



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
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Executive Director

Committee on Behavior Analysts
REGULAR SESSION MINUTES
April 1, 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 Dr. Stenhoff acknowledged the dedication of Board staff for their work to prepare the Committee for this meeting. Additionally, he recognized the members of the Committee for their efforts to review a very large volume of materials in preparation for this meeting.
4.	APPROVAL OF MINUTES <ul style="list-style-type: none">● March 4, 2022 Regular Session Minutes● February 4, 2022 Executive Session Minutes

	<p>MOTION: Dr. Davis-Wilson moved to approve the minutes as drafted. Dr. Raetz seconded the motion.</p> <p>VOTE: The motion was approved 5-0.</p>
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5. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING COMPLAINTS AND RECOMMENDATIONS TO THE BOARD

A. Complaint No. T-22-04, Kristen Jones

Dr. Davis-Wilson summarized the investigation of this complaint, noting that Ms. Jones is alleged to have practiced behavior analysis in Arizona remotely from Tennessee, a violation of A.R.S. §32-2091.12. Specifically, Ms. Jones admitted to have provided remote supervision of an applicant for licensure while the applicant was delivering services in Arizona. Ms. Jones admitted that she was unaware of the requirement to be licensed in Arizona, and stated she has ceased providing any services into Arizona.

Ms. Jones was present for the review of the complaint, noting that the situation was unintended, and had she known about the statute she would not have provided this service. She indicated that she has researched this issue and pledged to be aware of licensure requirements in the jurisdictions, and to take additional ethics courses.

In response to a question, Ms. Jones affirmed that she has not provided supervision to any person in Arizona. She also affirmed that she has done some self-reflection concerning this situation, and she now recognizes the limitations of her Tennessee license, and her BACB certification. The Committee advised Ms. Jones to thoroughly research the laws of any jurisdiction into which she provides services, explaining that providing supervision is included. Ms. Jones noted that as part of her organization’s task analysis, due diligence is conducted with respect to understanding the requirements of each state into which she provides supervision. She indicated that she has been supervising exclusively into California which does not require licensure. The Committee cautioned Ms. Jones to also be aware of the location of the supervisees’ clients as interstate telehealth laws could be involved. The Committee emphasized that licensure laws are established to protect the public.

Committee deliberation reflected that Ms. Jones has cooperated with this investigation and has supplied adequate evidence that she has appropriately reformed her practices where providing remote supervision is concerned. It was noted that the applicant she supervised was able to demonstrate she met the requirements for licensure by supplying additional hours to replace those that were completed under Ms. Jones.

MOTION: Dr. Davis-Wilson moved to recommend to the Board a dismissal of this complaint. Dr. Raetz seconded the motion.

VOTE: The motion was approved 5-0.

The Committee thanked Ms. Jones for her participation in this matter, and she stated her appreciation for this learning opportunity. Staff advised Ms. Jones that this recommendation will be placed on the April 8, 2022 meeting of the Board and she is welcome to attend that proceeding.

DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR ANALYST APPLICANTS		
A. Behavior Analyst Applications for Licensure		
1)	JeniLee Newman, 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.		

2)	Katherine Moody, 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>		
3)	Lindsay Gill, 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, however it was noted that the Supervised Experience form submitted by Ryon Sellers was incomplete as no answer was supplied to question number 12. Additionally, the applicant will need to correct her typographical errors on her Multiple Supervisors at the Same Location form. The Committee determined the application can be forwarded to the Board with a recommendation for approval provided Mr. Sellers supplies an appropriate answer to that question.</p>		
4)	Sydney Bardelli, 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>		
5)	Mayzie Rogers, 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>		
6)	Gabrielle Thomas, M.A.B.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 with the exception of the fact that the Supervised Experience form was marked “no” for three questions. Additionally, one supervisor, Jaime Marion, indicated that particular site utilizes a multiple supervisor model and that she did not observe Ms. Thomas every two weeks; other supervisors observed Ms. Thomas to ensure the proper amount of supervision. The Committee directed staff to request further clarification is needed from Ms. Marion with regard to answering “no” to the above three questions to include who observed Ms. Thomas engaging in behavior analytic activities and how is it that Ms. Marion able to verify the hours that she did not directly observe?</p>		
7)	Alexa Avalos, M.S.	
<p>Dr. Stenhoff and Dr. Davis-Wilson both disclosed for the record that they are former instructors of the applicant, but are able to vote objectively on the 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)	Tracy Mock, 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>		
9)	Alexis Prinslow, 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>		
10)	Allison La Rocca, 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.		
11)	Anna Crooker, M.A.	
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.		
12)	Hannah Azzano, 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.		
13)	Alexis Pascarella, M.A.	
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.		
14)	Connie Jo Grilley, 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.		
15)	Sarah Boyd, M.A.	
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>MOTION: Dr. Davey moved to recommend to the Board approval of licensure for all applicants listed with the exception of Ms. Thomas who will be issued a FAIR letter as reflected by the discussion. The motion included a provision that Ms. Gill’s application will be forwarded to the Board with a recommendation for licensure upon receipt of acceptable corrections to her application as noted in the discussion. Dr. Raetz seconded the motion.</p> <p>VOTE: The motion was approved 5-0.</p>		

7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING TELEHEALTH ADVISORY COMMITTEE ON TELEHEALTH BEST PRACTICES

Dr. Davey summarized the Committee’s work on the billing codes specific to audio-only service delivery, describing the restrictions that are currently in place. The Committee discussed some potential scenarios for the application of telephonic and visual codes and how they may be inappropriately applied.

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

Ms. Paakkonen reported that the only material shared by the BACB with regulators is guidance on how to access all versions of the Ethics Code for Behavior Analysts. She also assured the Committee that the list of states with enacted licensure requirements will be updated by staff and will be available in the CBA Resources digital folder once it is current.

9. 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)

Ms. Paakkonen announced that the oral proceeding for public comment to the proposed rule changes has been scheduled for May 20, 2022. She indicated that it would be helpful for a member of the Committee to attend this hearing in order to evaluate comments that may be made specific to the practice of behavior analysis. She further explained that public comments are required to be presented to the Board; it is up to the Board to consider whether to modify the proposed rulemaking based on comments submitted.

10. 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

Ms. Paakkonen advised the Committee that the majority of the tracked bills are effectively dead and have a slim chance of being resurrected in a striker bill. She reported that HB2612 was signed by Governor Doug Ducey on March 24, 2022; 90 days after the conclusion of the session, the “good moral character” licensure requirement will be removed from the behavior analyst statutes. Ms. Paakkonen indicated that a striker bill, SB1309 was also very recently signed by the Governor, and its emergency clause immediately extends the temporary emergency licenses granted by Arizona health regulatory boards to December 31, 2022. She further noted that the 42 behavior analysts granted temporary emergency licensure will be notified by email of this extension. Finally, she explained that SB1568 appears to be stalled at this time; this is the bill that establishes several new requirements of regulatory boards, the most challenging being a 180-day limit on investigative time frames.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING THENTIA CLOUD FOR GOVERNMENT BEHAVIOR ANALYST APPLICATION DEMONSTRATION

Ms. Paakkonen stated that this matter was on the agenda in the event there was new functionality to demonstrate with respect to the behavior analyst application, however development is on hold due to the agency’s analyst is no longer with Thentia and a new team is being assembled to support system development.

12. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST TO THE ARIZONA ASSOCIATION OF BEHAVIOR ANALYSTS TO SHARE HISTORICAL INFORMATION

Ms. Paakkonen reminded the Committee that this matter was placed on the meeting agenda for purposes of discussing a plan to document the history and evolution of behavior analyst regulation in Arizona. She indicated that this project would be ideal for a student intern to coordinate with the leaders of the Arizona Association of Behavior Analysts (AzABA). Ms. Raakel Elzy and Ms. Jessica Belokas were invited to speak to this potential collaboration. They indicated that this topic has been a discussion point within the association, and welcomed the opportunity to partner with the Board on this project. The Committee discussion noted several key events that ideally would be captured in some fashion with this effort, to include interviewing individuals who played a role in those events.

13. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING AUTHORITY TO SIGN SUPERVISION VERIFICATION DOCUMENTATION

Ms. Paakkonen indicated that this matter is on the agenda at the request of the Committee, and that the Board has requested the Committee formulate some recommendations to consider. She stated that adoption of a Substantive Policy Statement (SPS) is one strategy to clarify this requirement. The discussion reflected that the language to be clarified may have previously existed in Board rule and may have been eliminated with the

most recent rulemaking. Ms. Galvin advised the Committee that she and Ms. Paakkonen review the current application for purposes of confirming that all application questions are appropriately authorized by Board rule.

14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REPORT ON THE 2022 ANNUAL CONVENTION OF THE ASSOCIATION OF PROFESSIONAL BEHAVIOR ANALYSTS

Dr. Davis-Wilson advised the Committee that she, Ms. Michaelsen, and Ms. Paakkonen participated in the event in order to attend a regulators meeting, and also a breakfast gathering of regulators which was hosted by the BACB. Ms. Paakkonen described the opportunity as a good opportunity to engage with the BACB staff, and to meet regulators from other states and hear about their challenges and opportunities. She explained that she made suggestions to the APBA leaders to continue adding regulatory content, and that she volunteered to help contribute to that effort. A comment was Arizona's representation at the meeting reflected well on this state in terms of the level of interest in engagement opportunities. Dr. Davis-Wilson described some of the take-aways from the meeting to include how other states' administrative and statutory structures impact their outcomes and effectiveness.

15. NEW AGENDA ITEMS FOR FUTURE MEETINGS

No items were suggested.

16. ADJOURNMENT

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

VOTE: The motion was approved 5-0. The meeting concluded at 11:32 a.m.

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