



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
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DOUGLAS A. DUCEY
Governor

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

Committee on Behavior Analysts

August 26, 2022

9:30 a.m.

Held via Zoom

1. CALL TO ORDER

Dr. Stenhoff, Committee Chair, called the meeting to order at 9:32 a.m.

2. ROLL CALL

Committee Members Present

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

Staff Present

Heidi Herbst Paakkonen, Executive Director
Jennifer Michaelsen, Deputy Director
Zakiya Mallas, Licensing Specialist

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

A quorum of the Committee was confirmed.

3. REMARKS/ANNOUNCEMENTS

- **General Committee Remarks, Announcements and Updates**

Dr. Stenhoff acknowledged the efforts 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 prepare for this meeting.

4. APPROVAL OF MINUTES

- **June 30, 2022 Regular Session Minutes**

MOTION: Dr. Davis-Wilson moved to approve the minutes as drafted. Dr. Davey seconded the motion.

VOTE: The motion was approved 3-0 with Drs. Davey and Raetz recusing from the vote.

- July 29, 2022 Regular Session Minutes
- July 29, 2022 Executive Session Minutes

MOTION: Dr. Davis-Wilson moved to approve the minutes as drafted. Ms. Denton seconded the motion.

VOTE: The motion was approved 4-0 with Dr. Davey recusing from the vote.

5. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING COMPLAINTS AND RECOMMENDATIONS TO THE BOARD

A. Complaint No. 22-26, Jessica Marshall

Drs. Stenhoff and Davis-Wilson recused from this agenda item.

Dr. Davey stated on the record the Committee's complaint review procedures. Dr. Davey disclosed that in 2016 he and Ms. Marshall worked in the same organization, but since that time have not had any contact. Ms. Denton also disclosed she and Ms. Marshall previously worked at the same agency, but that she can review this case objectively.

Dr. Davey summarized the allegations made by SM that Ms. Marshall had failed to conduct an appropriate Functional Behavioral Assessment (FBA) of a student. The complaint further alleged that in doing so, Ms. Marshall failed to meet acceptable ethical standards of behavior analytic practice.

In her response to the complaint, Ms. Marshall indicated the complainant's incorrect citation to the outdated code of ethics, and noted that SM, a former licensed behavior analyst, did not contact her to discuss the allegations as is recommended by the code of ethics. Ms. Marshall described to the Committee her clinical approach to the FBA, the treatment plan she developed, and the services that she provided as a refutation to the allegations made by SM.

SM was present and addressed her reasons for filing the complaint. She indicated that she believes Ms. Marshall's work falls short of constituting a complete and appropriate FBA. The Committee asked her to explain her role relative to the student who is the subject of the complaint; she indicated her clients (families) retain her as an advocate and an attorney. In response to a question, SM asserted that the lack of data in the student's clinical record indicates the FBA was inadequate, and she acknowledged that the Individuals with Disabilities Education Act (IDEA) does not prescribe the requirement elements or components of an FBA. SM also noted that she would have performed the FBA differently, and that she expects an FBA to include specific key components which are lacking in this case. SM stated that she found the FBA conducted by Ms. Marshall to more closely resemble a consultation.

Ms. Marshall addressed the Committee and summarized her approach concerning this client. When asked why she did not include the parents in the FBA, Ms. Marshall explained the services previously provided by other LBAs as having involved parent input and participation. In response to questioning, Ms. Marshall described the various strategies that she identified and implemented to modify and support the client's behaviors, as well as her rationale for employing them.

The Committee deliberated the case, and in doing so stated that there is no "cookie cutter" approach to conducting an FBA, and that this is by design. The Committee noted that the clinical record was complete and well documented. The members acknowledged that other behavior analysts might have

approached the FBA differently, but this is not problematic when the clinical rationale supports the approach taken. The discussion also reflected some concerns relative to the school's responsibility to the child.

MOTION: Dr. Davey moved to approve the minutes as drafted. Ms. Denton seconded the motion.

VOTE: The motion was approved 3-0 with Drs. Stenhoff and Davis-Wilson recusing from the vote.

6.	DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR ANALYST APPLICANTS	
	A. Behavior Analyst Applications for Licensure	
1)	Erika des Jardins, M.A. , M.S.	
	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)	Jeannie Aguilar, Ph.D.	
	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.	
3)	Kristin Robertson, Ph.D.	
	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 also acknowledged that the applicant disclosed a DUI arrest that occurred more than ten years ago, there have been no similar incidents since that event, and she provided all available records). The Committee determined the application can be forwarded to the Board with a recommendation for approval.	
4)	Diamond Smith, M.S.	
	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, page 4 of the application appears to present a typographical error with respect to the graduation date. The Committee determined the application can be forwarded to the Board with a recommendation for approval once the correction is received.	
5)	Chelsea Blackwell, 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.	
6)	Fumi Horner, Ph.D. (*)	
	Dr. Davey disclosed that she works for an organization with which he has recently accepted an offer of employment, but he is able to review this matter objectively. Upon review, the Committee noted that the materials submitted were complete, including the information requested previously through a FAIR, and the	

	application fulfills the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.	
7)	Anthony Hedgepeth, 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.	
8)	Jane Tammik, 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, however the applicant submitted her own copy of the BACB supervision verification form as the documentation in her files reflects that her former supervisor has failed to do so despite repeated assurances to the applicant that she would. Ms. Tammik advised the Committee that her most recent attempt to reach the supervisor was a voicemail message left for her on August 16, 2022 which has not yet been returned. Board staff indicated it has yet to attempt to contact the supervisor have been made. The Committee cited the rule R4-26-403(C)(1)(b) which allows acceptance of the documentation when a former supervisor cannot be located. Ms. Tammik noted that the individual has not been entirely non-responsive; the Committee responded that the BACB code of ethics is clear with respect to a supervisor's responsibility to submit documentation in a timely fashion. Ms. Tammik requested the Committee allow to first advise the former supervisor that she may be found by the BACB to have violated the code of ethics. The Committee also cited concerns relative to delaying the approval of the application.</p> <p>The Committee directed Board staff to contact the former supervisor to compel the submission of the documentation id Ms. Tammik's next request yields no results. The Committee thanked Ms. Tammik for attending the review of her application, and commended her for how she is comporting herself and holding herself to the ethical code under challenging circumstances.</p>	
B. Behavior Analyst Applications for Licensure by Universal Recognition		
1)	Jennica Warner, M.S.	
	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)	Jennifer Lee, 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.	
3)	Adrienne Szbo, M.S.	
	The applicant was present for the review of her application. The Committee proceeded with a substantive review of the application, and noted that contrary to her indication, the applicant is not licensed in California as that state does not license behavior analysts. Ms. Szbo indicated that she is not familiar with licensure as a requirement to practice in Arizona. The Committee advised the applicant that one of the requirements for licensure by Universal Recognition is to have held a license in another state for at least one year; accordingly, her application cannot be approved. The Committee suggested Ms. Szbo withdraw this application to circumvent a denial of the application, and that she review the requirements of the regular application to determine whether to apply. Board staff affirmed that applying her application fee to the second application would be permissible if the Board deems appropriate. Ms. Szbo stated to the Committee that she finds the application requirements to be challenging. The Committee responded that it and the Board enforce and operate under the auspices of Arizona's statutes and rules. The Committee also noted that nearly 40 states now	

	<p>require licensure to practice as a behavior analyst, and cited several resources available to BCBAs considering relocating to other U.S. jurisdictions. The Committee also explained that certification is intended to represent achievement of a competency while licensure is intended to ensure the public is protected. Ms. Szbo was advised that the Committee and the Board cannot abdicate its responsibility to protect the public to the BACB. Board staff explained to the extent to which they are authorized to provide applicants with assistance.</p> <p>MOTION: Dr. Davis-Wilson moved to forward the applications of the following individuals forward to the Board with a recommendation for approval: Erika des Jardins, M.A. M.S.; Jeannie Aguilar, Ph.D.; Kristin Robertson, Ph.D.; Chelsea Blackwell, M.A.; Fumi Horner, Ph.D.; Anthony Hedgepeth, M.A.; Jennica Warner, M.S.; and Jennifer Lee, M.Ed. The motion included the provision that the application of Diamond Smith, M.S. also be forwarded to the Board for approval once the correction noted in the discussion is received. Finally, the motion noted that Board staff will contact the former supervisor of Jane Tammik, M.A. to compel her to submit her documentation if Ms. Tammik’s efforts are not successful, and that should Adrienne Szbo, M.S. request a withdrawal of her application, the Committee recommends it be accepted. Dr. Raetz seconded the motion.</p> <p>VOTE: The motion was approved 5-0.</p>
	<p>*First Formal Additional Information Request ** Second Formal Additional Information Request</p>

7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING MARRIE SALLADE’S FAILURE TO SUBMIT SUPERVISION VERIFICATION DOCUMENTATION

Ms. Paakkonen reminded the Committee that Ms. Sallade was invited to this meeting to address questions relative to her refusal to supply supervision documentation in support of the application for Suzzie Campfield, now a licensed behavior analyst in Arizona. Ms. Paakkonen advised the Committee that while she made multiple attempts to invite Ms. Sallade to this meeting, she received no response, and Ms. Sallade is not present. The discussion reflected that because she is not licensed in Arizona, the Board can only refer this matter to the BACB for a possible investigation.

MOTION: Dr. Stenhoff moved to forward this matter to the Board with a recommendation the Board consider making a referral to the BACB for purposes of investigating whether Marrie Sallade has violated the BACB code of ethics as a result of her refusal to produce supervision document. Ms. Denton seconded the motion.

VOTE: The motion was approved 5-0.

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

Dr. Davey announced that the Advisory Committee has produced its report to the Governor’s Office and that the guidelines have been accepted as best practices. The Committee will continue its work to expand access to telehealth services by Arizonans, and advocate for reimbursement for services delivered via telehealth.

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECENT UPDATES FROM THE BEHAVIOR ANALYST CERTIFICATION BOARD (BACB)

Ms. Paakkonen reported that the BACB issued some information intended to help guide regulators as they consider evaluating certification programs that are alternatives to the BACB. She noted that she has observed a few other states are scheduling these types of discussions on their meeting agendas.

Ms. Paakkonen also called to the Committee's attention the information shared with regulators by the BACB that provides an explanation of the Behavior Specialist authorization that is available through the Commonwealth of Pennsylvania. The communique highlights the fact that this authorization does not establish requirements that are equivalent to licensure, a fact of which the Committee is aware.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REVIEW OF BEHAVIOR ANALYST APPLICATION AGAINST A.A.C. TITLE 4, CHAPTER 26, ARTICLE 4, AND POTENTIAL REVISIONS TO THE APPLICATION

Ms. Paakkonen reported to the Committee the outcome of the review of the application, conducted along with Dr. Stenhoff, to ensure that all application content is supported by authority granted in statute or administrative rule. She informed the Committee that the review found no instances of problematic questions, but questions were identified that will need to be revised in 2023 to reflect the most recent changes to the BACB's certification requirements. Ms. Paakkonen explained that next month's agenda will include a discussion focused to whether additional questions need to be posed to capture more detailed information on the specific supervisors' roles and responsibilities to applicants.

11. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Dr. Davey requested an agenda item to discuss the appropriate use of titles by current and former behavior analysts.

12. ADJOURNMENT

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

VOTE: The motion was approved 5-0.

The meeting adjourned at 11:42 a.m.

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