



Governor
Douglas A. Ducey

Arizona Board of Psychologist Examiners

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Board Members

Bob Bohanske, Ph.D., FNAP , Chair
Lynn L. Flowers, Ph.D., Vice-Chair
Diana Davis-Wilson, DBH, BCBA, Secretary
Janice K. Brundage, Ph.D.
Bryan Davey, Ph.D., BCBA-D
Joseph C. Donaldson
Matthew A. Meier, Psy.D.
Ramona N. Mellott, Ph.D.
Tamara Shreeve, MPA

Executive Director
Jenna Jones

REGULAR SESSION MINUTES

February 8, 2019

8:30 a.m.

1740 W. Adams St.
Conference Room A (1st Floor)
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman Bohanske at 8:30 a.m. on February 8, 2019. No Executive Sessions were held.

2. ROLL CALL

Board Members Present

Bob Bohanske, Ph.D., FNAP – Chair
Lynn L. Flowers, Ph.D. – Vice-Chair
Diana Davis-Wilson, DBH, BCBA, Ph.D. – Secretary
Janice K. Brundage, Ph.D.
Bryan Davey, Ph.D., BCBA-D
Joseph C. Donaldson
Matthew A. Meier, Psy.D.
Ramona N. Mellott, Ph.D.
Tamara Shreeve, MPA

Staff Present

Jenna Jones, Executive Director
Heather Broaddus, Deputy Director
Krishna Poe, Administrative Assistant

Attorney General's Office

Michael Raines

3. REMARKS/ANNOUNCEMENTS

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

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

Board Member and Staff Appreciation –Dr. Bohanske thanked Board members and staff for their dedication and hard work.

4. CALL TO THE PUBLIC

Mr. Mow requested to speak and made a statement to the Board. Mr. Mow addressed the Complaint that he previously filed against Dr. Lauren Dawson. Mr. Mow acknowledged that the Board heard the

Complaint and determined that it lacked subject matter jurisdiction in the Complaint. Mr. Mow requested a letter that details the Board's concerns regarding the Complaint that was filed.

5. COUNSEL UPDATE

Mr. Raines stated that the case involving Dr. Gray is still pending with the Superior Court. He indicated that oral argument is scheduled for mid-March and the Court should render a decision within 60 days of the oral argument. Mr. Raines stated that the Board received a favorable decision in the case involving Dr. DenBoer. Raines stated that once the judgement is filed Dr. DenBoer will have 35 days to appeal the decision. Mr. Raines stated that Dr. DenBoer's attorney indicated that an appeal will be filed.

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

Dr. Brundage made a motion, seconded by Dr. Flowers, to approve the items on the Consent Agenda. The motion carried 9-0.

(a) APPROVAL OF MINUTES

- January 11, 2019, Regular Session

(b) EXECUTIVE DIRECTOR'S REPORT

(c) INVESTIGATIONS REPORT

(d) LICENSING REPORT

(e) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL TO SIT FOR EPPP ONLY

- Angelia Corley, Ph.D.

ii. REQUESTING APPROVAL TO SIT FOR EPPP AND LICENSURE

- Amanda Webb, Ph.D.
- Brittnee May, Psy.D.
- Kelle Watson-English, Psy.D.
- Marilyn Wiley, Ph.D.

iii. REQUESTING APPROVAL OF LICENSURE BY WAIVER

- Evelyn Sikora, Psy.D.
- Nicholas De Los Reyes, Ph.D.
- Nicole Mirkin, Psy.D.

iv. REQUESTING APPROVAL OF LICENSURE BY CREDENTIAL

- Jill R. Scheckel, Ph.D.

v. REQUESTING APPROVAL OF SUPERVISED WORK EXPERIENCE AND LICENSURE

- Savannah Wright, Ph.D.

**vi. REQUESTING APPROVAL TO SIT FOR EXAMINATION (EPPP)
& TEMPORARY LICENSURE**

- Danielle DiPaolo, Psy.D.

**(f) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST
APPLICATIONS**

- Adeana Leigh Sczerba, M.A.Ed.
- Anne Melissa Scott, M.A.T.
- Kathryn A. Hoyle, M.A.
- Mary Makenna Hill, M.Ed.
- Rodrigo Esteban Mendoza, M.S.
- Sara Tackett, M.A.
- Shiran Asulin, M.S.
- Susan Lombness, M.Ed.

**(g) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION
REGARDING REQUEST FOR EXTENSION OF TIME TO SIT FOR
THE EPPP FROM ASHLEY BROOKSHIER, PH.D.**

**(h) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION
REGARDING REQUEST TO RETAKE THE EPP FROM MICHELLE
ROMERO, PSY.D., TEMPORARY LICENSE HOLDER**

**(i) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION
REGARDING REQUEST FOR TESTING ACCOMMODATIONS
FROM SARA COLE, PSY.D.**

**(j) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION
REGARDING REQUEST FOR REACTIVATION OF INACTIVE
LICENSE FROM JOHN ZARSKE, PH.D.**

**(k) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION
REGARDING REQUEST FOR REACTIVATION OF INACTIVE
LICENSE FROM ROBIN KURTZ, ED.D.**

**(l) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION
REGARDING SECOND EXTENSION OF TIME TO SIT FOR THE
EPPP FROM GERTHA SICOBO, PSY.D.**

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

Complaint No. T-18-24, Daniel Nightingale, Ph.D.

Mr. Donaldson provided a summary to the Board including salient points of the investigation. Mr. Donaldson stated that this case was reviewed by the Board's Complaint Screening Committee and the Committee expressed concern that Dr. Nightingale may be portraying himself as a psychologist on various social media pages and various websites.

The Complainant was not present. Dr. Nightingale was present, requested to speak, made a statement and answered Committee members' questions. Dr. Nightingale confirmed that once he was made aware of Arizona's statutes he modified all of the websites that he has control over. After deliberation, Mr. Donaldson made a motion, seconded by Dr. Bohanske, to dismiss Complaint No. T-18-24 as there are no violations of statutes and rules. The motion carried unanimously (9-0), by a voice vote.

Complaint No. 18-28, Gloria Malone, Ph.D.

Mr. Donaldson provided a summary to the Board including salient points of the investigation. Mr. Donaldson stated that this case was reviewed by the Board's Complaint Screening Committee and the Committee expressed concern that Dr. Malone may have been practicing while impaired.

The Complainant was not present. Dr. Malone and her attorney, Faren Akins, Esq., were present, requested to speak, made a statement and answered Board members' questions. Dr. Malone confirmed that on the day in question she was suffering from a migraine. She stated that she believed that she had cancelled all of her appointments for that day but inadvertently did not cancel one appointment. Board members asked Dr. Malone whether she was, or has ever practiced while impaired. Dr. Malone denied every practicing while impaired. Board members asked Dr. Malone if she has a substance abuse problem. Dr. Malone denied having a substance abuse problem. After deliberation, Dr. Mellott made a motion, seconded by Dr. Bohanske, to dismiss Complaint No. 18-28 as there are no violations of statutes and rules. The motion carried unanimously (9-0), by a voice vote.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO THE COMMITTEE ON BEHAVIOR ANALYSTS RECOMMENDATION REGARDING THE FOLLOWING COMPLAINTS AND/OR INITIAL CASE REVIEWS OF THE FOLLOWING COMPLAINTS

- a) Complaint No. 18-01, Lynette Hill, Ed.D.
- b) Complaint No. 18-02, Lynette Hill, Ed.D.
- c) Complaint No. 18-03, Valerie Smith, M.Ed.
- d) Complaint No. 18-04, Valerie Smith, M.Ed.
- e) Complaint No. 18-05, Firishta Cubillo, M.Ed.
- f) Complaint No. 18-06, Firishta Cubillo, M.Ed.

Dr. Davis-Wilson recused from reviewing these items and left the meeting.

Dr. Davey provided a summary to the Board stating that the Committee on Behavior Analysts (Committee) reviewed the above noted Complaints. Dr. Davey stated that the Committee did not find any violations of statutes or rules and voted to forward the Complaints to the Board with a recommendation of dismissal. Board members questioned Dr. Davey about the use Skype. Dr. Davey responded indicating that there are many different platforms that are utilized. Dr. Davey explained that many platforms are HIPPA compliant. After deliberation, Dr. Davey made a motion, seconded by Mr. Donaldson, to dismiss Complaint No.'s 18-01, 18-02, 18-03, 18-04, 18-05 and 18-06 as there are no violations of statutes or rules. The motion carried unanimously (8-0-1), by a voice vote and with Dr. Davis-Wilson recused.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING UPDATE FROM DON AXSOM, PSY.D. AND REQUEST TO BE RELEASED FROM PROBATION AND THE TERMS OF THE CONSENT AGREEMENT AND ORDER

Ms. Jones provided a summary stating that the Board entered into a Consent Agreement and Order with Dr. Axsom. The Consent Agreement and Order stipulated a minimum of six months of probation and continuing education. Dr. Axsom sent correspondence to the Board office requesting release from probation and requesting that the Board allow him to complete the required in-person continuing education at a later date. Dr. Axsom was present, requested to speak, made a statement and answered Board members' questions. After deliberation, Dr. Mellott made a motion, seconded by Ms. Shreeve, to release Dr. Axsom from the terms of the Consent Agreement and Order upon receipt of a certificate of completion of the APA trust online ethics course (6 hours). The motion carried unanimously (9-0), by a voice vote.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE APPLICATION TO SIT FOR THE EPPP AND LICENSURE FROM EZRA SMITH, PH.D.

Dr. Mellott provided a summary stating that the Application Review Committee (Committee) reviewed Dr. Smith's application and noted that his preinternship experience verification form was not completed correctly. The Committee requested that Dr. Smith's Director of Clinical Training submit a new preinternship experience verification form. Dr. Mellott stated that if the form was received in a timely manner his application would be forwarded to the Board for review. Dr. Mellott noted that the corrected verification form was received. After deliberation, Dr. Mellott made a motion, seconded by Dr. Meier, to approve Dr. Smith to sit for the EPPP and licensure upon a passing score and payment of the prorated license fee. The motion carried unanimously (9-0), by a voice vote.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING RULES UPDATE

Ms. Jones provided a summary stating that the Board is required to undergo a five year rule review. Ms. Jones explained the process and stated that Jeannie Hahn has been retained to assist with the process. Ms. Jones asked that Board members contact her with any concerns pertaining to Board rules.

12. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUIRING CRIMINAL BACKGROUND CHECKS OR FINGERPRINT CLEARANCE CARDS FOR LICENSURE

Ms. Jones provided a summary stating that the Board does not currently require fingerprint cards or background checks for initial applications. Ms. Jones stated that as part of the Board's sunset audit, it may be recommend that the Board require fingerprinting or background checks as part of the initial application process. Ms. Jones explained the requirements for the fingerprint card and for the background check. It was the consensus of the Board to require fingerprint cards and directed Board staff to schedule a Rules Committee meeting to develop statutory language and to begin a process to hold stakeholder meetings with interested parties.

13. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LEGISLATIVE UPDATE INCLUDING BUT NOT LIMITED TO SB1086, SB1096, SB1135, HB2031, HB2118, HB2146, HB2182, HB2231, HB2463, SB1232, HB2579, AND HB2569

Ms. Jones provided a brief summary. SB1086 addresses reporting information regarding healthcare workforce to the Department of Health Services. SB1135 requires agencies to respond within 10 days to a public records request. HB2031 addresses apprenticeships. HB2118 addresses unauthorized practice and will allow agencies to send Cease and Desist letters, post information on the Board's website and to refer a Complaint of unauthorized practice to the Attorney General's office. HB2146 will authorize individuals to enter into contracts (non-health) that are not licensed. HB2182 will modify the Formal Hearing process. HB2231 will allow the Committee of Reference to recommend that an occupational license be repealed and that it be replaced with certification or registration. HB2463 requires that occupational regulatory agencies post notices on their websites. SB1232 addresses anti-competitive actions and administrative law judges decisions. HB2569 offers reciprocity to individuals who have been licensed in another state for at least one-year. HB2579 would modify the Board's educational requirements.

Dr. Mellott left the meeting at 10:57 a.m.

14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING UPDATE ON DELIVERY OF BOARD MATERIALS

Ms. Jones and Ms. Broaddus provided a summary stating that the secure link used to send Board materials is no longer available. Board staff is looking into other options and will keep the Board updated. In the meantime, Board materials will be sent on an encrypted flash drive to Board members.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING RECOMMENDATION FROM THE COMMITTEE ON BEHAVIOR ANALYSTS REGARDING THE CEO OF A BRIGHTER AVENUE, JONI STRICKER, FOR POSSIBLE NON-COMPLIANCE WITH THE PROFESSIONAL AND ETHICAL COMPLIANCE CODE FOR BEHAVIOR ANALYSTS

Dr. Davis-Wilson recused from reviewing this agenda item and left the meeting.

Dr. Davey provided a summary to the Board stating that during the review of previous complaints the Committee on Behavior Analysts (Committee) noted that Ms. Stricker is the CEO of A Brighter Avenue and is representing herself as a Registered Behavior Technician however, she does not hold a current registration with the Behavior Analyst Certification Board (BACB). Additionally, the Committee noted that certified Behavior Analysts are supervising 1099 contractors at A Brighter Avenue. The Committee noted that the conduct may be in violation of the BACB's guidelines. After deliberation, Dr. Davey made a motion, seconded by Ms. Shreeve, to send a letter to the BACB regarding the conduct noted above. The motion carried unanimously (7-0-1) with Dr. Davis-Wilson recused.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING A POSSIBLE DATE CHANGE FOR THE DECEMBER 2019 BOARD MEETING

Ms. Jones provided a summary stating that Board staff is unable to secure a conference room for the December 13, 2019, meeting. It was the consensus of the Board to reschedule to the December 13, 2019, Board meeting to December 12, 2019.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING BOARD POLICY PERTAINING TO UNLICENSED PRACTITIONERS AND THE GOVERNOR'S EXECUTIVE ORDER 2019-01

Ms. Jones provided a summary stating that the Governor's Executive Order is requiring agencies to submit their policies pertaining to unlicensed practitioners to the Governor's office. Ms. Jones went over the Board's proposed policy. After deliberation, Dr. Bohanske made a motion, seconded by Ms. Shreeve, to accept the Board's revised policy on unlicensed practitioners. The motion carried unanimously (8-0), by a voice vote.

18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING ASPPB'S MID-YEAR MEETING IN SANTA FE, NEW MEXICO

Ms. Jones provided a summary stating that ASPPB's mid-year meeting is scheduled in April. Ms. Jones asked if any Board member would like to attend. It was the consensus of the Board to send Dr. Meier, Ms. Jones and, if funds are available, Ms. Broaddus.

19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING POSSIBLE ADOPTION OF PLUS, OFFERED BY ASPPB, AS ANOTHER OPTION FOR SUBMISSION OF LICENSURE APPLICATIONS

Ms. Jones provided a summary stating that after consultation with ASPPB it was determined that the Board does not need a contract to adopt PLUS as another means for submission of applications. Additionally, an inter-face with the Board's database would not be necessary. After deliberation, Dr. Bohanske made a motion, seconded by Mr. Donaldson, to move forward with implementing ASPPB's PLUS application. The motion carried unanimously (8-0), by a voice vote.

Dr. Mellott rejoined the meeting at 11:34 a.m.

20. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING UPDATE AND INFORMATION FROM AUDITOR GENERAL'S OFFICE REGARDING DRAFT SUNSET AUDIT REPORT

Ms. Jones provided a summary stating that the Board office has not yet received the draft sunset audit report. Ms. Jones stated that the report will likely be submitted early next week. After the report is received, the Board has ten days to respond. Ms. Jones asked the Board if it would like the Legislative Committee to consider the report. After deliberation, Dr. Bohanske made a motion, seconded by Dr. Brundage, to have the Board's Legislative Committee review and approve the draft audit report response. The motion carried unanimously (9-0), by a voice vote.

21. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE APPLICATION FOR TEMPORARY LICENSURE AND TO SIT FOR THE EPPP FROM AUSTIN MCCALL, PSY.D.

Dr. Mellott provided a summary stating that the Board's Application Review Committee (Committee) reviewed Dr. McCall's application. The Committee noted that Dr. McCall answered "yes" to question #'s 1.6 and 1.7 of the application otherwise the application meets statutory requirements. The Committee forwarded the application to the Board for further review of her "yes" answers. Dr. McCall was present, made a statement and answered Board members' questions. Board members noted the corrective action Dr. McCall has made and noted the time-frame in which the conduct occurred. After deliberation, Dr. Mellott made a motion, seconded by Dr. Brundage, to approve Dr. McCall to sit for the EPPP and for

temporary licensure upon payment of the temporary license fee. The motion carried unanimously (9-0), by a voice vote.

22. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR REACTIVATION OF INACTIVE LICENSE FROM LESLIE DONNELLY, ED.D. AND CONSIDERATION OF THE CONSENT AGREEMENT IN COMPLAINT NO. 15-15

Dr. Brundage provided a summary stating that the Board office received Dr. Donnelly's request for reactivation of her inactive license. In July 2015, the Board opened a Complaint against Dr. Donnelly regarding an incorrect answer on her initial license application and on her subsequent license renewal application. In resolution of the Complaint, the Board entered into a Consent Agreement and Order. The Consent Agreement and Order stipulated that Dr. Donnelly would place her license on inactive status and Dr. Donnelly would comply with the terms of the Maryland's Psychology Board Consent Agreement and Order. If Dr. Donnelly applies for reactivation of her license in Arizona the Board shall consider her request and review the circumstances of Maryland's Psychology Board disciplinary action. Dr. Brundage reported that Dr. Donnelly completed the required continuing education for reactivation of her license. Dr. Donnelly was present telephonically and offered to answer questions the Board may have. The Board determined that Dr. Donnelly complied with the terms of the Maryland's Psychology Board Consent Agreement and Order. After deliberation, Dr. Brundage made a motion, seconded by Dr. Flowers, to approve Dr. Donnelly's reactivation request with no further action. The motion carried unanimously (9-0), by a voice vote.

23. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING SUPERVISION REPORT SUBMITTED TO THE BOARD OFFICE RELATING TO DEBRA GOLDFINE, PH.D. AND POSSIBLE NONCOMPLIANCE WITH THE TERMS OF THE CONSENT AGREEMENT AND ORDER

Ms. Jones provided a summary stating that the Board office received the supervision report from Dr. Goldfine's supervisor. Additionally, the Board office received additional materials from Dr. Goldfine yesterday (February 7, 2018). The additional information included correspondence and documentation of her supervision. The Board expressed concern with the supervision report and expressed concern that Dr. Goldfine may not be in compliance with the Consent Agreement and Order. After deliberation, Dr. Bohanske made a motion, seconded by Mr. Donaldson, to table this item to a future meeting and to request that Dr. Goldfine be present at the meeting in which this matter will be reviewed. The motion carried unanimously (9-0), by a voice vote.

**24. INFORMAL INTERVIEW – MARK MAGIER, PSY.D. – COMPLAINT NO. 18-08
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**

Ms. Jones provided an update to the Board stating that the Board office received correspondence from Dr. Magier's attorney, Charles Hover, III, Esq., yesterday (February 7, 2019) requesting that this matter be continued to the Board's next meeting. Mr. Hover indicated that he is currently working on a proposed Consent Agreement and Order to present to the Board in resolution of this matter. Additionally, Mr. Hover indicated that he has a scheduling conflict and is unable to attend the Informal Interview. After deliberation, Mr. Donaldson made a motion, seconded by Dr. Mellott, to continue this matter to the Board's next meeting with the expectation that a proposed Consent Agreement and Order will be submitted for review in resolution of this matter. The motion carried unanimously (9-0), by a voice vote.

25. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PRESENTATION AND INFORMATION FROM REPRESENTATIVE FROM PCSAS ON LEGISLATION THAT HAS BEEN PRESENTED AS HB2579

Darby Jenkins and William Corbin, Ph.D. were present. Ms. Jenkins addressed the Board stating that HB2579 has been dropped and the intent of the Bill is to recognize the Psychological Clinical Science Accreditation System (PCSAS) as having parity with the American Psychological Association (APA). Dr. Corbin spoke about PCSAS's requirements. The Board expressed concern with the wording in HB2579 specifically, the Board noted that it would be difficult, if not impossible, based upon the changes in the bill, to evaluate applicants that did not graduate from an APA or PCSAS accredited program. After deliberation, Dr. Flowers made a motion, seconded by Mr. Donaldson, to oppose HB2579 as drafted. The motion carried 6-1-2 with Dr. Mellott abstaining and Ms. Shreeve and Dr. Meier voting no.

26. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Ms. Shreeve requested that an item regarding A.R.S. §23-1026(D).

27. ADJOURN

There being no further business to come before the Board, Ms. Shreeve made a motion, seconded by Dr. Brundage, to adjourn the meeting at 3:10 p.m. The motion carried unanimously (9-0), by a voice vote.

Respectfully submitted,

Diana Davis-Wilson, DBH, BCBA
Secretary