



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
REGULAR SESSION MINUTES
January 6, 2023 - 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

Committee Members Present

Donald Stenhoff, Ph.D., BCBA-D

Bryan Davey, Ph.D., BCBA-D

Diana Davis-Wilson, DBH, BCBA (*joined the meeting at 11:10 a.m.*)

Tisha Denton, M.Ed., BCBA

Paige Raetz, Ph.D., BCBA-D

Committee Members Absent

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 staff to assemble a substantial amount of materials for this meeting. He thanked Ms. Galvin for providing the Committee with legal advice and support. He also commended the Committee for their diligence in preparing for this meeting. Finally, he thanked the Committee members for their service as a new year begins.

- **Continuing Education Credit for Maintenance of BACB Certification**

Dr. Stenhoff announced that the Board of Psychologist Examiners is approved by the Behavior Analyst Certification Board (BACB) as an ACE continuing education provider. To claim credit, attendees are to make note of the code words provided hourly throughout the meeting. A code word reporting form is posted on the Board's Meetings page.

4. APPROVAL OF MINUTES

- **December 2, 2022 Regular Session Minutes**

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

VOTE: The motion was approved 3-0 (Ms. Denton and Dr. Raetz recused from this vote).

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

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

Dr. Stenhoff reviewed the Committee's complaint review process. Ms. Denton and Dr. Davey disclosed for the record their previous working relationships with the complainant; in doing so they both indicated they have not had any contact with this individual for five years or more and are able to review this case objectively. It was also noted that Dr. Davis-Wilson is recused from this matter. Ms. Denton summarized the allegations consisting of concerns submitted by complainant JP that while employed at Hopebridge the licensee directed the behavior technicians under her direction to utilize an inappropriate toileting protocol with a minor client, and to keep that instruction confidential. She noted at the possible jurisdiction for these the allegation as A.R.S. § 32-2091(12)(o), providing services that are unnecessary or unsafe or otherwise engaging in activities as a behavior analyst that are unprofessional by current standards of practice, and also (dd), violating an ethical standard adopted by the board. Ms. Denton identified the components of the client's clinical record comprising a portion of the investigation.

Ms. Denton summarized Ms. Brown's response to the complaint in which she refutes all allegations; in doing so, she stated there was no such protocol for the alleged allegation, written or otherwise.

JP indicated he was present for the review of the complaint and agreed to answer questions. Ms. Brown and her attorney, Sara Stark, were also present. Ms. Stark made a brief statement in which she stated that the allegations are patently false, there is no documentation to support them, and Ms. Brown categorically denies all of the conduct of which she is accused. In response to questions posed by the Committee, JP stated the instructions in question had been in place for some time and reportedly were passed from technician to technician. JP indicated that certain materials allegedly used with the client were handed over to the Glendale Police Department. He also reported having learned that there was disagreement on the part of the technicians on the use of the alleged protocol. JP indicated this was turned over to Human Services to conduct the internal investigation, but he does not know the status or outcome. He affirmed that Ms. Brown was the sole BCBA supervisor of the technicians who provided direct services to the client. He was unable to explain how this concern went unreported for an extended period of time. He also affirmed that in addition to reporting the concerns to the Glendale Police Department, they were also forwarded to the Department of Child Safety, neither of which have concluded to his knowledge. JP was unable to explain why the client record did not reflect any of this reporting.

In response to a question, Ms. Brown affirmed that the client involved is fully toilet trained and is able to articulate the need to use the toilet. Ms. Stark advised the Committee that her client will be unable to answer questions specific to the newly disclosed information about the previously mentioned external investigations. Ms. Brown denied the use of all instances and examples of the alleged protocols mentioned in the complaint.

The Committee deliberated the case, noting the difficulty in formulating a referral to the Board of Psychologist Examiners in the absence of having completed reports on the external investigations.

MOTION: Dr. Davey moved to meet in Executive Session for the purpose of receiving legal advice. Dr. Raetz seconded the motion.

VOTE: The motion was approved 4-0.

The Committee met in Executive Session from 10:06 am to 10:12 am.

Upon resuming the meeting in public session, the Committee discussed directing staff to issue a subpoena to the Glendale Police Department for all records concerning their investigation into this matter. Additionally, staff was directed to request or subpoena from Hopebridge the outcome of their related internal investigation, as well as their protocols for client toileting and hygiene for center-based services.

MOTION: Ms. Denton moved to direct staff to table the review of this case and to direct staff to obtain the information described above. Dr. Raetz seconded the motion.

DISCUSSION: The discussion noted that this course of action extends the adjudication process, but it is essential to ensure an outcome that is fully informed by all available evidence.

VOTE: The motion was approved 4-0.

B. Complaint No. 23-07, Michal Eagar (Reed), M.Ed.

Dr. Davey summarized the allegation of the complaint as filed by ND to include fraudulent billing, physical punishment and restraint of students, dual relationships, and violations of the ethical code. He noted that Ms. Eagar's response to the complaint denied the allegations of abuse and restraint, and provided an explanation relative to her limited ability with respect to oversight of billing practices once she had submitted her charges, and the reforms she requested to this process that were not implemented by the school. The response also addressed her taking responsibility for failing to renew her license prior to its expiration and the period of unlicensed (citing a number of personal challenges she has been experiencing in the months prior to the deadline), and the due diligence she subsequently completed by notifying payers of this situation.

ND was not present for the review of this complaint. Ms. Stark introduced herself as counsel for Ms. Eagar who was also present. On behalf of her client, Ms. Stark stated Ms. Eagar denies all of the allegations with the exception of having practiced for a period of time while unlicensed. She noted that Ms. Eagar accepts the responsibility for this oversight and will do whatever is necessary to demonstrate to the Board she will not allow this to happen again in the future.

In response to Committee questions, Ms. Eagar indicated that she has not yet been contacted by any of the payers to whom she reported.

MOTION: Dr. Davey moved to meet in Executive Session for the purpose of receiving legal advice. Ms. Denton seconded the motion.

VOTE: The motion was approved 4-0.

The Committee met in Executive Session from 10:28 am to 10:33 am.

Upon resuming the meeting in public session, Ms. Eagar was asked to describe the billing workflow process used by the school during the time she was employed there. She indicated that the system would not have allowed her to perform the activities alleged in the complaint. Ms. Eagar also described some of the modifications that were made to ND's employment in order to accommodate some health issues, and that were a result of an altercation between ND and other employee. When asked to elaborate on her failure to renew her license prior to its expiration, Ms. Eagar indicated she had changed her email address and failed to notify the Board of this, and she has mistakenly assumed her license expired in August and not April. She stated she immediately ceased practicing and sought assistance from Board staff with respect to applying to reinstate her license. Given her suspicions that her employer would continue to bill for her services, she gave her two-week resignation notice and was immediately locked out of the management system.

During the deliberation of this case, an observation was made that there is a lack of substantiation for the fraudulent billing allegations; ND's absence from this review and the lack of response from the insurance

companies does not bring any clarity to this matter. The Committee asked Ms. Stark if she and her client would agree to keep the Board informed of any developments with respect to the investigations, if any. She affirmed that they would comply with this request.

MOTION: Dr. Davey moved to recommend to the Board issuing to Ms. Eagar a Letter of Concern addressing practicing while her licensed was expired, and failing to notify the Board of a change of email address in a timely fashion. The motion also included a provision that all other allegations be dismissed at this time due to lack of evidence. Dr. Raetz seconded the motion.

VOTE: The motion was approved 4-0.

6. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR ANALYST APPLICANT

A. Behavior Analyst Applications for Licensure

1) Joel Garcia, 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; however, the faculty advisor listed is incorrect and the applicant will need to submit a revised answer. The Committee determined the application can be forwarded to the Board with a recommendation for approval once the correction is received.

2) Kandice Marrero, M.S.

Dr. Stenhoff disclosed that he was formerly Ms. Marrero's instructor but he is able to review this application objectively. Dr. Davis-Wilson announced that she is recused from the review and vote 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.

3) Abigail Nolasco-Galvan, 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.

4) Ryanne Willis, 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.

5) Dana Johnson, 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.

6) Jennifer Fitzpatrick, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that one of the supervisors was required by the Commonwealth of Virginia to be licensed in that state at the time the supervision was provided, but that materials submitted do not reflect she was licensed during the supervision period. The Committee directed staff to issue a FAIR letter to the applicant in order to obtain additional or clarifying information relative to this status.

7) Jocelyn Bennett, 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 with the exception of the fact that one of the supervision verification forms submitted on the applicant's behalf contains no response for question 12. The applicant was present and advised the Committee she will contact that supervisor to request she address that omission. The Committee determined the application can be forwarded to the Board with a recommendation for approval once the form is received with an affirmative answer.

8) Lily Ha, M.Ed.

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 the disclosure of a 1991 criminal matter while she was a college student, but there have been no subsequent events. Following a clarification provided by the applicant, 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.

9) Kynda Eden, 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.

10) Katherine Lantto, 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.

11) Alexandra Zachary, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that one of the supervisors does not hold licensure in the State of New York as the law requires; however, New York has at least one licensure exemption that may apply to this individual. The Committee directed staff to issue a FAIR letter to the applicant in order to obtain additional or clarifying information relative to this status.

12) Yuseinny Valle Pena, 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 with the exception of the fact that the documentation reflects her qualifying hours total 1,365, short of the required 1,500. The Committee directed staff to issue a FAIR letter to the applicant to request documentation of additional hours to address the deficit 135 hours.

13) Vianei Oros Zamudio, M.S.

Dr. Stenhoff disclosed that he was formerly Ms. Zamudio's instructor but he is able to review this application objectively. Dr. Davis-Wilson announced that she is recused from the review and vote 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.

14) Daniella Gentile, 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, with the exception of the fact

that the name of her major adviser requires correction. The Committee determined the application can be forwarded to the Board with a recommendation for approval once that correction is received.

15) Shane Manion, M.A. ()**

The Committee proceeded with a substantive review of the application which includes information supplied in response to a second FAIR. The applicant was present for the review. He responded to a question concerning some of the documented supervised experience that was submitted on his behalf. Upon review, the Committee observed that the documentation must reflect that the experience conforms to the BACB standards; specifically, the supervisor must affirm she observed he applicant having contact with a client at least once per supervision period. This information must be obtained from the applicant's most recent supervisor and can be supplied in the form of a written attestation. The Committee affirmed that should this attestation be received prior to the January 13, 2023 Board meeting, the application can undergo a final review and not have to come back to the Committee and then the Board in February.

16) Stephanie Real, 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.

17) Natalie Stevens, 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.

18) Brittany Perkins, 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.

19) Allison Kazaras, 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. It was noted that she disclosed two prior DUI incidents, both of which occurred 8 or more years ago and there have been no additional related charges. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

B. Behavior Analyst Applications for Licensure by Universal Recognition

1) NA

C. Requesting Approval for Telehealth Registration (A.R.S. § 36-3606)

1) Megan Hollister

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.

MOTION: Ms. Denton moved to forward the following applications to the Board with a recommendation for approval: Kandice Marrero, M.S.; Abigail Nolasco-Galvan, M.A.; Ryanne Willis, M.Ed.; Dana Johnson, M.S.; Lily Ha, M.Ed.; Kynda Eden, M.Ed.; Katherine Lantto, M.A.; Viane Oros Zamudio, M.S.; Stephanie Real, M.A.; Natalie Stevens, M.S.; Brittany Perkins, M.A.; Allison Kazaras, M.S.; and Megan Hollister. The motion included the provision that the following applications will also be forwarded to the board with a recommendation for approval if the noted corrections and clarifications are received prior to the next meeting: Joel Garcia, M.A.;

Jocelyn Bennett, M.S.; Daniella Gentile, M.A.; and Shane Manion, M.A. Additionally the motion directed staff to issue FAIR letters to the following applicants as reflected in the discussion: Jennifer Fitzpatrick, M.A.; Alexandra Zachary, M.A.; and Yuseinny Valle Pena, M.Ed. Dr. Davey seconded the motion.

VOTE: The motion was approved 4-0 (with the recusals noted).

7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING POTENTIAL UNLICENSED SUPERVISION PROVIDED BY CHELSEA MOORE

Ms. Paakkonen advised the Committee that during a substantive review of an application for licensure conducted on October 31, 2022, 465 hours of supervised experience were obtained under Chelsea Moore, M.A., BCBA. However, Ms. Moore has never been licensed as a behavior analyst in Arizona. She noted that Ms. Moore supplied a written explanation in response to the Committee's invitation to discuss this matter, and she agreed to attend this meeting to address questions. In response to a question, Ms. Moore affirmed that when she consented to Centria's relocating her to Arizona, she was advised by the company that it was not necessary for her to be licensed in Arizona as she would be billing as a mid-tier provider under the supervision of a licensed behavior analyst. Ms. Moore was advised that Arizona law requires behavior analysts be licensed by the Board in order to provide services. She provided a rough estimate of the number of hours that she believes she provided during that period of time; this would likely exceed the licensure exemption provision in the statute. Ms. Moore affirmed that her mid-tier arrangement is a common one with this company and that it was her uneasiness with this practice that compelled her to leave their employment.

The discussion reflected the fact that the Arizona Health Care Cost Containment System (AHCCCS) has been warned about abuse by companies of this mid-tier service model arrangement in that it is a violation of Arizona law to deliver behavior analytic services in Arizona without a license. Additionally, the members acknowledged that, based on the information that has been received, the Committee is obligated to recommend to the Board that an investigation be opened with Ms. Moore as the subject. It was further noted that BCBA's have a personal obligation to affirm whether they are required to be licensed in order to provide behavior analytic services in the state in which they are employed. Ms. Moore advised the Committee that the company has refused to supply to her the records and documentation she has requested. Board staff provided Ms. Moore with some information relative the Board's investigative process and powers.

MOTION: Dr. Davis-Wilson moved to meet in Executive Session for the purpose of receiving legal advice. Dr. Raetz seconded the motion.

VOTE: The motion was approved 4-0.

The Committee met in Executive Session from 12:27 pm to 12:39 pm.

The Committee resumed the meeting in open session.

MOTION: Dr. Davis-Wilson moved to open an investigation against Ms. Moore. Dr. Davey seconded the motion.

VOTE: The motion was approved 4-0.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REACTIVATION REQUEST FROM KAREN M. PETERSON, M.A.

Dr. Davis-Wilson indicated she is recused from this agenda item. Dr. Raetz summarized this request noting that Ms. Peterson has elected to place her license on inactive status in November of 2020. Dr. Raetz affirmed that the continuing education units completed by the applicant meet the requirements for reinstatement.

MOTION: Dr. Raetz moved to recommend to the Board the reinstatement application be approved. Dr. Davey seconded the motion.

VOTE: The motion was approved 4-0.

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING LICENSE REINSTATEMENT REQUESTS AND RECOMMENDATION TO THE BOARD:

A. Madeline Roznos, M.S. Ed.

Dr. Davis-Wilson advised the Committee that Ms. Roznos on December 15, 2022 she applied for licensure reinstatement, and in doing so has acknowledged that she failed to renew her license that expired on September 30, 2022. Given her disclosure that she practiced as a behavior analyst while unlicensed, the application must be reviewed and approved by the Board. Dr. Davis-Wilson referred the Committee to the comprehensive explanation provided by Ms. Roznos' employer relative to the remediation taken to include notifying the impacted insurers.

Ms. Roznos was present for the discussion and in response to her request, the Committee provided an explanation relative to the next steps. Faren Akins, Counsel for Ms. Roznos, thanked the Committee for addressing this matter.

B. Jessica Smith, M.S.

Dr. Davis-Wilson reported that Ms. Smith submitted a reinstatement application on December 15, 2022 upon realizing that as of November 30, 2022 her licensed had lapsed. Because she disclosed having practiced as a behavior analyst in the interim, the application must be approved by the Board. Ms. Smith was present for the review of this matter but had no questions or comments for the Committee.

MOTION: Dr. Davis-Wilson to recommend to the Board the reinstatement applications for Ms. Roznos and Ms. Smith be approved and that the Board determine whether to open complaints concerning their disclosures of having practiced while unlicensed. Dr. Raetz seconded the motion.

VOTE: The motion was approved 4-0.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ELECTION OF 2023 COMMITTEE CHAIR

Ms. Paakkonen reminded the Committee that, by statute, the Committee shall annually elect from among its members a Chair.

MOTION: Dr. Davis-Wilson nominated Ms. Denton to serve in this capacity. Dr. Stenhoff seconded the motion. Ms. Denton accepted the nomination.

VOTE: The motion was approved 5-0.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED LEGISLATION INCLUDING, BUT NOT LIMITED TO: FOLDER #674

Ms. Paakkonen reported that there are few pre-filed bills at this point in time, and none that would impact the behavior analyst statutes or regulation of behavior analysts. She indicated that Folder #674 refers to the yet-to-be-numbered bill requested by the Boar that would make revisions to only some of the psychologist statutes.

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

Ms. Paakkonen summarized recent communications issued to regulators including an announcement that the BACB has prevailed in a lawsuit against a former RBT who was accused of harvesting items from that certification examination. Additionally, the BACB has alerted states that speech-language membership associations may be seeking legislation that would restrict behavior analysts from providing certain speech-language services. No legislation of this type has been introduced in Arizona.

Ms. Paakkonen also reported to the Committee the outcome of the referral by the Board to the BACB the matter concerning Marrie Sallade. Ms. Sallade was a former supervisor of an applicant who refused to submit supervision experience verification forms to support that applicant's file; additionally, she issued a Cease and Desist order against that former supervisee. The outcome of the BACB's investigation of the ethics complaint was the issuance of an educational memorandum.

Ms. Denton departed the meeting at 1:03 p.m.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING A.R.S. §32-2091.03 AS IT RELATES TO ENSURING THE PROVISION OF SUPERVISED EXPERIENCE FOR LICENSURE IS CONSISTENT WITH THE STANDARDS OF THE BACB

Ms. Paakkonen reminded the Committee that this item was requested to appear on a meeting agenda as it relates to whether the Board has the authority to require applicants to supply information specific to the type of supervision that was provided during their training experiences. Ms. Paakkonen assured the Committee that she and Ms. Galvin will come together to research this issue and will present their recommendations on a future meeting agenda. Additionally, it was noted that the Committee and Board must remain vigilant and ensure that its statute and administrative rule language accommodates future certification requirements established by the BACB. The discussion affirmed that there are currently no concerns with the existing statute language.

14. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Acknowledging that the stakeholder meeting is scheduled for February 17, 2023, the Committee indicated that the agenda should include items specific to use of titles and title protection, the supervision verification form that likely requires revision in order to align with the BACB standards. Ms. Paakkonen affirmed with Ms. Galvin that the agenda can feature items that give the Committee broad authority to review and discuss any of the language in the statutes and rules. The Committee requested an item specific to the proliferation of licensees failing to renew on time and continuing to practice while unlicensed. Ms. Paakkonen questioned whether the agenda should include an item to allow for discussion of a potential future modification to the current regulatory construct. It was the consensus of the Committee to wait to see if stakeholders raise this issue; in the meantime, Ms. Paakkonen will prepare some analysis relative to the resources required and available.

15. ADJOURN

MOTION: Dr. Davey moved to adjourn the meeting. Dr. Davis-Wilson seconded the motion.

VOTE: The motion was approved 4-0.

The meeting concluded at 1:24 p.m.