



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
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KATIE HOBBS
Governor

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

Regular Session Meeting Minutes

Held virtually via Zoom on April 19, 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 7:03 a.m.

2. ROLL CALL

The following Board members participated in the virtual meeting: Chairman Davey, Dr. Davis-Wilson, Mr. Dynar, Dr. Medina, Dr. Meier, Dr. Mellott, Ms. Shreeve, Dr. Stewart and Mr. Wynn.

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, and Zakiya Mallas, Licensing Specialist.

3. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION PERTAINING TO COMPLAINT NO. 23-47 FOR ASPEN GRANT, M.ED., INCLUDING BUT NOT LIMITED TO, THE POSSIBLE SUMMARY SUSPENSION OF HER LICENSE TO PRACTICE BEHAVIOR ANALYSIS, REFERRAL TO FORMAL HEARING, OR OTHER ADMINISTRATIVE REMEDIES AVAILABLE TO THE BOARD

Ms. Michaelson advised the Board that Ms. Grant was issued her behavior analyst license by the Board in 2020. On April 11, 2023, the Board received a complaint against Ms. Grant from LB, her former supervisor at the agency where Ms. Grant was employed until recently. The complaint alleged that on the morning of April 11 the agency's Operation Manager entered Ms. Grant's office to find her asleep at her desk and smelling strongly of alcohol. When Ms. Grant did not respond to her name being called, LB was contacted. Upon entering Ms. Grant's office, LB called Ms. Grant's name and again there was no response. LB also reported Ms. Grant's office smelling of alcohol. Ms. Grant only awoke after LB nudged her, and she took longer than normal to respond and mumbled unintelligibly. Ms. Michaelson explained that after LB returned from speaking with agency leadership regarding the situation, Ms. Grant was observed following her client through

the hallway, stumbling and slurring her words. It was determined that Ms. Grant had been providing services the client for approximately 18 minutes in a room in which no one else was present.

Ms. Michaelsen reported that Ms. Grant was directed to return to her office, pack her belongings and prepare to leave the premises. Agency staff called an Uber to transport Ms. Grant to her home. Five minutes after staff escorted Respondent to the Uber, a staff member was notified by the Uber driver that Ms. Grant had terminated the trip. Shortly after that, she was observed returning to the agency's parking lot and getting into her car and driving away. Staff then called police to report a suspected impaired driver, however agency staff never received any follow-up call or correspondence from the police department. Ms. Grant was terminated on April 12th for violating the agency's policy of arriving at the workplace under the influence of alcohol. Additionally, an incident report submitted to the Board indicated that at approximately 9:00 a.m. on April 11th, a colleague reported that Ms. Grant contacted her and stated that she needed help as she admitted she had consumed alcohol that morning before coming to work.

Ms. Michaelsen noted that when Ms. Grant was interviewed by Board staff on April 12th regarding the allegations, much of the information that she provided in response to questions contradicted information obtained during the investigation. Additionally, some statements made in Ms. Grant's April 16th written response to the notice of complaint contradict statements made to Board staff during the April 12th interview. Specifically, Ms. Grant stated during this interview that she does not consume alcohol on weekdays and that the last time she had consumed alcohol was the weekend prior to the events of April 11. However, in her subsequent written statement on April 16th, she indicated that, "I did consume an alcoholic beverage on Monday evening. I apologize for not including this in my original statement. However, as this was a small amount of alcohol, I did not register its importance when I was contacted by the board as enough alcohol to impair me or react with my medicine."

Ms. Michaelsen reported that, on April 17th, the Board received results of a urine alcohol and drug screen that Ms. Grant took the afternoon of April 12th, at the request of Board staff during the interview. That test was positive for alcohol. She advised the Board that the purpose of the emergency meeting is to determine if emergency action is necessary to protect the public health, safety and welfare of Arizonians or if other administrative options should be exercised.

LB was present for the review of the matter and she agreed to address the Board's questions. She indicated that while she cannot affirm that there were other instances of this behavior on the part of Ms. Grant, her personnel file contains documentation that suggests this was not an isolated event. LB stated that the child who was with Ms. Grant was unharmed, and clarified that a Registered Behavior Technician (RBT) was present and providing the direct care under Ms. Grant's supervision. LB clarified that Ms. Grant was not alone with the client, as the RBT was present.

Other agency staff members SS, KU, HN-G, KF, and KW were present for the review of the investigation and addressed questions posed by Board members. KF identified herself as the person who first observed that Ms. Grant has appeared to be intoxicated at work. KW identified herself as the individual to whom Ms. Grant stated she had consumed alcohol that morning prior to arriving at work.

Ms. Grant was present for the review of the matter, and indicated she does not have an attorney. In introducing herself, she mentioned some medical diagnoses for which she attributed her treating medication as affecting her condition that morning. She stated she would never intentionally put another individual in harm's way. The Board asked her the contradictory statements she made in her interview with Board staff relative to those that she made in her written response to the complaint. Ms. Grant responded that the phone call from Board staff caught her off guard, and that omissions she made were not intentional or meant to mislead.

MOTION: Dr. Stewart moved to meet in Executive Session for the purpose of discussing confidential health information and also to receive legal advice.

SECOND: Mr. Dynar

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

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

The Board met in Executive Session from 7:28 a.m. to 8:23 a.m.

Upon resuming the meeting in public session, the Board discussion reflected that there were some significant inconsistencies between statements made by the licensee relative to her earlier responses, and to the statements made by her former colleagues. Other comments made to the Board were vague. Given this, concerns were articulated that the record has established Ms. Grant may be unfit to practice at this time and that her fitness for duty must be evaluated in order to determine what level of risk she may present to the public. Ms. Galvin assured the Board that an evaluator would be supplied with the entire investigative record.

In response to Ms. Galvin's questions, the Board affirmed that immediate action concerning Ms. Grant's license is necessary in order to protect the health, safety, and welfare of the public. The Board also affirmed reviewing the proposed findings of fact and conclusions of law she drafted for consideration (finding of fact 5 will be amended).

MOTION: Dr. Stewart moved to offer Aspen Grant an interim consent agreement adopting the findings (as amended) and the conclusions, along with a suspension of her license during which time she is required to submit to a substance abuse and fitness for duty evaluation, the results of which will be reviewed by the Board at a future date; failure to sign the interim consent agreement within seven days will result in the summary suspension of her license.

SECOND: Dr. Medina

ROLL CALL VOTE: The following Board members voted in favor of the motion: Chairman Davey, Dr. Davis-Wilson, Mr. Dynar, Dr. Medina, Dr. Mellott, Dr. Meier, Ms. Shreeve, Dr. Stewart and Mr. Wynn. 9-yay, 0-nay, 0-abstain, 0-recuse.

4. ADJOURNMENT

MOTION: Dr. Stewart moved to adjourn the meeting.

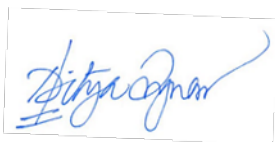
SECOND: Mr. Dynar

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

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

The meeting adjourned at 8:33 a.m.

Respectfully submitted,



Aditya Dynar, Esq.

Secretary