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

Committee on Behavior Analysts
REGULAR SESSION MINUTES
March 4, 2022 - 9:30 a.m.
Held via Zoom

1.	CALL TO ORDER Dr. Stenhoff, Committee Chair, called the meeting to order at 9:31 a.m.
2.	ROLL CALL <u>Committee Members Present</u> Donald Stenhoff, Ph.D., BCBA-D Bryan Davey, Ph.D., BCBA-D Diana Davis-Wilson, DBH, BCBA Tisha Denton, M.Ed., BCBA Paige Raetz, Ph.D., BCBA-D <u>Staff Present</u> Heidi Herbst Paakkonen, Executive Director Jennifer Michaelsen, Deputy Director Zakiya Mallas, Licensing Specialist Kathy Fowkes, Licensing Specialist <u>Attorney General's Office</u> Jeanne Galvin, Assistant Attorney General A quorum of the Committee was confirmed.
3.	REMARKS/ANNOUNCEMENTS <ul style="list-style-type: none">● General Committee Remarks, Announcements and Updates <p>Dr. Stenhoff expressed his gratitude on behalf of the Committee to Board staff for their efforts to assemble the meeting agenda and materials. He also thanked the members of the Committee for their investment of time to prepare for this meeting in the interest of protecting the public.</p> <ul style="list-style-type: none">● Recognizing Dr. Stenhoff and Dr. Davey for Term of Service on the Committee on Behavior Analysts <p>Ms. Paakkonen congratulated Dr. Stenhoff and Dr. Davey for being the first individuals to have completed a 5-year term of service on the Committee. She noted that in the beginning of their Committee terms they likely did not anticipate how complex and challenging this role would be, but that they both rise to every occasion. She</p>

	<p>stated that Board staff are able to more easily accomplish its objectives with the level of support that Dr. Stenhoff and Dr. Davey provide. The Committee members expressed their appreciation to Dr. Stenhoff and Dr. Davey, acknowledging their contributions to the history and evolution of behavior analyst regulation in Arizona, and commended them for the mentorship and leadership they have provided. Dr. Davey and Dr. Stenhoff thanked the staff and Committee members for supporting their efforts.</p>			
<p>4.</p>	<p>APPROVAL OF MINUTES</p> <ul style="list-style-type: none"> ● February 4, 2022 Regular Session Minutes ● February 4, 2022 Executive Session Minutes <p>Dr. Davis-Wilson indicated that she is recused from this item.</p> <p>MOTION: Ms. Denton moved to approve the minutes as drafted. Dr. Raetz seconded the motion.</p> <p>VOTE: The motion was approved 4-0.</p>			
<p>5.</p>	<p>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR ANALYST APPLICANTS</p>			
	<p>A. Behavior Analyst Applications for Licensure</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;">1)</td> <td style="width: 80%;">Lindsay Patterson, M.A. (*)</td> <td style="width: 10%;"></td> </tr> </table>	1)	Lindsay Patterson, M.A. (*)	
1)	Lindsay Patterson, M.A. (*)			
	<p>Brooke Manion, former supervisor of Ms. Patterson, and her attorney, Whitney DuPree, indicated they were present. The Committee proceeded with a substantive review of the application noting that the file reflects that Ms. Manion failed to submit the required supervised practice documentation to the Board to support Ms. Patterson’s application despite several attempts on the part of the applicant, and later by Board staff, to persuade her to. It was noted that Ms. Manion’s refusals precipitated the issuance of a subpoena to compel her attendance before the Committee, and to submit a copy of the final supervised practice verification form.</p> <p>Ms. DuPree stated that the subpoena is not enforceable, but that Ms. Manion elected to be present. Ms. Manion read a statement to the Committee in which she acknowledged that she previously served as a supervisor of Ms. Patterson. She admitted that the records she maintained of this arrangement are “gone”, and that copies of the records were supplied to Ms. Patterson. Ms. Manion further noted that she was not comfortable with the communication medium and the Board’s document submission mechanisms that were provided to her. Finally, she stated that this matter is a low priority relative to the needs of her practice and her family. The Committee noted that the concerns relate to the fact that many months elapsed during which Ms. Manion was uncooperative, and that Board staff elected to make an exception to established procedure when attempting to prompt action from Ms. Manion to submit the documentation. The Committee questioned when the records were destroyed; Ms. DuPree indicated that copies were supplied to the applicant and to the BACB and were not retained by Ms. Manion. The Committee spoke to the responsibility that BCBA’s have to one another as established in the Ethical Code. Ms. Paakkonen clarified that it is never the responsibility of Board staff to work on behalf of any applicant to assist them in achieving a complete file. She indicated a rare exception was made in this instance due to the ongoing reticence on the part of Ms. Manion to support Ms. Patterson’s application for licensure.</p> <p>In the interest of resolving the impasse, the Committee reviewed A.A.C. R4-26-403(C)(1)(b) and noted that it was adopted to address instances when supervisors are unable submit supervision verification documentation. The Committee discussed whether the application of this rule is appropriate. In response to the Committee questions, Ms. Manion affirmed that the documentation in Ms. Patterson’s possession is a true and accurate copy of the original document that she did not preserve. The Committee reminded Ms. Manion that since 2014 the BACB requires supervisors to maintain copies of their supervision documentation and suggested she</p>			

	<p>modify her procedures accordingly; additionally, Ms. Manion was advised to be mindful that several states require primary source verified documentation. The Committee reminded Ms. Manion that several sections of the BACB Code of Ethical Conduct address supervisors' responsibilities to their former trainees to include timely submission of documentation to licensing boards. Upon review of the updated status of the file, the Committee noted that the materials submitted were now 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.</p>	
<p>2)</p>	<p>Quyên Tran Thuc Nguyen, M.A. (*)</p>	
	<p>The Committee proceeded with a substantive review of the application noting that it returns on this agenda given it includes a response to a previously issued FAIR. The supervision supplied by two of her former supervisors raised some questions in that some hours were conducted remotely from Colorado by one supervisor, and another supervisor was not licensed for the duration of time. The total number of disqualified hours identified as a result is about 191. It was noted that the applicant has since supplied additional qualifying hours that brings her total number of supervised hours to over the required 1,500 hours. It was the consensus of the Committee that the materials submitted were now 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.</p> <p>The Committee discussed concerns relative to Ms. Lauren Allegra, the Colorado supervisor providing oversight of Arizona BCBAs remotely from another state which appears to amount to practicing in this state without a license. The Committee directed Board staff to invite Ms. Allegra to a future Committee meeting in order to gather information from her for purposes of formulating a recommendation to the Board concerning her conduct.</p> <p>The applicant was present for the review of her application and advised the Committee that she had sought clarification from her company relative to whether her supervisor was licensed in Arizona, but she was not supplied with an answer.</p>	
<p>3)</p>	<p>Celeste Mathie, M.A. (*)</p>	
	<p>The Committee proceeded with a substantive review of the application noting that it returns on this agenda given that one of the applicant's former supervisors provided supervision for 12 hours prior to having completed the required supervisor training. The applicant completed additional supervised hours in January, submitting appropriate documentation to substantiate them. The Committee noted that the materials submitted were now 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.</p>	
<p>4)</p>	<p>Tiffany Seppala, M.S. (*)</p>	
	<p>Dr. Stenhoff and Dr. Davis-Wilson both disclosed that the applicant was a former student but they are able to review the application objectively. The applicant was present for the review of her application. It was noted that Ms. Seppala responded to a FAIR request with corrected and complete information concerning her Multiple Supervisors at the Same Facility form. Upon review, the Committee noted that the materials submitted were now 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.</p>	
<p>5)</p>	<p>Samantha Douglas, M.A.</p>	
	<p>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.</p>	
<p>6)</p>	<p>Shannon Palmer, M.A.</p>	

	<p>The applicant was present for the review of her application. 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.</p>	
7)	<p>Dylan Cole Nikkel, M.S.</p>	
	<p>Dr. Stenhoff disclosed that the applicant was his former student, and that he performed some consulting for the agency at which the applicant is employed, but he is able to review the application objectively. Dr. Davis-Wilson disclosed that the applicant was a former student but she is able to review the application objectively. Dr. Raetz announced that she is recused from the review and possible action of this application. 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.</p>	
8)	<p>Ryan Gleason, M.A.</p>	
	<p>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.</p>	
9)	<p>Briana Rosales, M.S.</p>	
	<p>The applicant was present for the review of her application. 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.</p>	
10)	<p>Elizabeth Bennett, M.Ed.</p>	
	<p>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.</p>	
11)	<p>Preeti Lather, M.A.</p>	
	<p>Dr. Stenhoff and Dr. Davis-Wilson both disclosed that the applicant was a former student but they are able to review the application objectively. Ms. Denton disclosed that she and the applicant worked for at time for the same organizations, but she is able to review the application objectively. Dr. Raetz announced that she is recused from the review and possible action of this application. 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.</p>	
12)	<p>Elizabeth Hendrix, M.S.</p>	
	<p>The applicant was present for the review of her application. 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.</p>	

13)	Natalie Joanne Slikker, M.A.	
<p>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.</p>		
14)	Jessica Christie, M.A.	
<p>The applicant was present for the review of her application. 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.</p>		
15)	Morgan Campbell-Hyde, M.S.	
<p>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, however on page 11 the applicant did not complete certain fields. The Committee determined the application can be forwarded to the Board with a recommendation for approval upon receipt of acceptable corrections.</p>		
16)	Agne Jaskevicius, M.S.	
<p>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.</p>		
B. Behavior Analyst Applications for Licensure by Universal Recognition		
17)	Erin Chilcott, M.S.	
<p>The applicant was present for the review of her application. 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.</p>		
18)	Mandana Roushanmeidan, M.Ed.	
<p>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.</p>		
19)	Georgeann Lee Caspar, M.S.W., M.Ed.	
<p>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.</p>		

	<p>MOTION: Dr. Davis-Wilson moved to forward the complete applications to the Board (with recusals as noted), and to also forward applications requiring minor corrections as noted by the discussion. Ms. Denton seconded the motion.</p> <p>VOTE: The motion was approved 5-0.</p>
	<p><i>*First Formal Additional Information Request</i></p>
6.	<p>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING TELEHEALTH ADVISORY COMMITTEE ON TELEHEALTH BEST PRACTICES</p> <p>Dr. Davey reported that the Committee’s recommendation to the Arizona State Legislature concerning the use of CPT codes for services delivered through telehealth was approved by that body. The Committee is also submitting a request to the Centers for Medicare Services to advocate for a broader application of certain codes to reimburse for services delivered through telehealth.</p>
7.	<p>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECENT UPDATES FROM THE BEHAVIOR ANALYST CERTIFICATION BOARD (BACB)</p> <p>Ms. Paakkonen summarized the only update from the BACB as consisting of an invitation for regulators to join BACB staff at the Annual Convention of the Association of Professional Behavior Analysts in New Orleans (scheduled for March 17-20, 2022). Ms. Paakkonen indicated that she and Ms. Michaelsen will participate in Convention sessions and events on regulatory topics. She noted that Dr. Davis-Wilson will be a member of a panel of regulatory board members who will discuss relevant issues and topics.</p>
8.	<p>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION TO BACB AUTHORIZED CONTINUING EDUCATION (ACE) PROGRAM TO INCLUDE DESIGNATING THE ACE COORDINATOR</p> <p>Ms. Paakkonen reported that she and Dr. Raetz met to review the responsibilities and requirements of the ACE Coordinator. She explained that the Coordinator will largely be responsible for the activity (meeting) content, while the staff will be responsible for the documentation management responsibilities.</p>
9.	<p>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING DRAFT PROPOSED REVISIONS OF THE ADMINISTRATIVE RULES THAT REGULATE THE PRACTICE OF BEHAVIOR ANALYSIS IN ARIZONA (A.A.C. TITLE 4, CHAPTER 26, ARTICLE 4)</p> <p>Ms. Paakkonen explained that pursuant to an Executive Order issued by Governor Doug Ducey, any proposed rulemaking must be submitted to his office for a review to determine whether it meets certain criteria identified in the Order. She announced that the approval to move forward with the promulgation has been approved. She also explained that a requirement of this process is to hold a public hearing during which members of the public can offer comments to the proposed revisions. The required timing of this event is not yet clear but Ms. Paakkonen assured the Committee she will have an update on this topic at the next meeting.</p>
10.	<p>DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED LEGISLATION INCLUDING, BUT NOT LIMITED TO: HB2070, HB2145, HB2147, HB2162, HB2178, HB2196, HB2260, HB2276, HB2294, HB2371, HB2412, HB2587, HB2599, HB2612, SB1035, SB1045, SB1090, SB1127, SB1138, & SB1158</p>

	<p>Ms. Paakkonen provided an update on SB1568; <u>Health professionals; complaints; investigations</u>, noting that stakeholder discussions are ongoing and additional amendments may be made to the language originally proposed. She stated that while some of the more concerning requirements were removed (e.g. that the boards be responsible for the cost of licensees' substance abuse and fitness-for-duty evaluations), other provisions remain that impose additional work on the boards and their respective staff without appropriating the necessary resources to address it. Ms. Paakkonen also explained what her research into HB2612; <u>Occupational regulation</u> has revealed. This bill removes the licensure requirement of "good moral character" from many professions, including behavior analysis. She explained that HB2787, enacted in the 2021 session, contained a section of session law requiring the 2022 Legislature to make conforming changes to the licensure requirements for all occupations and professions in order to comply with the "Second Chance" licensure reforms that this bill compelled. The Committee questioned whether, if passed, HB2612 causes the Board to lose all authority to deny an application based on the criminal history presented. Ms. Galvin advised that legal advice will be issued by the Office of the Arizona Attorney General should the bill pass and be signed into law.</p>
11.	<p>DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING THENTIA CLOUD FOR GOVERNMENT BEHAVIOR ANALYST APPLICATION DEMONSTRATION</p> <p>Ms. Paakkonen walked the Committee members through the online application, testing its features. The Committee members provided input into modifications that would improve the application experience, and that would minimize applicant errors. The Committee offered some suggestions for application review tools; Ms. Paakkonen indicated she would explore that topic with Thentia's team. Further discussion reflected that a tool could potentially be developed from a Google form. She noted that the application portal cannot be activated for applicants until such time that the system is able to generate a merged file of all application data for the Committee's substantive review.</p>
11.	<p>NEW AGENDA ITEMS FOR FUTURE MEETINGS</p> <p>The Committee directed staff to draft a history and a timeline that captures the history and evolution of behavior analyst regulation in Arizona. A suggestion was raised that the Board request access to the historical material maintained by the Arizona Association of Behavior Analysts and augment it with additional regulatory milestones.</p>
12.	<p>ADJOURNMENT</p> <p>MOTION: Dr. Davey moved to adjourn the meeting. Dr. Davis-Wilson seconded the motion.</p> <p>VOTE: The meeting concluded at 12:04 p.m.</p>

Donald Stenhoff, Ph.D., BCBA-D
Chair, Committee on Behavior Analysts