



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
1740 WEST ADAMS STREET, SUITE 3403
PHOENIX, AZ 85007
PH: 602.542.8162 FX: 602.926.8095
WEBSITE: www.psychboard.az.gov

Katie Hobbs
Governor

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

Regular Session Meeting Minutes

Held virtually via Zoom on February 10, 2023

Board Members

Bryan Davey, Ph.D., BCBA-D – Chair
Matthew A. Meier, Psy.D. – Vice-Chair
Aditya Dynar, Esq. - Secretary
Linda Caterino, Ph.D., ABPP
Diana Davis-Wilson, DBH, BCBA
Diana Medina, Ph.D.
Ramona N. Mellott, Ph.D.
Tamara Shreeve, MPA
Joseph Stewart, Ed.D.
Todd Wynn, M.A.

Board Staff

Heidi Herbst Paakkonen, M.P.A., Executive Director
Jennifer Michaelson, M.P.A., Deputy Director
Krishna Poe, Program Projects Specialist
Kathy Fowkes, Psychologist Licensing Specialist
Zakiya Mallas, Behavior Analyst Licensing Specialist

Board Attorney

Jeanne Galvin, Assistant Attorney General

1. CALL TO ORDER

Chairman Davey called the Board's meeting to order at 8:31 a.m.

2. ROLL CALL

The following Board members participated in the virtual meeting: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Medina (left the meeting at 1:37 p.m.), Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn. The following Board members were not present in the virtual meeting: Dr. Davis-Wilson.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Heidi Herbst Paakkonen, Executive Director; Jennifer Michaelson, Deputy Director; Jeanne Galvin, Assistant Attorney General; Kathy Fowkes, Licensing Specialist, Zakiya Mallas, Licensing Specialist, and Krishna Poe, Projects Specialist.

3. REMARKS/ANNOUNCEMENTS

- **Board Survey**

Chairman Davey encouraged meeting attendees to provide feedback by contacting Board staff and completing a Board Meeting Assessment Survey.

- **Board Member and Staff Appreciation**

Chairman Davey acknowledged and thanked Board members and staff for their hard work and efforts in facilitating the Board's meetings.

- **Continuing education credit for Board meeting attendance**

Chairman Davey announced that meeting attendees were eligible for continuing education credit if the meeting exceeded four hours.

- **Recognition of Board Term Completion – Matt Meier, Psy.D.**

Chairman Davey recognized Dr. Meier for his years of dedicated service to the Board. Board members echoed Chairman Davey’s sentiments.

4. CALL TO THE PUBLIC

Ms. Leifson was present and asked if the Board addressed item D. 6. Chairman Davey stated that the Board voted on the Consent Agenda in which item D. 6. was included.

5. COUNSEL UPDATE

Ms. Galvin stated that she does not have a counsel update at this time.

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

Ms. Shreeve recused from voting on the January 13, 2023, Regular and Executive Session Minutes.

Mr. Dynar recused from voting on the December 22, 2022, Regular and Executive Session Minutes.

Dr. Mellott recused from voting on the January 13, 2023, Regular and Executive Session Minutes.

Chairman Davey recused from voting on the December 22, 2022, Regular and Executive Session Minutes.

Dr. Meier recused from voting on the January 13, 2023, Regular and Executive Session Minutes.

Ms. Paakkonen clarified that there is a typographical error with the December 22, 2022 Regular and Executive Session Minutes. The meeting was December 21, 2022, not December 22, 2022.

MOTION: Mr. Wynn moved for the Board to approve the items listed under the Consent Agenda.

SECOND: Mr. Dynar.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Medina, Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

A. APPROVAL OF MINUTES

- **December 22, 2022 2022 Regular Session Minutes**
- **December 22, 2022 Executive Session Minutes**
- **January 13, 2023 Regular Session Minutes**
- **January 13, 2023 Executive Session Minutes**

B. EXECUTIVE DIRECTOR’S REPORT

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

- 1) Requesting Approval to Sit for the EPPP (A.R.S. §§ 32-2071, 2071.01 & 2072)**
Diana Chaidez, Psy.D. Parts 1 & 2

2) Requesting Approval to Sit for EPPP & Licensure (A.R.S. §§ 32-20171, 2071.01 & 2072)

Carter Alexander Pearl, Ph.D. (REAPP)	Part 2 Only (Passed Part 1)
Nicole Lebowitz, Psy.D. (REAPP)	Part 2 Only (Passed Part 1)
Michael Nash Clark, Psy.D. (REAPP)	Parts 1 & 2
Summer Boyd, Psy.D. (REAPP)	Part 2 Only (Passed Part 1)
Andrea Hsai Gory Munoz, Psy.D. (REAPP)	Part 2 Only (Passed Part 1)
Bryan Gaviria-Jimenez, Psy.D. (REAPP)	Parts 1 & 2

3) Requesting Approval of Supervised Experience for Licensure (Reopened EPP Only Applications)

Peter Hildebrand, Psy.D.

4) Requesting Approval for Licensure by Waiver (A.R.S. §§ 32-2071, 2071.01 & 2072)

Kimberly Wells, Psy.D.

Ranada Cooper, Psy.D.

5) Requesting Approval for Temporary Licensure and to Sit for the EPPP (A.R.S. §§ 32-2072 & 2073)

None in this category

6) Requesting Approval for Licensure by Credential (A.R.S. § 32-2071.01)

Shelley Leininger, Ph.D., ABPP

Bradley James McConnell, Psy.D., ABPP

7) Requesting Approval for Licensure by Universal Recognition (A.R.S. § 32-4302)

Mireille Reece, Psy.D.

Adisa Haznadar, Psy.D.

Leslie C. James, Ph.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Kylie Leifson, M.Ed.
- 2) Jacob Tyra, M.S.
- 3) Amanda Zahlmann, M.S.
- 4) Sheila Hartley, M.S.
- 5) Tialha Nover, M.A.
- 6) Courtney Erker, M.Ed.
- 7) Yuseinny Valle Pena, M.Ed.
- 8) Shenandoah Tallman, M.A.
- 9) Kimberly Becker, M.S.
- 10) Nicole Lane, M.A.
- 11) Zoe Lockwood, M.S.
- 12) Alberto Valenzuela, M.A.
- 13) Derek Lopez, M.A.
- 14) Moganapriya Lakshmipathi, M.B.A.
- 15) Alisha Peterson, M.S.
- 16) Courtney Brown, M.A.
- 17) Brooke Jacquez, M.Ed.

E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST TO RETAKE THE EPPP PART 1 FROM MARICELA SMITH, PSY.D., TEMPORARY LICENSE NO. PSY-T-000055

F. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING POSTDOCTORAL TRAINING PLAN MODIFICATION FROM JAIMIE STEPHENSON, TEMPORARY LICENSE NO. PSY-T-000059

G. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING LICENSE REACTIVATION REQUEST FROM ERIKA S. NEUBERG, PH.D.

THE FOLLOWING AGENDA ITEMS ARE UNTIMED AND MAY BE DISCUSSED AND DECIDED UPON AT VARIOUS TIMES THROUGHOUT THE MEETING AT THE DISCRETION OF THE CHAIR

7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING CE BROKER PRESENTATION AND QUESTION AND ANSWER SESSION

Ms. Paakkonen advised the Board that she invited Don Oliva with CE Broker to provide an overview of their continuing education management system. Mr. Oliva delivered a presentation to the Board during which he explained the system features, and described how the Board and CE Broker can partner so that the agency and its licensees can mutually benefit from the system’s functionality. Mr. Oliva responded to questions posed by Board members, and demonstrated some of its features. He noted that there is no cost to the Board, and that licensees can use the essential system features at no cost, but may elect to subscribe to enhanced features if they so choose.

Ms. Paakkonen reiterated how CE Broker will vastly improve the execution of continuing education audits for Board staff and the Board’s continuing education auditors, and explained how CE Broker represents the “gold standard” for systems of its kind. She explained that she is working through the contract review process with the State Procurement Office as the last step of the due diligence process, based on legal advice obtained supplied by Ms. Galvin.

**MOTION: Dr. Mellott moved to authorize Ms. Paakkonen to enter into a contract with CE Broker.
SECOND: Dr. Stewart.**

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Medina, Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn.

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse.
MOTION PASSED.**

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING EPPP PART 2 PRESENTATION AND QUESTION AND ANSWER SESSION

Ms. Paakkonen advised the Board that ASPPB staff Mariann Burnetti-Atwell, Psy.D., Chief Executive Officer, and Hao Song, Ph.D., Associate Executive Officer of Examination Services, have been invited to share information with the Board specific to the EPPP Part 2, and to answer some questions and speak to some concerns relative to that component of the examination. Drs. Burnetti-Atwell and Song delivered a prepared presentation for the board, and addressed a series of questions posed by Board members. The presentation addressed the public protection purpose of the examination, its validity, the process for reviewing and taking action on allegations of bias within the items, cost, practice items, and pass rates.

The Board recessed at 11:02 a.m. and resumed open session at 11:17 a.m.

**MOTION: Chairman Davey moved to go into Executive Session to obtain confidential legal advice from the Board’s Attorney.
SECOND: Dr. Medina.**

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Medina, Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn.

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse.
MOTION PASSED.**

The Board held an Executive Session at 11:18 a.m. and resumed open session at 12:05 p.m.

**MOTION: Dr. Meier moved to table this item to allow Board staff to obtain additional information.
SECOND: Dr. Stewart.**

Mr. Dynar explained his motion stating that he does not believe the Board requires additional information to move forward with making a decision on this agenda item. Dr. Meier stated that in order for the Board to make an informed decision regarding the impact on individuals the Board should collect more data. Mr. Wynn echoed Mr. Dynar's sentiments.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Dr. Meier and Dr. Stewart. The following Board members voted not in favor of the motion: Mr. Dynar, Dr. Medina, Ms. Shreeve and Mr. Wynn. The following Board members abstained from voting on the motion: Dr. Mellott.

VOTE: 4-yay, 4-nay, 1-abstain, 0-recuse.

MOTION FAILED.

MOTION: Dr. Meier moved to pause the requirement of the EPPP Part 2 until the next Board meeting to allow Board staff to obtain additional information.

SECOND: Dr. Medina.

Ms. Galvin asked for clarification regarding current applicants.

Dr. Meier amended his motion stating that current applicants can table their applications until further Board discussion or, the applicant can proceed with the current application process and take the EPPP Part 1 and Part 2.

Dr. Medina did not second the amendment.

Dr. Meier withdrew his motion.

MOTION: Mr. Dynar moved that the Board pause the requirement of the EPPP Part 2 effective immediately. Current applicants will not be required to take the EPPP Part 2 until further Board discussion.

SECOND: Dr. Stewart.

Board members discussed removing the requirement for the EPPP Part 2.

Mr. Dynar withdrew his motion and Dr. Stewart withdrew his second.

MOTION: Mr. Dynar voted to remove the requirement for applicants to take the EPPP Part 2, including current and pending applicants.

SECOND: Dr. Stewart.

Dr. Meier clarified that current approved applicants are not required to take the EPPP Part 2 effective immediately if the motion passes. Board members and Board staff discussed that current and future applicants will only be required to take the EPPP Part I.

ROLL CALL VOTE: The following Board members voted in favor of the motion: Mr. Dynar, Dr. Medina, Dr. Meier, Ms. Shreeve, Dr. Stewart and Mr. Wynn. The following Board members voted not in favor of the motion: Chairman Davey, Dr. Caterino. The following Board members abstained from voting on the motion: Dr. Mellott.

VOTE: 6-yay, 2-nay, 1-abstain, 0-recuse.

MOTION PASSED.

The Board recessed at 12:31 p.m. and resumed open session at 12:41 p.m. Dr. Stewart rejoined at 12:43 p.m.

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING SB1457-PSYCHOLOGISTS; PRESCRIBING AUTHORITY

Ms. Paakkonen provided an update regarding SB1457. SB1457 was recently introduced and representatives from the Arizona Psychological Association (AzPA) are present to summarize it. Ms. Paakkonen asked the Board to provide her with direction as she will be attending meetings in which the bill will be heard.

A representative from AzPA, Dr. Ryan House, was present. He indicated that the bill is the same version that they had intended to introduce last legislative session and noted that Senator Shope is sponsoring the bill. He confirmed it will be heard by the Senate Health and Human Services Committee on February 14, 2023. He indicated that stakeholder meetings have been held and there is support for the bill.

Board members discussed the pros and cons of the bill. Some Board members expressed support and others stated they are neutral to the bill. Board members discussed the appropriate regulatory agency for prescribing psychologists. Board members noted that the Board currently lacks adequate funds to implement the provisions of the bill. AzPA's lobbyist, Steven Moortel, stated that AzPA has identified the issues the Board discussed and is working on resolving the issues.

MOTION: Dr. Caterino moved that the Board remain neutral to SB1457.

SECOND: Dr. Stewart.

Board members discussed whether remaining neutral is appropriate as the Board expressed multiple concerns.

Dr. Caterino withdrew her motion.

Board members continued to debate the pros and cons of the Bill. Board members expressed the appropriateness for the Arizona Medical Board or the Arizona Board of Osteopathic Examiners to regulate prescribing psychologists as the Board does not have the expertise in prescribing medications. Dr. House indicated that the Arizona Medical Association is in support of the Bill. Ms. Paakkonen affirmed that the Board does not have the funds appropriated in fiscal year 2024 to implement this mandate.

MOTION: Dr. Caterino moved that the Board remain neutral to SB1457.

SECOND: Dr. Stewart.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Mellott, Dr. Meier, Ms. Shreeve, and Dr. Stewart. The following Board member voted not in favor of the motion: Mr. Wynn.

VOTE: 7-yay, 1-nay, 0-abstain, 0-recuse.

MOTION PASSED.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING INFORMATION RECEIVED FROM NICOLE HUGGINS, PSY.D., FOLLOWING SUBMISSION OF HER RENEWAL APPLICATION

Chairman Davey and Dr. Caterino recused from this agenda item.

Ms. Poe provided a summary to the Board stating that on November 27, 2022, Dr. Huggins submitted her renewal application for licensure as a psychologist. Dr. Huggins answered "no" to question number 15 of

the application which addresses whether the applicant has been the subject of a legal judgment. On November 30, 2022, Dr. Huggins contacted Board staff indicating that she answered question number 15 incorrectly. Dr. Huggins clarified that she recently had a judgment issued against her. Dr. Huggins further clarified that she believed the case was going to be dismissed.

Dr. Huggins was present, requested to speak and answered Board members' questions. Dr. Huggins affirmed that she believed the case against her in small claims court was going to be dismissed. Dr. Huggins stated that the individual who sued her in small claims court also submitted a complaint to the Board which the Board dismissed in April 2022. Dr. Huggins stated that she received the judgment against her in the mail two days after she submitted her renewal application. Dr. Huggins stated that she will be filing a motion to vacate the case. Dr. Huggins indicated that she will also be countersuing the individual. Dr. Meier asked Dr. Huggins about her absence from the November 14, 2022, hearing. Dr. Huggins stated that she did not go to the November 14, 2022, hearing due to confusion of the hearing time. Dr. Huggins stated that she did file a motion to vacate on November 14, 2022. Dr. Meier asked Dr. Huggins if she was aware of the case prior to submitting her renewal. Dr. Huggins stated that she was aware of the civil case against her prior to submitting the renewal. Dr. Huggins stated that she did not believe she had to report the case due to how question number 15 of the renewal is worded. Dr. Huggins stated that once she was made aware of the judgment issued against her she immediately contacted Board staff. Mr. Dynar asked Dr. Huggins to affirm her belief on the wording of question number 15 of the renewal. Dr. Mellott acknowledged that Dr. Huggins immediately realized her mistake in answering question number 15 of the renewal application incorrectly.

MOTION: Dr. Mellott moved to close this matter and take no further action.

SECOND: Dr. Stewart.

VOTE: The following Board members voted in favor of the motion: Mr. Dynar, Dr. Medina, Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn. The following Board members recused from voting on this matter: Chairman Davey, Dr. Caterino.

VOTE: 7-yay, 0-nay, 0-abstain, 2-recuse.

MOTION PASSED.

Chairman Davey and Dr. Caterino rejoined the meeting at 1:03 p.m.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PROPOSED CONSENT AGREEMENT FOR SURRENDER OF LICENSE FOR PAUL NOCKELS, PH.D. IN CASE NO. 23-06

Ms. Michaelsen provided a summary stating that Dr. Nockels received his license to practice psychology in 2018. In August 2022, the Board received an anonymous complaint alleging that Dr. Nockels was engaged in a dual relationship with a female client. Dr. Nockels complaint was scheduled to be reviewed by the Board's Complaint Screening Committee (CSC) at its January 2023, meeting. The day prior to that scheduled meeting, Dr. Nockels submitted a letter to the Board indicating that he will not be attending the CSC meeting and wishes to allow his license to be revoked. The CSC voted to forward the case to the Board regarding potential violations. The CSC directed Board staff to offer Dr. Nockels a Consent Agreement for the voluntary surrender of his license in the interim based on his recent correspondence, and if he declines, Board staff is directed subpoena Dr. Nockels' appearance at the next available Board meeting and to subpoena all relevant records from him. Ms. Michaelsen stated that Dr. Nockels signed the proposed Consent Agreement, which is before the Board for consideration and approval as a final disposition in this matter. Dr. Nockels was not present.

MOTION: Ms. Shreeve moved to accept the Consent Agreement for voluntary surrender of Dr. Nockels license.

SECOND: Dr. Stewart.

ROLL CALL VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Medina, Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST TO TERMINATE PROBATION FROM THOMAS MCCAFFREY, PSY.D., FOR CASE NO. 21-06

Ms. Michaelsen provided a summary stating that Dr. McCaffrey was issued his license to practice psychology in Arizona in 2016. Dr. McCaffrey has also held psychologist licenses in Texas, New Mexico and Missouri. Dr. McCaffrey's psychologist license in Texas was disciplined in 2020 in that Dr. McCaffrey entered into a Consent Agreement for a stayed license suspension, two years' probation and a \$1500 civil penalty. The Board reviewed this action and offered Dr. McCaffrey a Consent Agreement which he accepted and became effective in November 2020. The Consent Agreement stipulated stayed suspension, two years' probation, a \$1500 civil penalty and to comply with the terms of the Texas Consent Agreement. Ms. Michaelsen stated that Dr. McCaffrey has supplied evidence to show he has complied with both the Texas and the Board's Consent Agreements. In January 2023, Dr. McCaffrey sent correspondence to the Board requesting to be released from probation. Dr. McCaffrey indicated that he intends to continue practicing only in New Mexico and that he does not intend to renew his license in Arizona. Dr. McCaffrey's license is currently suspended in Arizona as he did not renew his license by the renewal deadline.

Dr. McCaffrey and his attorney, Tom Mack, Esq. were present, requested to speak, made a statement and answered Board members' questions. Mr. Mack stated that he is not licensed to practice in Arizona. Dr. McCaffrey affirmed that he practices as a psychologist in New Mexico and does not intend to practice in Arizona. Dr. McCaffrey affirmed that he is requesting that the Board release him from the Consent Agreement. Dr. McCaffrey stated that since COVID he has been practicing via telehealth in New Mexico and has a full practice. Dr. McCaffrey indicated that he allowed his psychology license in Texas to expire.

MOTION: Dr. Mellott moved to release Dr. McCaffrey from the Consent Agreement and to allow his license to practice psychology in Arizona to expire.

SECOND: Dr. Stewart.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Medina, Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

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

A. Complaint No. 23-15, Pauline Brown, M.A.

Chairman Davey provided a summary stating that the Committee on Behavior Analysts (CBA) reviewed this complaint on two different meeting dates. The CBA requested additional information from the Glendale police department as there may have been harm to a child. After review of the additional information, the CBA determined that there was no violation of statute or rule and that the case had been closed by the police department as no criminal violation occurred. The CBA is recommending that the Board dismiss Complaint No. 23-15, Pauline Brown, M.A.

Ms. Brown and her attorney, Sara Stark, Esq., were present. Ms. Stark requested that the Board accept the CBA's recommendation and indicated that she and Ms. Brown are available to answer questions. The Complainant, J.P., was present. J.P. did not have a statement.

MOTION: Chairman Davey moved to dismiss Complaint No. 23-15, Pauline Brown.

SECOND: Dr. Stewart.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Medina, Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

B. Complaint No. 22-35, Rula Diab, M.Ed.

Chairman Davey provided a summary stating that the Committee on Behavior Analysts (CBA) reviewed this complaint at its last meeting. The complaint was regarding information not being provided regarding an initial treatment plan, the initial treatment plan was labeled as a progress report and there were assessment tools that were not explained to the client. After review of the complaint, the CBA determined that there was no violation of statute or rule. The CBA is recommending that the Board dismiss Complaint No. 22-35, Rula Diab, M.Ed.

Ms. Diab and her attorney, Sara Stark, Esq., were present. Ms. Stark requested that the Board accept the CBA's recommendation and indicated that she and Ms. Diab are available to answer questions. The Complainant was not present.

MOTION: Dr. Stewart moved to dismiss Complaint No. 22-35, Rula Diab.

SECOND: Ms. Shreeve.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Medina, Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO THE COMMITTEE ON BEHAVIOR ANALYSTS' RECOMMENDATION REGARDING LICENSE REINSTATEMENT REQUEST FROM AHTZIRY NAZARIO, M.S., AND OPENING COMPLAINT FOR UNLICENSED PRACTICE

Chairman Davey provided a summary stating that the Board's Committee on Behavior Analysts (CBA) reviewed this matter. Ms. Paakkonen stated that Ms. Nazario did not renew her license and approximately one month after her license expired she submitted a license reinstatement request. Ms. Nazario did confirm that she practiced while her license was expired. After review, the CBA is recommending that Ms. Nazario's license be reinstated and to open a Complaint regarding possible unlicensed practice, which will be reviewed by the CBA at a future meeting date. Ms. Nazario was not present.

MOTION: Chairman Davey moved to reinstate Ms. Nazario's license and to open a complaint regarding possible unlicensed practice.

SECOND: Mr. Dynar.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Medina, Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

The Board recessed at 1:37 p.m. and resumed open session at 1:46 p.m. Dr. Medina left the meeting at 1:37 p.m.

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

A. Complaint no. 23-09, Sue Moler, Psy.D.

Chairman Davey provided a summary stating that the Board's Complaint Screening Committee (CSC) reviewed this Complaint and voted to forward it to the Board for possible violations of A.R.S. §32-2061(16)(g), engaging or offering to engage as a psychologist in activities that are not congruent with the psychologists professional education, training and experience; A.R.S. §32-2061(16)(r), failing to obtain a client's or patient's informed and written consent to release personal or otherwise confidential information to another party unless the release is otherwise authorized by law; and A.R.S. §32-2061(16)(dd), violating an ethical standard adopted by the Board as it pertains to sections 2.01 (Boundaries of Competence) and 3.10 (Informed Consent) of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct.

Dr. Stewart provided a summary of the Complaint stating that the Father of the Daughter filed the Complaint, the daughter being Dr. Moler's patient and Mother and Father of Daughter have joint legal custody. Dr. Moler wrote a letter of support for legal emancipation for the Daughter who was 15 at the time. Father alleges that Dr. Moler's letter harmed the Daughter and deteriorated the relationship Father had with Daughter. Father stated that Dr. Moler shared emails between him and Dr. Moler with Daughter and that the Court appointed guardian ad litem. Dr. Moler subsequently received a subpoena from the guardian ad litem to testify in Court. The Court ultimately denied Daughter's emancipation. Father alleges that the letter of support from Dr. Moler was unsolicited. Father stated that neither he nor the Mother were involved in Daughter's sessions with Dr. Moler. Father stated that Dr. Moler spoke with the guardian ad litem and that Dr. Moler billed him and Mother. He stated his concerns that Dr. Moler has no experience working in emancipation cases with minors.

Dr. Moler responded timely to the complaint notification and in doing so stated that Daughter's diagnosis was made by a previous therapist within her employment agency. Dr. Moler stated that she took over the case due to the previous therapist conducting sessions virtually. Dr. Moler affirmed that Mother signed a patient services agreement for Daughter's sessions and that Father did not sign a service agreement for the Daughter. Dr. Moler stated that she shared Daughter's treatment plan with Father and Mother. Dr. Moler stated that Father insisted that Daughter's treatment plan be very specific but Mother disagreed with Father. Dr. Moler stated that she offered to meet with Father but received no response. Dr. Moler confirmed that she did not initiate emancipation conversations with Daughter. On August 31, 2022, Dr. Moler held a termination session to refer the Daughter to a different therapist. Dr. Moler believed that Father fractured her patient relationship with Daughter.

Ms. Michaelsen stated that CSC expressed concern that Dr. Moler opined on Daughter's emancipation case, that Dr. Moler wrote a letter of support for Daughter's emancipation but does not have any experience with emancipation cases of minors, that Dr. Moler inserted herself in a forensics case but does not have forensic experience and that Dr. Moler did not obtain both Father and Mother's written consent prior to treating Daughter.

The Complainant, J.D., was present. J.D. reiterated that Dr. Moler knew that he and Daughter already had a strained relationship and Dr. Moler further strained his relationship with Daughter by sharing private emails between him and Dr. Moler with Daughter. Father stated that Dr. Moler did not have his permission to speak with the guardian ad litem. Father stated that he did receive a bill from Dr. Moler for her time speaking with the guardian ad litem. Father refuted the bill stating that Dr. Moler did not have a signed release and Dr. Moler subsequently removed the charges. Father stated that Dr. Moler was considered an expert witness in Court during Daughter's emancipation hearing. Father stated that there was a Court

appointed forensic psychologist appointed to Daughter's case and Dr. Moler questioned the Court appointed forensic psychologist's recommendations. Ms. Shreeve confirmed with J.D. that he did not sign consent for Dr. Moler to treat Daughter. Ms. Shreeve asked J.D. if he was included in any sessions with Daughter. J.D. stated that he was not included in sessions with Daughter and Dr. Moler. Ms. Shreeve asked if Dr. Moler shared concerns with Daughter with him or Mother. J.D. said Dr. Moler occasionally shared concerns such as Daughter is showing anger issues. Ms. Shreeve asked J.D. if he knew that Dr. Moler would be testifying in Court. J.D. stated that Dr. Moler was on the guardian ad litem's list of witnesses.

Dr. Moler and her attorney, Joe Schenck, Esq., were present, requested to speak and made statements. Mr. Schenck stated that some of J.D.'s statements are misleading. Mr. Schenck stated that Daughter was referred to Dr. Moler through her employer because Dr. Moler provided in-person sessions; the previous provider is employed at the same employer as Dr. Moler but only provides virtual sessions. Mr. Schenck stated that the original paperwork executed with the previous therapist was signed by Mother and Mother indicated that she did not need Father's consent. Mr. Schenck said that J.D. did have an initial session with Dr. Moler to go over Daughter's goals and treatment in therapy. Mr. Schenck stated that J.D. frequently took Daughter to the therapy sessions with Dr. Moler which indicated that he was an active part in Daughter's therapy. Mr. Schenck stated that the bill J.D. received for Dr. Moler speaking with the guardian ad litem was issued by mistake by Dr. Moler's employer. Mr. Schenck stated that Dr. Moler never initiated emancipation conversations with Daughter. Mr. Schenck confirmed that Dr. Moler noted throughout her patient notes that she does not have experience with emancipation cases. The guardian ad litem spoke for Daughter and the guardian ad litem requested to speak with Dr. Moler regarding Daughter's emancipation. The guardian ad litem indicated that Dr. Moler could be subpoenaed if she refused to speak with guardian ad litem. Mr. Schneck stated that the letter that Dr. Moler wrote regarding Daughter's emancipation was meant for the guardian ad litem. Mr. Schneck stated that Dr. Moler was subpoenaed to testify in Court. Additionally, Mr. Schneck stated that Dr. Moler did consult in this case and determined that she was not inserting herself as a forensic psychologist. Mr. Schneck further stated that since this complaint Dr. Moler's employer has revised its intake policies for minors. Additionally, Mr. Schneck stated that Dr. Moler has voluntarily enrolled in continuing education courses specific to forensic cases.

Dr. Moler stated that when she first met with J.D., Mother and Daughter it was made clear that neither J.D. nor Mother wanted family therapy. Rather, her role was to provide therapy to Daughter. Dr. Moler stated that she only shared one or two emails with Daughter. Dr. Moler stated that she discontinued sharing emails with Daughter at the request of J.D. Dr. Moler stated that she only testified in Court as a fact witness as she only made statements regarding Daughter's diagnosis. She affirmed that she made it clear that she was not a forensic psychologist and could not speak on the emancipations or custody issues. Dr. Stewart asked Dr. Moler if she asked the Judge to Order her to testify; she replied that she did request the Judge to Order her to testify. Dr. Stewart asked Dr. Moler if she asked the Judge to have Mother and J.D. Order her to testify. Dr. Moler answered that she did not. Dr. Stewart asked Dr. Moler about her consulting with other professionals relative to this matter. Dr. Moler indicated she did not. Dr. Meier asked Dr. Moler if she asked Mother about the signed consent in which Mother indicated that there were legal documents. Dr. Moler said she did not as the previous therapist had reviewed the paperwork. Dr. Meier asked Dr. Moler if she inquired whether there were custody proceedings with Mother or J.D. Dr. Moler indicated that she did not inquire about custody proceedings. Dr. Meier asked Dr. Moler why she abruptly terminated therapy with Daughter. Dr. Moler stated that she felt that she could no longer provide adequate therapy to Daughter, and indicated that both Mother and J.D. made statements that made her feel uncomfortable. Additionally, Dr. Moler believed that Daughter would benefit from EMDR but she is not certified in EMDR. Ms. Shreeve asked Dr. Moler about her Court testimony regarding her understanding of emancipation and whether Daughter could care for herself. Dr. Moler stated that she did have conversations with Daughter regarding what it means to be an adult but her Court testimony was regarding Daughters therapy and diagnosis. Dr. Caterino asked Dr. Moler whether she talked with Mother about other clients. Dr. Moler said she never spoke with Mother about other patients other than Daughter. Dr. Caterino asked Dr. Moler to explain how she provided therapy to Daughter; in response Dr. Moler described her approach. Dr. Caterino asked if she gave feedback to Mother or J.D. Dr. Moler affirmed that she did provide feedback. Dr. Stewart asked Dr. Moler about her

testimony. Dr. Moler stated that she tried to only address Daughter's therapy in her testimony and to not provide feedback on Daughter's emancipation case or on custody.

The Board deliberated the case. Dr. Stewart opined that the Dr. Moler's employment agency should take some responsibility for not acquiring both J.D. and Mother's signature for Daughter's therapy. Dr. Stewart opined on the details of forensic cases. Dr. Stewart acknowledged that Dr. Moler and Dr. Moler's employment agency has taken some corrective action. Dr. Stewart opined that damage has been done in this case. Dr. Meier stated that it was the responsibility of Dr. Moler to review previous paperwork and informed consent prior to treating Daughter. Dr. Meier expressed concern that Dr. Moler wrote a letter of support in Daughter's emancipation request to the guardian ad litem. Dr. Meier expressed concern with Dr. Moler's termination of the Daughter's therapy. Dr. Caterino agreed with Dr. Meier's concern regarding Dr. Moler's termination of therapy with the Daughter. Mr. Dynar acknowledged that the Judge did Order Dr. Moler to testify in Court. Mr. Schneck clarified that Dr. Moler's attorney at the time the subpoena was issued encouraged Dr. Moler to not testify.

MOTION: Dr. Stewart moved to issue a non-disciplinary Order for continuing education prescribing that Dr. Moler shall complete six hours of continuing education in forensic psychology. The continuing education is in addition to the required amount of continuing education for license renewal.

SECOND: Dr. Mellott.

The Board discussed whether Dr. Moler's treatment of Daughter further deteriorated the relationship with Daughter and J.D. Board members discussed whether there were clear violations of statute.

Dr. Stewart withdrew his motion and Dr. Mellott withdrew her second.

MOTION: Ms. Shreeve moved to offer Dr. Moler a Consent Agreement and Order for completing continuing education that include violations of A.R.S. §32-2061(16)(r)(g)(dd). Specifically, Dr. Moler shall complete six hours of continuing education in forensic psychology and six hours of continuing education in ethics. The continuing education shall be in addition to the continuing education required for license renewal. Dr. Moler shall complete the continuing education within twelve months of the effective date of the Consent Agreement and Order. The continuing education shall be preapproved by the Board's Executive Director. Dr. Moler will be responsible for all costs associated with the Consent Agreement and order. If Dr. Moler does not accept the Consent Agreement and Order then this matter will be forwarded to an Informal Interview, which will be held at a future meeting date.

SECOND: Dr. Stewart.

ROLL CALL VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Dr. Meier, Ms. Shreeve and Dr. Stewart. The following Board members voted not in favor of the motion: Mr. Dynar, Dr. Mellott and Mr. Wynn

VOTE: 5-yay, 3-nay, 0-abstain, 0-recuse.

MOTION PASSED.

B. Complaint No. T-23-01, Michael Moates

Chairman Davey provided a summary to the Board stating that the Board received information that Mr. Moates may be practicing behavior analysis without being licensed. In May 2022, Mr. Moates was approved on an emergency temporary basis to practice behavior analysis in Arizona as he is licensed in two other jurisdictions as a behavior analyst. Board staff later learned that the two jurisdictions that Mr. Moates is licensed as a behavior analyst in do not require individuals to be certified by the Behavior Analyst Certification Board (BACB), however Arizona requires that a behavior analyst be certified by the BACB. Mr. Moates was then informed of Arizona's requirements. Chairman Davey stated that Mr. Moates website

uses the term “psychologist” and indicates that he is a behavior analyst. Additionally, Mr. Moates website indicates that he is licensed in several different professions. Mr. Moates responded stating that he is entitled to use the term “psychologist” and that he is authorized to practice behavior analysis. Chairman Davey provided the Board its options in this matter. Dr. Mellott confirmed that Mr. Moates is not licensed in Arizona to practice behavior analysis or psychology. Ms. Galvin clarified that Mr. Moates did make changes to his website after receiving correspondence from the Board. Chairman Davey clarified that Mr. Moates emergency temporary license is no longer valid therefore he is no longer licensed to practice in Arizona. Ms. Paakkonen stated that all emergency temporary licenses expired on January 1, 2023. Ms. Galvin stated that it appears that Mr. Moates practices in other jurisdictions under State law exemptions. It was the consensus of the Board to direct Board staff to send an advisory letter to Mr. Moates.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR SUPERVISED TEMPORARY LICENSE AND APPROVAL TO TAKE THE EPPP (PARTS 1 & 2) AND ADDITIONAL INFORMATION REQUESTED BY ARC FROM ALBERT LEDET, PSY.D.

Dr. Mellott provided a summary of Dr. Ledet’s application. Dr. Mellott stated that the Board’s Application Review Committee (ARC) reviewed Dr. Ledet’s application and requested additional information including a detailed employment history from 2014 to the present. Dr. Mellott indicated that Dr. Ledet was a licensed substance abuse counselor and his license was revoked for failure to report a prior driving under the influence charge. Dr. Mellott stated that since Dr. Ledet’s license as a substance abuse counselor was revoked he has worked through issues and earned his doctorate degree. Dr. Mellott stated that there were many letters of support submitted with Dr. Ledet’s application. Dr. Ledet was present and stated that his last driving under the influence charge was in 2003. Dr. Mellott stated that Dr. Ledet’s application meets the requirement of statute and rule.

MOTION: Dr. Mellott moved to go into Executive Session to obtain confidential legal advice from the Board’s attorney.

SECOND: Chairman Davey.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Mellott, Dr. Meier, Ms. Shreeve Dr. Stewart and Mr. Wynn.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

The Board met in Executive Session from 4:05 p.m. to 4:32 p.m. Open session reconvened at 4:32 p.m.

Chairman Davey stated that there are concerns with prior incidents that occurred with Dr. Ledet’s substance abuse counselor license at the Arizona Board of Behavioral Health Examiners. Chairman Davey acknowledged that there have been no incidents since 2011. Dr. Mellott asked Dr. Ledet to describe what he has learned since 2014. Dr. Ledet stated that he has learned a lot about being a professional and has gained a lot of resources during his education. Dr. Ledet explained that he does have peers that he consults with. Dr. Ledet stated that he worked in a few professions since 2014 and has determined that becoming a psychologist is his ultimate goal. Dr. Mellott asked Dr. Ledet if his postdoctoral supervisor is aware of Dr. Ledet’s past behavior. Dr. Ledet confirmed that his postdoctoral supervisor is aware. Dr. Ledet stated that his postdoctoral supervisors are very reputable and his postdoctoral supervision is closely monitored. Mr. Dynar noted that temporary licensure is a supervised license.

MOTION: Mr. Dynar moved to approve Dr. Ledet’s application for temporary licensure and approval to sit for the EPPP.

SECOND: Dr. Mellott.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Mellott, Dr. Meier, Ms. Shreeve Dr. Stewart and Mr. Wynn.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

17. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED LEGISLATION INCLUDING, BUT NOT LIMITED TO: HB2046, HB2144, HB2190, HB2254, HB2377, HB2429, HB2517, HB2529, SB1248, SB1255, SB1270, SB1333, SB1386, SB1457, SB1513, and SB1523

Ms. Paakkonen provided a brief summary on HB2046. The bill is scheduled for the Senate Rules Committee. Ms. Paakkonen stated that three people registered in favor of the bill and eleven people have registered against the bill. Ms. Paakkonen indicated that the Board needs more support for the bill. Ms. Paakkonen will keep the Board updated.

18. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING IN-PERSON MEETING DATES FOR 2023

The Board tabled this item for a future meeting.

19. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING BOARD MEMBER AND STAFF PARTICIPATION IN THE ASPPB'S 2023 MIDYEAR MEETING (APRIL 27-30, 2023 IN DENVER, COLORADO)

Ms. Paakkonen stated that the Board has funds to send four individuals to the Association of State and Provincial Psychology Boards (ASPPB) mid-year meeting. Ms. Paakkonen indicated that she will be speaking at the meeting and it would be appropriate for the Board Chair to attend the meeting. Ms. Paakkonen indicated that Dr. Stewart and Dr. Medina expressed interest in attending the meeting. Ms. Paakkonen stated that it may be possible to have another Board member or Board staff person to attend the meeting.

MOTION: Mr. Shreeve moved to send Chairman Davey, Dr. Stewart, Dr. Medina and Ms. Paakkonen to ASPPB's mid-year meeting.

SECOND: Mr. Dynar.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Mellott, Dr. Meier, Ms. Shreeve Dr. Stewart and Mr. Wynn.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

20. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION WITHDRAWAL REQUEST FROM COURTNEY ERKER, M.ED.

Ms. Paakkonen provided a summary stating that Ms. Erker originally filed a Telehealth Registration application to practice behavior analysis in Arizona. Subsequent to filing the Telehealth Registration application Ms. Erker opted to submit an application for a regular behavior analysis license in Arizona. Ms. Paakkonen stated that Ms. Erker is requesting that her Telehealth Registration application be withdrawn and to use the funds for the Telehealth Registration application for her regular behavior analysis application.

MOTION: Dr. Mellott moved to allow Ms. Erker to withdraw her Telehealth Registration Application and to allow Board staff to use the funds from the Telehealth Registration application for the regular behavior analyst application.

SECOND: Dr. Stewart.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Mellott, Dr. Meier, Ms. Shreeve Dr. Stewart and Mr. Wynn.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

21. NEW AGENDA ITEMS FOR FUTURE MEETING

Dr. Meier requested that an item regarding cultural competency continuing education be placed on a future agenda.

22. ADJOURNMENT

MOTION: Dr. Stewart.

SECOND: Dr. Meier.

VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Mellott, Dr. Meier, Ms. Shreeve, Dr. Stewart and Mr. Wynn.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

The meeting adjourned at 4:56 p.m.

Respectfully submitted,



Aditya Dynar, Esq.
Secretary