliberated and determined that as Dr. Hamilton is a Federal Employee, the Board does not have jurisdiction to hear the merits of the case. The Board advised that the Complainant, M.G., can file a complaint with the Board in which Dr. Hamilton is licensed. Dr. Bohanske made a motion, seconded by Dr. Brundage, to assert no jurisdiction in this matter. The motion carried 7-1 with Dr. DiBacco voting no.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LICENSE RENEWAL UPDATE FOR LICENSING PERIOD 2015-2017

Dr. Olvey provided an update on the 2015-2017 renewal process. Dr. Olvey stated that Board staff is working on testing a secure email blast that will allow the Board office to advise licensees of the upcoming 2015-2017 license renewal deadline and give instructions regarding access to the renewal application. Dr. Olvey stated that Board office plans to send emails the week of February 17, 2015.

12. APPLICATION REVIEW COMMITTEE RECOMMENDATION FOR DENIAL OF APPLICATION FOR LICENSURE FOR MONIKA KOS, PH.D., IF APPLICANT DOES NOT WITHDRAW APPLICATION WITHIN 7 DAYS

Dr. Wechsler requested that this item be removed from the Consent Agenda for independent discussion. Dr. Wechsler stated that the Application Review Committee determined that Dr. Kos' postdoctoral experience does not meet the requirement of A.R.S. §32-2071(G)(5). Dr. Wechsler stated that Dr. Kos is 420 hours deficient in meeting the 3,000 hour supervised experience requirement.

The Board deliberated and determined that Dr. Kos may complete additional postdoctoral hours to meet the 3,000 hour supervised experience requirement. Additionally, the Board determined that Dr. Kos is eligible to sit for the EPPP pursuant to A.R.S. §32-2072(C). Dr. Wechsler made a motion, seconded by Dr. Bohanske, to approve Dr. Kos to sit for the EPPP and to allow her to complete additional postdoctoral hours, if completed within the timeframe specified in rule. The motion carried 8-0.

13. APPLICATION REVIEW COMMITTEE RECOMMENDATION FOR DENIAL OF APPLICATION FOR LICENSURE FOR JULIE L'ESPERANCE, PSY.D., IF APPLICANT DOES NOT WITHDRAW APPLICATION WITHIN 7 DAYS

Dr. Mellott requested that this item be removed from the Consent Agenda for independent discussion. Dr. L'Esperance was present telephonically and elaborated on her internship and postdoctoral experiences. Dr. LeEsperance stated that she can provide additional information for both experiences.

Upon review of her Supervised Psychology Internship or Training Experience Verification form, the Board noted that the Clinical Director, Jeffrey Swanger, Ph.D., indicated that Dr. L'Esperance worked 24 hours per week and received a total of 5 hours of individual, face-to-face supervision which does not meet the requirement of A.R.S. §32-2071(F)(6). Additionally, the Board noted that Dr. Swanger answered no to question #17 which does not meet the requirement of A.R.S. §32-2071(F)(4). At this time the Board is requesting clarification as to the number of individual face-to-face supervision hours she received and if her training included assessment and consultation. Upon review of her Postdoctoral Professional Psychology Experience Verification form, the Board noted that her supervisor, Gregory Benitz, Psy.D., indicated that Dr. L'Esperance worked 25 hours per week for 61 weeks for a total of 1,523 hours. Dr. Benitz's subsequent calculations indicate that Dr. L'Esperance received 524 hours of direct client contact which does not meet the requirement of A.R.S. §32-2071(G)(5). At this time Dr. L'Esperance is 85 hours deficient in direct client contact. The Board is requesting clarification as to the number of direct client contact hours she received.

After deliberation, Dr. DiBacco made a motion, seconded by Dr. Beljan, to request additional information/documentation regarding the deficiencies discussed in Dr. L'Esperance's application. The motion carried 8-0.

Dr. Bohanske left the meeting at 9:16 a.m.

14. APPLICATION REVIEW COMMITTEE RECOMMENDATION FOR DENIAL OF APPLICATION FOR LICENSURE FOR JUDY LAMB, PH.D., IF APPLICANT DOES NOT WITHDRAW APPLICATION WITHIN 7 DAYS

Dr. Mellott requested that this item be removed from the Consent Agenda for independent discussion. Dr. Lamb was not present. Board staff noted that Dr. Lamb requested to withdraw her application. After deliberation, Dr. Beljan made a motion, seconded by Mr. Robichaud, to allow to Dr. Lamb to withdraw her application within 7 days. The motion carried 7-0.

Dr. Beljan left the meeting at 9:25 a.m.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING COMMUNICATION SUBMITTED BY EDDY TYREE, ED.D. REQUESTING THAT EDUCATORS RATHER THAN PSYCHOLOGISTS SERVE AS REFERENCES FOR HER LICENSURE APPLICATION

Ms. Duracinski provided a summary stating that Dr. Tyree was licensed in Arizona in 1985 and allowed her license to expire in 2009. In December 2014, Dr. Tyree submitted an application for licensure by waiver. Dr. Tyree has indicated that she cannot provide two psychologists as references for her new application and requested that educators be used as references. After deliberation, the Board determined that it cannot grant Dr. Tyree's request pursuant to Arizona Administrative Code R4-26-203(A)(27). Dr. DiBacco made a motion, seconded by Mr. Robichaud, to deny Dr. Tyree's request. The motion carried 6-0.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING COMMEMORATING 50 YEARS (1965-2015) SINCE ENACTMENT OF ENABLING LEGISLATION ESTABLISHING PSYCHOLOGY AS A PROFESSION IN ARIZONA

Dr. Olvey gave an update to the Board stating that the Southern Arizona Psychological Association will be sponsoring a reception in Tucson on February 27, 2015, to celebrate 50 years since psychology was recognized as a profession in Arizona.

Dr. Wechsler left the meeting at 9:30 a.m.

16. NEW AGENDA ITEMS FOR FUTURE MEETINGS

There were no new items for future meetings.

17. ADJOURN

There being no further business to come before the Board, Dr. Brundage made a motion, seconded by Mr. Donaldson, to adjourn the meeting at 9:31 a.m. The motion carried 5-0.

Respectfully submitted,

John P. DiBacco, Ph.D.
Board Chair