



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
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KATIE HOBBS
Governor

HEIDI HERBST PAAKKONEN
Executive Director

Committee on Behavior Analysts
REGULAR SESSION MINUTES
February 3, 2023 - 9:30 a.m.
Held via Zoom

1. CALL TO ORDER

Ms. Denton, Committee Chair, called the meeting to order at 9:32 a.m.

2. ROLL CALL

Committee Members Present

Donald Stenhoff, Ph.D., BCBA-D (*departed the meeting at 2:31 p.m.*)

Bryan Davey, Ph.D., BCBA-D

Diana Davis-Wilson, DBH, BCBA (*joined the meeting at 11:16 a.m.*)

Tisha Denton, M.Ed., BCBA

Paige Raetz, Ph.D., BCBA-D (*departed the meeting at 2:31 p.m.*)

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**

Ms. Denton commended the Committee members for their investment of time into preparing for a very busy meeting agenda. She also thanked staff and Ms. Galvin and Ms. Galvin for all of the work involved in assembling the materials for this meeting, and for their efforts in preparing her for the Committee Chair duties.

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

Ms. Denton 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.

- **Recognition of Committee Term Completion - Tisha Denton, M.Ed.**

Committee members and staff recognized and thanked Ms. Denton for completion of her first term of services on the Committee on Behavior Analysts.

- **Recognition of Committee Term Completion - Paige Raetz, Ph.D., BCBA-D**

Committee members and staff recognized and thanked Ms. Denton for completion of her first term of services on the Committee on Behavior Analysts.

- **Recognition of Committee Term Completion - Diana Davis-Wilson., DBH, BCBA**

Committee members and staff recognized and thanked Ms. Denton for completion of her term of services on the Committee on Behavior Analysts.

4. APPROVAL OF MINUTES

- January 6, 2023 Regular Session Minutes
- January 6, 2023 Executive Session Minutes

MOTION: Dr. Stenhoff moved to approve the minutes as drafted. Dr. Raetz seconded the motion
VOTE: The motion was approved 4-0.

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

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

Ms. Denton stated for the record that Dr. Davis-Wilson is recused from this case.

Ms. Denton reviewed the complaint review procedures and the opportunities available to the parties to address the Committee. She noted that this matter was partially reviewed during the previous Committee meeting, but it was tabled in order to allow opportunity for additional investigation and information to be gathered. She described the materials recently received including agency protocols, a copy of a report from the Glendale Police Department, and the results of an internal investigation conducted at the agency where Ms. Brown was previously employed.

The complainant, JP, was present and summarized what the agency learned from its investigation into the alleged conduct. He noted that the agency has augmented its training program and modified some procedures based on its findings. The Committee posed some questions on these to the members of the agency's compliance team to obtain better clarity. Agency staff SR and ML indicated they attempted to reconstruct the timeline of events, but due to a lack of documentation and personnel departures, they were unable to do so.

Ms. Brown and her attorney, Sara Stark, were present for the review. Ms. Stark asserted that the investigative record finds no wrongdoing that can be contributed to Ms. Brown, and there is no documentation anywhere to support the allegations. In response to questions posed, Ms. Brown stated that there were no written protocols in place concerning the activity of daily living that is under scrutiny as no such protocol was necessary.

The Committee concluded the questioning and deliberated the case. While the allegations are of concern, it was acknowledged there is no evidence to support them.

MOTION: Ms. Denton moved to forward the complaint to the Board with a recommendation to dismiss. Dr. Stenhoff seconded the motion

VOTE: The motion was approved 4-0.

Ms. Michaelsen advised the Committee that this recommendation will be on the Board' February 10, 2023 agenda, and the parties will be formally and promptly notified of such.

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

Ms. Denton stated for the record that Dr. Davis-Wilson is recused from this case.

Dr. Davey summarized the allegations of the complaint to consist of concerns of alleged misrepresentations made, and incorrect terminology used, by Ms. Diab relative to a treatment plan she prepared. Specifically, the complainant expressed concerns around the evaluation approach, and the conclusions Ms. Diab arrived at that are in the treatment plan. He also summarized the response submitted by Ms. Diab in which she addressed each of the concerns with what she believes is clarifying information and corrections.

KM was present for the review of the complaint, and she elaborated on her concerns. She noted that the family did not agree to sign a release of information to allow her to reach out directly to Ms. Diab to discuss her concerns which further compelled her

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

VOTE: The motion was approved 4-0.

Upon resuming the meeting in public session, the Committee asked KM to speak to the clinical approach they take with new clients. KM explained that they attempt to obtain all prior treatment records, and in this instance, they found the records prepared by Ms. Diab to contain deficiencies and to lack the information necessary for KM to effectively resume services. A question was posed as to whether a signed release may have ameliorated her concerns; she affirmed that it may have. In response to another question, KM affirmed that she had hoped that the Board complaint would facilitate the transfer of the records, and she explained she felt she was fulfilling her ethical obligations by filing the complaint.

Ms. Diab and her attorney, Sara Stark, were present for the review of the complaint. Ms. Stark called to the Committee's attention that the basis for the complaint is based on the parents' reticence to facilitate the sharing of information. She described Ms. Diab's efforts to collaborate with the new service providers. Ms. Stark also noted that Ms. Diab has completed additional continuing education training in an effort to improve her understanding of documentation requirements. Ms. Diab affirmed that the client's father refused to sign the release of information form. She also noted that father caused several delays throughout the evaluation process. In response to Committee questions, Ms. Diab described the best practices that she has implemented in their recordkeeping processes and staff training as a result of this experience, and what she learned in the continuing education courses she completed.

The Committee's deliberation of this case acknowledged that had the parents not been reticent to foster collaboration between the two providers, this matter would not have manifested into a complaint. The Committee noted that both the complainant and the respondent appear to have demonstrated a commitment to adherence to the ethical code for behavior analysts.

MOTION: Dr. Davey moved to forward the complaint to the Board with a recommendation to dismiss. Dr. Raetz seconded the motion

VOTE: The motion was approved 4-0.

C. Complaint No. 23-17, Claire Sterling, M.S.

Dr. Stenhoff and Dr. Davis-Wilson disclosed that they were previously Ms. Sterling's instructors for her Masters program, but they both affirmed they are able to review and vote on the matter objectively. Dr. Davis-Wilson summarized the allegations. The complainant LB alleges that Ms. Sterling inappropriately provided a Chronic Health Form including a diagnosis for a student for which she is not qualified. Further, she is not qualified to provide a certification of chronic health exclusions from the school. Additionally, the form omitted her own name and her organization's name which thwarted the school's ability to contact her. In her response, Ms. Sterling asserted that she believed she had the authority to complete the form, and she did so as she believed it would be beneficial with respect to the child's treatment plan.

LB was present for the review of the complaint, and identified herself as the social worker at the school where the client child is enrolled. She referred to the chronic health form Ms. Sterling submitted concerning the child, and described its adverse impact in terms of excessive absences and truancy. LB noted that there were no indications on the part of the child to warrant the content that was recorded in the form.

Ms. Sterling was present for the review of the complaint and was accompanied by her attorney, McKenzie List. She stated that it was never her intention to supply information to the child's school that would lead to his truancy, nor did she intend to mislead anyone with respect to her credentials. She explained that this experience has taught her that the school system does not recognize a BCBA as a qualified health professional who is eligible to sign this form, and therefore she will refrain from doing so in the future. Ms. Lake stated that as a new BCBA, Ms. Sterling has acknowledged that she erred in completing the form, and will not overstep her scope of authority going forward. She also noted that Title 32 of the Arizona Revised Statutes do define a licensed behavior analyst as a health professional, even if those that govern public education in Arizona do not. She additionally stated that she will seek advice from professional mentors before making certain decisions.

Ms. Sterling responded to a series of question concerning coordination of care, observation of behaviors by the child on the part of the BCBA.

During the deliberations of the case, the Committee members articulated concerns that Ms. Sterling's conduct undermined the coordination of care for the child. It was also noted that the agency made mistakes in responding to the subpoena (including records for other clients, and initially failing to include the entire record). The discussion also reflected that this conduct raises questions relative to whether Ms. Sterling functioned within her sphere of competency within the scope of practice, especially given that she never observed the child functioning within his classrooms.

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

VOTE: The motion was approved 5-0.

Upon resuming the meeting in public session, Ms. Sterling affirmed that she has not yet been permitted by the parent to contact the school and to attend the child's care team meetings. The Committee noted that it would have been beneficial for the agency's leadership to have attended this proceeding to hear the discussion.

MOTION: Dr. Davis-Wilson moved to forward the complaint to the Board with a recommendation to consider potential violations of A.R.S. 32-2091(12)(dd) to include ethical code sections 1.03, 1.05, 2.12, 2.18, 2.19, 3.10, 3.02, 3.16, 3.11, 3.12, and 3.15; (g) engaging in duties not congruent with the training and education of a behavior analyst; and (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. The motion did not receive a second.

Ms. Galvin advised the Committee relative to the recommendation options available to the Committee.

The deliberations resumed and additional questions were posed to Ms. Sterling to inform the discussion. Sections of the code at 3.06 and 1.02 were identified as potentially having been violated. The discussion also noted that the agency may be somewhat complicit given certain established policies.

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 5-0.

MOTION: Dr. Raetz moved to forward the complaint to the Board with a recommendation to consider potential violations of A.R.S. 32-2091(12)(dd) to include ethical code sections 3.01 and 3.02; and (12)(g) and (o). Ms. Denton seconded the motion. Dr. Davey proposed a friendly amendment to remove (g); this was accepted by both Dr. Raetz and Ms. Denton.

VOTE: The motion was approved 5-0.

6. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS TO THE BOARD REGARDING LICENSE REINSTATEMENT REQUEST FROM AHTZIRY NAZARIO, M.S., AND POSSIBLY OPENING A COMPLAINT FOR UNLICENSED PRACTICE

Dr. Stenhoff and Dr. Davis-Wilson disclosed that they were previously Ms. Nazario's instructors for her Masters program, but they both affirmed they are able to review and vote on the matter objectively. Dr. Davis-Wilson stated that Ms. Nazario's license expired on November 30, 2022, but she submitted her license reinstatement application on December 29, 2022; in doing so, she disclosed that she continued to practice while unlicensed during the month of December.

MOTION: Dr. Davis-Wilson moved to recommend to the Board approval of the reinstatement application, and also to consider whether to open a complaint concerning the unlicensed practice. Dr. Stenhoff seconded the motion.

VOTE: The motion was approved 5-0.

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

A. Behavior Analyst Applications for Licensure

1. Jaimie Moore, 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, there is an inconsequential math error and a discrepancy. The Committee determined the application can be forwarded to the Board with a recommendation for approval once the applicant makes the corrections.

2. Kylie Leifson, 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. Jacob Tyra, 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.

4. Marcy Fibrow, 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.

5. Amanda Zahlmann, 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. Megan Wilhelmy, 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, however her drivers license does not match that which is listed on her application. The Committee determined the application can be forwarded to the Board with a recommendation for approval once documentation of the correction is received.

7. Sheila Hartley, 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.

8. Shabnam Razawi, 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 applicant erroneously indicates a former supervisor is licensed in California. The Committee determined the application can be forwarded to the Board with a recommendation for approval once documentation of the correction is received.

9. Kimberly Becker, 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.

10. Lindsey Renshaw, 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 a former supervisor, Katherine Kelso, has been non-responsive to the applicant's requests to submit verification documentation on her behalf. The Committee directed staff to subpoena Ms. Kelso to compel her attendance at the next meeting, and to submit the documentation, and to issue a FAIR to the applicant.

11. Courtney Erker, 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.

12. Yuseinny Valle Pena, M.Ed. (*)

The Committee proceeded with a substantive review of the application noting that the applicant has responded to a FAIR concerning the pro-ration of her hours in order to ascertain whether she has exceeded the 130 hours of supervised experience permitted per month. The Committee noted that the materials submitted are now complete and fulfil the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

13. Shenandoah Tallman, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

14. Nicole Lane, 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 there is a

date entry error concerning the examination date, and transposition of some supervised experience dates. The Committee determined the application can be forwarded to the Board with a recommendation for approval once documentation of a correction has been received.

15. Zoe Lockwood, M.S.

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

VOTE: The motion was approved 5-0.

Upon resuming the meeting in public session, the Committee proceeded with a substantive review of the application. Upon review, the Committee noted that one of the applicant's former supervisors become licensed several months after providing the supervision. Notwithstanding this, 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.

16. Alberto Valenzuela, 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. Derek Lopez, 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 one clerical error concerning an incomplete date. The Committee determined the application can be forwarded to the Board with a recommendation for approval once the correction is received.

18. Moganapriya Lakshmi pathi, M.B.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. Alisha Peterson, 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.

20. Courtney Brown, 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 applicant disclosed a prior DUI in 2015 and appropriately submitted all the required documentation associated with the event, including evidence of having successfully completed all sentencing terms. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

21. Brooke Jacquez, 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.

B. Behavior Analyst Applications for Licensure by Universal Recognition

1. Tialha Nover, 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.

- *First Formal Additional Information Request
- ** Second Formal Additional Information Request

MOTION: Dr. Stenhoff moved to forward the following applications to the Board with a recommendation for approval: Kylie Leifson, M.Ed.; Jacob Tyra, M.S.; Marcy Fibrow, M.A.; Amanda Zahlmann, M.S.; Sheila Hartley, M.S.; Kimberly Becker, M.S.; Courtney Erker, M.Ed.; Yuseinny Valle Pena, M.Ed.; Shenandoah Tallman, M.A.; Zoe Lockwood, M.S.; Alberto Valenzuela, M.A.; Moganapriya Lakshmipathi, M.B.A.; Alisha Peterson, M.S.; Courtney Brown, M.A.; and Brooke Jacquez, M.Ed. The motion included a provision that the applications for Jaimie Moore, M.A.; Megan Wilhelmy, M.Ed.; Shabnam Razawi, M.A.; Nicole Lane, M.A.; and Derek Lopez, M.A. will also be forwarded once the identified corrections have been received, and applicant Lindsey Renshaw, M.S. will be issued a FAIR as reflected in the discussion. Dr. Raetz seconded the motion.
VOTE: The motion was approved 5-0.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING SUPERVISION SERVICES PROVIDED TO ARIZONA APPLICANT BY TARAGENE MIJARES

Ms. Paakkonen advised the Committee that earlier in the meeting she emailed Ms. Mijares to inquire into her attendance as she had previously confirmed. Ms. Mijares responded a short time ago with an indication she now cannot step away from work to attend. The Committee discussed issuing a subpoena to compel Ms. Mijares to appear during the March 3, 2023 meeting.

MOTION: Ms. Denton moved to issue a subpoena to Ms. Mijares to compel her to attend the March 3, 2023 meeting, and also to subpoena the supervision contract between Ms. Mijares and the applicant whose file called attention to this matter. Dr. Davis-Wilson seconded the motion.
VOTE: The motion was approved 3-0.

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

Ms. Denton summarized the request submitted by Ms. Erker who had applied for the Telehealth Registry practice authorization. Upon learning of the application requirements, she elected to instead submit an application for licensure, and to request the Telehealth Registry application be withdrawn. Ms. Paakkonen requested the Committee also recommend to the Board the Telehealth Registry application fee be transferred to the regular application with the balance to be refunded.

MOTION: Ms. Denton moved to recommend to the Board the acceptance of Ms. Erker's request to withdraw her application and to transfer the application fee. Dr. Davis-Wilson seconded the motion.
VOTE: The motion was approved 3-0.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED LEGISLATION INCLUDING, BUT NOT LIMITED TO: HB2046, HB2144, HB2190, HB2254, HB2377, HB2429, HB2517, HB2529, SB1087, SB1248, SB1255, SB1270, SB1333, SB1386, SB1457, SB1513, and SB1523

This item was not addressed and will be placed on the March 3, 2023 meeting agenda.

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

This item was not addressed and will be placed on the March 3, 2023 meeting agenda.

12. NEW AGENDA ITEMS FOR FUTURE MEETINGS

No items were suggested

13. ADJOURN

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

VOTE: The motion was approved 4-0.

The meeting concluded at 2:43 p.m.