



STATE OF ARIZONA  
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**Committee on Behavior Analysts**  
**REGULAR SESSION MINUTES**  
**April 19, 2024 – 12:00 p.m.**  
**Held via Zoom**

**1. CALL TO ORDER**

Ms. Denton, Committee Chair, called the meeting to order at 12:05 p.m.

**2. ROLL CALL**

**Committee Members Present**

Tisha Denton, M.Ed., BCBA  
Kristen Byra, Ph.D., BCBA-D  
Bryan Davey, Ph.D., BCBA-D  
Paige Raetz, Ph.D., BCBA-D

**Committee Members Absent**

Donald Stenhoff, Ph.D., BCBA-D

**Staff Present**

Heidi Herbst Paakkonen, Executive Director  
Jennifer Michaelsen, Deputy Director

**Attorney General's Office**

Roberto Pulver, Assistant Attorney General

**3. REMARKS/ANNOUNCEMENTS**

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

Ms. Denton thanked the meeting attendees and stated her appreciation to the Committee members for allocating this time to ensure the complaints on this agenda are reviewed in a timely fashion. She stated appreciation to the staff for their efforts in preparing the Committee members for the special meeting.

● **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.

#### **4. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS TO THE BOARD FOR THE FOLLOWING COMPLAINTS**

- a. Complaint No. 24-23, Elaine Helton, M.S.**
- b. Complaint No. 24-24, Kandice Marrero, M.S.**

Ms. Denton provided an overview of the Committee's complaint review process, and of the participation decorum requirements including how confidential information in the investigative records is not to be disclosed on the record. She noted that Donald Stenhoff, Ph.D., BCBA-D, a member of the Committee, is recused from these matters. Dr. Raetz disclosed that an organization she is affiliated with is mentioned in the report, but she is able to participate in the case reviews objectively.

Dr. Davey summarized the complaints as filed by the mother of a young child enrolled in a private school where Ms. Helton and Ms. Marrero provided oversight of his ABA treatment plan and the services provided accordingly. The complainant alleges improper use of restraints, and failure to develop and to implement appropriate de-escalation protocols for the child. The complaint also alleges seclusion punishment was used, that confidentiality was compromised, and that the child was inappropriately disenrolled from the school without an adequate transition plan in place. The response received from the complaint respondents reflect that they refute these allegations and that the plan and the services provided were not harmful to the child.

The complainant JB addressed the Committee, explaining her son has in the past benefitted from receiving supportive services through other service providers. She stated that her son experienced restraint-related injuries from the school personnel. JB also stated her son's progress was halted by the abrupt termination from the school. She requested the Committee carefully review the cases and take appropriate action.

JB answered a series of questions posed by Committee members, describing their efforts to collaborate with school personnel and the respondents relative to her child's plan of care. She described being surprised and disappointed at the decision that her son be disenrolled from the program as she was expecting the school would instead modify his plan. She also described the repercussions her family experienced that came from that decision. JB expressed dismay to the alleged recommendation that her son transfer to a school that is better prepared to restrain him. She also stated there was a paucity of conversations with her son's providers concerning his progress. JB and her husband, JB's father, alleged the restraints exercised on their son were excessive and amount to child abuse. JB surmised there may have been overreliance on restraints of her son in lieu of using other evidence-based behavior management strategies. JB denied having discussed with school personnel whether any trigger was in place to indicate that the plan was not effective. JB indicated that she did not perceive there to be any sort of transition plan developed to facilitate her son's transition to another school.

Both Ms. Helton and Ms. Marrero were present along with their counsel, Sara Stark. Ms. Stark noted a thorough written response was submitted to substantiate that her clients did everything possible to sustain the child's enrollment in the school. She stated that many of JB's concerns were never raised to her clients. She also provided her clients' justification to the use of Professional Crisis Management (PCM), and noted the skin injuries depicted in the photos could have been the result of the child's behaviors and not to the behavior management strategies employed. Ms. Stark asked the Committee to find that there are no ethical violations on the part of Ms. Helton and Ms. Marrero.

Ms. Helton described their implementation of PCM with JB's son, and how they evaluated whether it was effective and appropriate. They also described how they sought guidance and direction from Dr. Frank Frias, BCBA-D, LBA who completed the child's assessment and generated the treatment plan. Ms. Helton and Ms. Marrero indicated they are not familiar with the BACB's Continuity of Care Toolkit, but they summarized the transition planning discussions in which they participated with Dr. Frias. Ms. Helton acknowledged that they could have done better in terms of documenting these discussions, but indicated that Dr. Frias may have more robust notes. Ms. Helton and Ms. Marrero noted that other than the child's parents contacting the school post disenrollment to inquire about a tuition refund and obtaining other information, there were no discussions in which they participated concerning the decision. Ms. Helton and Ms. Marrero acknowledged the record keeping could have been more

complete relative to at what point the school determined it can no longer effectively support the child, and what events and data analysis led to that decision.

**MOTION:** Ms. Denton moved to table the review of the complaints in order to obtain additional information to include: the pertinent sections of the PCM manual, along with documentation representing fidelity efforts specific to the behavior analysts' remediation efforts, the child's disenrollment, the division of responsibilities across the school personnel and the child's other service providers, and that otherwise supports the representations made by Ms. Helton and Ms. Marrero; additionally the Committee directed Board staff to invite Dr. Frias to attend the meeting during which the complaint review will resume to address questions. Dr. Byra seconded the motion.

**VOTE:** The motion was approved 4-0.

## **5. ADJOURN**

**MOTION:** Dr. Davey moved to adjourn the meeting. Dr. Byra seconded the motion.

**VOTE:** The motion was approved 4-0.

The meeting concluded at 2:44 p.m.