



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
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Committee on Behavior Analysts
REGULAR SESSION MINUTES
March 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

Tisha Denton, M.Ed., BCBA
Bryan Davey, Ph.D., BCBA-D
Diana Davis-Wilson, DBH, BCBA
Paige Raetz, Ph.D., BCBA-D
Donald Stenhoff, Ph.D., BCBA-D

3. REMARKS/ANNOUNCEMENTS

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

Ms. Denton thanked staff for their efforts to prepare a copious amount of materials for this meeting. She also commended the Committee members for commitment to serving as volunteers to protect the public. Ms. Denton also stated her appreciation to the members of the public for attending this meeting to learn about Arizona's statutes and administrative rules.

• **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 on the website.

4. APPROVAL OF MINUTES

- **February 3, 2023 Regular Session Minutes**
- **February 3, 2023 Executive Session Minutes**

Dr. Davis-Wilson noted that she was recused from the Executive Session minutes. Dr. Stenhoff noted a name correction to agenda item 6.

MOTION: Dr. Stenhoff moved to approve the minutes with the revisions noted above. Dr. Davey seconded the motion.

VOTE: The motion was approved 5-0.

5. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING POTENTIAL UNLICENSED SUPERVISION PROVIDED BY TARAGENE MIJARES

Ms. Paakkonen advised the Committee that in 2022, while reviewing an application for licensure, the Committee noted that Ms. Mijares provided all of the supervised experience for the applicant while the applicant was working in a school setting in Arizona, but she has never been licensed in Arizona. The Committee issued an invitation, and subsequently a subpoena, to Ms. Mijares in order for the Committee to pose questions to her. Also subpoenaed was the supervision agreement she and the applicant executed; this has been submitted and supplied along with the file concerning this matter.

Ms. Mijares affirmed she was present and declined the invitation to make a statement to the Committee. In response to a question she explained she provided remote supervision to the former applicant initially from Indiana, and subsequently from California. She noted that she agreed to provide the supervision services when other arrangements did not materialize. Ms. Mijares explained the locations of the clients as being in Arizona and also in California to be about a 50/50 split in her estimate. She also described the various activities and services that she supervised under this arrangement which spanned from November 2021 to December of 2022. The Committee stated that this new information indicates that the former applicant, who requested and was approved to withdraw her licensure application, suggest the applicant had earned some qualifying hours for licensure after all. Committee members explained to the public how this fact-gathering process is important for purposes of ascertaining whether Ms. Mijares was practicing behavior analysis in Arizona unlawfully.

The Committee deliberation reflected the fact that the Board does not have any jurisdiction over Ms. Mijares as she is not licensed in Arizona. It was noted that had Ms. Mijares appeared before this Committee when originally requested, the applicant may have learned that not all of her hours were disqualifying and she may have elected to make a different request relative to completing her supervised experience for licensure.

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 5-0.

The Committee met in Executive Session from 9:58 a.m. to 10:05 a.m.

Upon resuming the meeting in public session.

MOTION: Dr. Davis-Wilson moved to forward this matter to the Board with a recommendation to refer this matter to the Behavior Analyst Certification Board (BACB), citing possible violation of the ethical code at sections 1.02 and 1.15. Dr. Raetz seconded the motion.

VOTE: The motion was approved 5-0.

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

A. Complaint No. 23-25, Dawn Wadsworth, M.S.

Ms. Denton summarized the Committee's complaint review process. Dr. Raetz summarized the complaint allegations that Ms. Wadsworth abruptly discontinued client services without having transferred their care when she resigned effective immediately from her former position. In her response, Ms. Wadsworth stated that she was not aware of any discontinuation of services as there were other BCBA's employed with the agency who

could absorb their care, and that her reason for departing without notice was due to unaddressed concerns she had raised about the safety of the clients.

Ms. Michaelsen advised the Committee that she was advised to expect the complainant's proxy, AH, to be present today but he is not in attendance and has not responded to her email inquiry.

Ms. Wadsworth and her attorney, Jeffrey Hunter, were present. Mr. Hunter stated that the complainant and the agency are unable to identify a single client for whom services were interrupted with Ms. Wadsworth's departure. The Committee questioned whether a documented transition of services plan existed prior to her departure. Ms. Wadsworth indicated that there was no formal plan, but the records reflect her efforts to prepare her cases for transition. She stated that she requested the agency contribute to a transition plan, but they did not elect to do so. She affirmed that she had requested the company inform the parents of the clients of its intentions to fully staff their cases to ensure their safety; when this did not occur, she elected to separate. Ms. Wadsworth also stated that she made attempts to have leadership correct fraudulent billing, but she was unable to secure from them any assurances this was being addressed. She described several other care safety concerns that she observed and reported that went unresolved, and mentioned other instances where she was directed to perform certain tasks that were outside of her position description and that are contrary to appropriate fidelity of treatment. In response to questioning, Ms. Wadsworth described the structure of the company leadership.

The Committee deliberated the case, noting that while Ms. Wadsworth's requests were met with resistance, and it does not appear that an adequate care transition plan was established by her. The discussion reflected that Ms. Wadsworth could benefit from some training in billing practices as well. The Committee members also identified a number of concerns emanating from the conduct of the BCBA's who serve in the leadership roles in the company, and indicated that additional documentation will need to be reviewed. Ethical code sections were identified in the course of the deliberation to include 3.15 and 3.16. The deliberation acknowledged that Ms. Wadsworth believed that her remaining at the agency and having awareness of the safety concerns was the actual ethics code violation. It was noted that consultation with other peers and colleagues may have been an effective alternative strategy on the part of Ms. Wadsworth.

MOTION: Dr. Davis-Wilson moved to direct Board staff to contact the agency to invite the complainant and the BCBA regional supervisor to appear before the Committee to answer questions, and also to subpoena a sample of 2-3 client records that are germane to this matter. The motion also included a demand for the notes from the transition plan meeting that is referenced in the investigation, and any records that reflect any actual interruption of services. Dr. Davey seconded the motion.

VOTE: The motion was approved 5-0.

7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS TO THE BOARD FOR COMPLAINT NO. 22-18 AGAINST DANIELLE ALIOTTA, M.ED., AND HER PENDING RENEWAL APPLICATION

Ms. Denton announced that both she and Dr. Davis-Wilson are recused from the case and therefore they are both departing the meeting and Dr. Davey will assume the Chair responsibilities. The Committee recessed for a short break and upon reconvening, Dr. Stenhoff announced that he will also be recusing from the case.

Given the recusals of three members, Ms. Galvin advised that the complaint will be forwarded to the Board for review.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING INVESTIGATION OF POSSIBLE UNLICENSED PRACTICE AND RECOMMENDATIONS TO THE BOARD

- A. Complaint No. 23-32, Nadia Todd, M.Ed.**
- B. Complaint No. 23-33, Tristan Lyle, M.S.**

- C. **Complaint No. 23-34, Amy Dalmendray, M.A.**
- D. **Complaint No. 23-35, Dana Cruz, M.A.**
- E. **Complaint No. 23-36, Madeline Roznos, M.S.Ed.**
- F. **Complaint No. 23-37, Jessica Smith, M.S.**
- G. **Complaint No. 23-38, Ahtziry Nazario, M.S.**

Dr. Stenhoff announced that he is recused from the case concerning Mr. Lyle; additionally he disclosed a former instructor student relationship with Ms. Roznos, but stated that he is able to review that matter objectively. Dr. Davis-Wilson disclosed that she is a former instructor for Mr. Lyle and for Ms. Nazario but she is able to review their cases without bias. Ms. Paakkonen provided a general overview of the listed complaints noting that they all represent instances whereby the respondents failed to renew their license or before the expiration date, and continued to practice for a period while the license was not active. In all cases, the Board has approved the license reinstatement applications for these behavior analysts, and elected to forward the cases back to the Committee for further fact gathering and investigation. Ms. Paakkonen cited A.R.S. §32-2091(5) and also A.R.S. §32-2091.12 as the statutes that are germane to these cases.

MOTION: Ms. Denton 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.

The Committee met in Executive Session from 11:46 a.m. to 12:11 p.m.

Upon resuming the meeting in public session, the Committee reviewed each case individually.

A. Complaint No. 23-32, Nadia Todd, M.Ed.

Ms. Todd was present and indicated she is not represented by an attorney. She described having missed the renewal deadline as her email inbox was full and therefore she did not receive the renewal reminders. She advised the Committee the various notifications she issued to her supervisor, colleagues, and families. Ms. Todd also described the corrective actions taken by the agency with respect to the billing and reassignment of her clients. Ms. Todd responded to questions posed by the Committee relative to the billing codes that were used for her services. Additionally, points were made that billing adjustments made did not take into consideration the full scope of services that were provided

The Committee deliberated the case, noting that the conduct does represent a statutory violation. The discussion cited the precedent that has been established for similar matters is to issue a Letter of Concern.

MOTION: Dr. Davey moved to issue a non-disciplinary Letter of Concern to Nadia Todd to address that she practiced as a behavior analyst for several days on a lapsed license. Dr. Stenhoff seconded the motion.

VOTE: The motion was approved 4-1.

B. Complaint No. 23-33, Tristan Lyle, M.S.

Mr. Lyle was present and indicated he is not represented by an attorney. He admitted to not being aware of his license renewal deadline having made an incorrect assumption about that date, and noted the email reminders were sent to his spam folder. Mr. Lyle acknowledged that he practiced on a lapsed license for nearly two months. In response to questions, he described the corrective action he took with respect to the services he provided while unlicensed. He affirmed that he did not provide any supervision services to trainees. The discussion reflected that even when a behavior analyst turns over billing execution tasks to other personnel, the professional is ultimately responsible for this aspect of service delivery

MOTION: Dr. Davey moved to issue a non-disciplinary Letter of Concern to Tristan Lyle to address that she practiced as a behavior analyst for several days on a lapsed license. Dr. Raetz seconded the motion.

VOTE: The motion was approved 3-1.

C. Complaint No. 23-34, Amy Dalmendray, M.A.

Ms. Dalmendray was present and indicated she is not represented by an attorney. She called to the Committee's attention the written response she submitted and the timeline of events associated with it. She noted that her renewal reminders were issued to her former employment email address. The Committee observed that Ms. Dalmendray supplied documentation indicating that during the duration of the lapse of her license, she was working under the supervision of a license behavior analyst.

MOTION: Dr. Davis-Wilson moved to recommend to the Board a dismissal of the case given that Ms. Dalmendray was not practicing independently as a behavior analyst during the period of her lapsed license. Dr. Davey seconded the motion.

VOTE: The motion was approved 5-0.

D. Complaint No. 23-35, Dana Cruz, M.A.

Ms. Cruz was present and indicated she is not represented by an attorney. Ms. Cruz explained that she was also unaware of her license renewal deadline. She stated to the Committee that she realized her error after practicing for 7 business days on that lapsed license. She summarized the corrective actions she took with respect to payers, and explained the supervision that she received while she was providing services to clients. The Committee discussed that members of the professional should avail themselves of opportunities to engage with one another for purposes of promoting shared understanding of their professional responsibilities. Ms. Cruz advised the Committee that she notified the BCBAs in her organization of this matter in order to educate them on the importance of adhering to deadlines and statutory requirements.

MOTION: Dr. Davis-Wilson moved to recommend to the Board a dismissal of the case given that Ms. Cruz was not practicing independently as a behavior analyst during the period of her lapsed license. Dr. Stenhoff seconded the motion.

VOTE: The motion was approved 5-0.

E. Complaint No. 23-36, Madeline Roznos, M.S.Ed.

Ms. Roznos was present and indicated she is not represented by an attorney. She addressed the Committee with a statement reflecting her self-disappointment and her acknowledgement of the responsibilities behavior analysts have to serve and to protect their clients. She explained that once she became aware of her lapsed license she immediately rescheduled her clients and alerted everyone in her organization. She called to the Committee's attention the corrective action plan they executed which included insurance billing adjustments. The Committee commended Ms. Roznos for her self-awareness with respect to this matter.

MOTION: Dr. Davis-Wilson moved to issue a non-disciplinary Letter of Concern to Madeline Roznos to address that she practiced as a behavior analyst for several days on a lapsed license. Dr. Davey seconded the motion.

VOTE: The motion was approved 5-0.

F. Complaint No. 23-37, Jessica Smith, M.S.

Ms. Smith was present and indicated she is not represented by an attorney. She explained that she was unaware of her renewal deadline and continued to practice past that date for 1.5 weeks. Once she realized this, she ceased practicing immediately, notified her supervisor, and contacted the parents of her clients. She explained that the clinical director assumed responsibility for all of her clients, and her billing was reversed. Ms. Smith described how she educated her colleagues about the gravity of this matter.

MOTION: Dr. Davey moved to issue a non-disciplinary Letter of Concern to Jessica Smith to address that she practiced as a behavior analyst for several days on a lapsed license.

The Committee discussed whether the documentation submitted sufficiently establishes that Ms. Smith was

working under the supervision of a behavior analyst during the period of her lapsed license. In light of the discussion Dr. Davey elected to withdraw his original motion.

MOTION: Dr. Davey moved to direct Ms. Smith to provide additional documentation to include a detailed explanation of the oversight that was provided to Ms. Smith while her license was lapsed, and any additional information such as schedules, logs, or other clarifying documentation. Ms. Denton seconded the motion.

VOTE: The motion was approved 5-0.

G. Complaint No. 23-38, Ahtziry Nazario, M.S.

Ms. Nazario was present and indicated she is not represented by an attorney. She advised the Committee that she had discovered she missed the renewal deadline when she logged into the system to record her completed continuing education. She indicated that during the lapse of her license she came into contact with two clients – in one instance she conducted parent training, and in the other she collaborated with another licensed BCBA to plan a practical functional assessment which was conducted under his supervision. She stated that she provided no ABA services while her license was lapsed. In response to the Committee's questions, Ms. Nazario described the supervision she has been receiving as a new member of the profession.

MOTION: Dr. Davey moved to direct Ms. Nazario to provide additional documentation to include the content of meetings with her supervisor, and an attestation from her supervisor that describes the arrangement. Dr. Davis-Wilson seconded the motion.

VOTE: The motion was approved 5-0.

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

A. Behavior Analyst Applications for Licensure

1. Alexandra Zachary, M.A. (*)

The Committee proceeded with a substantive review of the application including the additional information submitted in response to a FAIR. Upon review, the Committee noted that 168 hours of supervised experience that the applicant acquired in New York must be disqualified as her supervisor was not licensed in that state during that period of time. The Committee noted that additional hours may have been acquired in another state that she could be submitted under a second FAIR.

2. Sarah Nobari, 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 a supervisor indicated a disqualifying relationship with the applicant. The discussion reflected that this may be an error on the part of the supervisor, and directed staff to issue a FAIR letter to obtain either a correction or clarification.

3. Kimberly Bohrer, 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. Teeonna Coldcleugh, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules, however a

typographical error on page 6 requires a correction, and one question lacks a response. The Committee determined the application can be forwarded to the Board with a recommendation for approval once the corrections are received.

5. Richard delaRosa, M.A.

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

6. Jennifer Chavarin, 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 discrepancy in the documentation with respect to the correct number of hours of supervised experience. The Committee determined the application can be forwarded to the Board with a recommendation for approval once a correction is received.

7. Sarah McLaughlin, 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 it appears her former supervisor may not have acquired her supervisory training prior to assuming this role. The Committee determined a FAIR will need to be issued in order to obtain additional clarifying information.

8. Lindsey Renshaw, M.S. (*)

The Committee proceeded with a substantive review of the application including the additional information submitted in response to a FAIR. 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.

9. Erin Slawter, 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.

B. Behavior Analyst Applications for Licensure by Universal Recognition

Applicant Name

1. NA

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

Applicant Name

1. NA

***First Formal Additional Information Request**

**** Second Formal Additional Information Request**

MOTION: Dr. Davey moved to forward the following applications to the Board with a recommendation for approval: Lindsey Renshaw, M.S., Kimberly Bohrer, M.S., Richard delaRosa, M.A., and Erin Slawter, M.S. The motion included the provision that applicants Alexandra Zachary, M.A., Sarah McLaughlin, M.Ed. and Sarah Nobari, M.A will be issued a FAIR as reflected in the discussion. Additionally, the applications of Teeonna Coldcleugh, M.S. and Jennifer Chavarin, M.A. can be forwarded to the Board with a recommendation for approval once the noted corrections are received. Ms. Stenhoff seconded the motion.

VOTE: The motion was approved 5-0.

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

Dr. Davey reported that there is no update at this time, and advised that going forward this item can be added to the meeting agenda whenever he has information to share.

11. 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

Ms. Paakkonen summarized the purpose and status of several bills and explained their potential impact to the agency and to the regulation of behavior analysts in Arizona.

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

Ms. Paakkonen called to the Committee's attention the compilation of communications that were shared on the regulators' listserv. She also noted that the BACB recently reorganized its website content that is intended for its regulatory stakeholders. She further explained that she will soon be meeting with Misty Bloom, Esq., the BACB's Director of Regulatory Affairs to discuss the potential use of the mass email service.

13. NEW AGENDA ITEMS FOR FUTURE MEETINGS

The Committee discussed the fact that the meeting duration has lengthened, and perhaps a future meeting agenda item could provide some opportunity to discuss strategies to make the meetings more efficient. The Committee also requested revisiting the topic of supervision – specifically the differences between pursuing licensure and the practice and title language itself.

14. ADJOURN

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

VOTE: The motion was approved 5-0.

The meeting concluded at 2:45 p.m.