



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
May 30, 2023 – 8:30 a.m.
Held via Zoom

1. CALL TO ORDER

Ms. Denton, Committee Chair, called the meeting to order at 8:30 a.m.

2. ROLL CALL

Committee Members Present

Tisha Denton, M. Ed., BCBA
Bryan Davey, Ph.D., BCBA-D (*joined at 8:52 a.m.*)
Diana Davis-Wilson, DBH, BCBA
Paige Raetz, Ph.D., BCBA-D
Donald Stenhoff, Ph.D., BCBA-D

Staff Present

Heidi Herbst Paakkonen, Executive Director
Jennifer Michaelson, Deputy Director

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

3. REMARKS/ANNOUNCEMENTS

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

Ms. Denton acknowledged the time and effort invested by the Committee members, Board staff and legal counsel for their efforts in preparing the materials for this special meeting.

● **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 on the website.

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

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

Dr. Stenhoff disclosed for the record that he is recused from complaint 23-25. Ms. Denton provided an overview of the Committee's complaint review process. She noted that the complaint was filed by agency personnel at Ms. Wadsworth's former place of employment, and it alleges that she failed to properly transition the clients on her caseload when she abruptly self-terminated from her position. This case was previously reviewed by the Committee, and action on the matter was tabled in order for additional investigative records to be obtained. Dr. Raetz summarized the records which consisted of six sets of client files, five of which were assigned to the respondent. They reflect that while there was no interruption of services due to the reassignment of the cases to other behavior analysts, the agency stated this was a daunting effort to accomplish.

The complainant J.S. was present but did not supply a statement. Other agency representatives, AH and ML, both indicated that they were present and available to address questions. The Committee asked the agency personnel to explain the transition plan from Ms. Wadsworth's predecessor to Ms. Wadsworth. None of the agency representatives were able to describe the plan. J.S. explained how oversight was supplied to Ms. Wadsworth by a regional clinical director. AH provided an overview of the agency's client intake process, how evaluations are approached, and how service provision is determined. He also explained how the clinical staff team members collaborate on care coordination.

Ms. Wadsworth and her attorney, Jeffrey Hunter, were present and introduced themselves to the Committee. Mr. Hunter advised the Committee that there are no statements from the agency that reflect that any service delivery to clients was disrupted by Ms. Wadsworth's departure due to insufficient staffing. He further stated that no one from the agency ever contacted her for purposes of obtaining any information about her former clients' services. He indicated that the agency's response reflects that they failed to demonstrate they were unable to appropriately transition the clients' care. Mr. Hunter described the efforts of his client to voluntarily seek additional education on topics that are relevant to this case.

In response Ms. Wadsworth described to the Committee what she has learned with respect to best practices in client transition of care from the continuing education courses she completed.

The Committee deliberated the case, and in doing so observed that while the resignation timeline was less than ideal in a multitude of ways, the application of the BACB Ethical Codes as they are written does not identify violations. While Ms. Wadsworth's resignation caused stress and frustration to agency personnel, they were able to pivot in such a way as to avoid disruption of services. The discussion reflected that the Code applies to the individual BCBA and not to agencies as a whole. The deliberation also noted that ideally having clearly outlined team coordination responsibilities would circumvent care transition issues. It was noted that Ms. Wadsworth's stated reasons for her abrupt departure from the agency (concerns about certain agency practices), are supported by her review and application of the BCBA Code of Ethics to the situation. The Committee noted that Ms. Wadsworth was fortunate to have worked for an agency who had the support and capacity to ensure continuity of care; had she separated in the same way from an agency without those in place, the Committee would likely have arrived at a different outcome.

In response to questions posed by the Committee, Ms. Galvin affirmed that a recommendation could be made to issue a non-disciplinary Letter of Concern, and a non-disciplinary Order for Continuing Education; in doing so, the recommendation could include accepting the courses she has already completed. It was the consensus of the Committee that the continuing education units required by the Order cannot be used to fulfill her licensure renewal requirements.

MOTION: Dr. Davis-Wilson moved the Committee forward a recommendation to the Board to issue to Ms. Wadsworth a non-disciplinary Letter of Concern, and a non-disciplinary Order for Continuing Education. The motion was seconded by Dr. Raetz.

VOTE: The motion was approved 4-0.

Ms. Denton advised the licensee and her attorney that Board staff will send notice of the scheduling of this case and the recommendation on a future Board meeting agenda.

B. Complaint No. 23-23, Dan Holbery, M.Ed.

Dr. Davis-Wilson disclosed for the record that she worked many years ago for the same organization that employed Mr. Holbery, but it was not in an ABA setting and she is able to review the complaint without bias.

Dr. Stenhoff summarized the complaint allegations consisting of JM, a former subordinate, that Mr. Holbery ordered the use of inappropriate intervention strategies with certain clients, and that he was overly aggressive and combatting to her during meetings and other communications. Mr. Holbery's response refuted that he communicated with JM in the manner she alleged. With respect to the alleged modalities he denied that what JM described has occurred. He explained that he attempted to deescalate the contentious conversation with JM that she mentioned in the complaint.

Ms. Michaelsen confirmed that JM was not present, and she did not respond to an inquiry relative to whether she would attend this proceeding.

Mr. Holbery was present and indicated he is open to addressing the Committee's questions. Additionally, one member of his staff, CM, is also present and is willing to answer questions posed by the Committee. In response to a question, CM indicated that she was not present for all of the communications between JM and Mr. Holbery, but she did not witness anything that JM alleged. She described the conversations she observed as amiable. She indicated that JM's description of the modality Mr. Holbery allegedly ordered was not correct.

Mr. Holbery described the nature of the professional relationship between JM and him, and described his efforts to serve as a resource to her in a career development context. He explained that the culture embraced by the agency would not support the nature of JM's allegations (i.e. imposing punishment strategies). He indicated that he does not understand how JM levied the accusations of the complaint. Mr. Holbery admitted that in a particular instance he regretted having overreacted to what he called an attack made by JM. He stated that a recent course he completed taught him to use the "buy more time" strategy when in this situation; he believes that had he done so, he could have diffused the situation and this complaint would not have been filed. Mr. Holbery indicated that it was his intention all along to build a collaborative relationship with JM.

Mr. Holbery described the agency's use of token economy which is sometimes used after other strategies have proved ineffective, and only in certain appropriate client circumstances.

The Committee deliberated the case and noted that it was unfortunate that the complainant was not present to address questions and provide any clarifications. Also noted was that the record reflects the disagreement over the use of certain inventions mentioned in the complaint that appeared to have been resolved amicably. Additionally, the deliberation reflected that the experience appears to have compelled Mr. Holbery to self-reflect and to come away from it with some lessons learned with respect to managing confrontational disagreements.

MOTION: Dr. Davey moved to recommend to the Board a dismissal of the complaint. Dr. Stenhoff seconded the motion.

DISCUSSION: Dr. Davis-Wilson recommended Mr. Holbery take the time to review the current literature addressing utilization of response costs.

VOTE: The motion was approved 5-0.

Ms. Denton advised the licensee that Board staff will send notice of the scheduling of this case and the recommendation on a future Board meeting agenda.

C. Complaint No. 23-31, Jamie Jones, M.S.

Ms. Denton summarized the allegations of the complaint which was submitted anonymously. It alleges Ms. Jones engaged in an inappropriate romantic relationship with an RBT she supervised in a previous employment arrangement, and listed possible violations of certain sections of the BACB Ethics Code. The complaint included a screenshot of a section of the BACB Registry that indicated Ms. Jones was the supervisor of that RBT. She also supplied a timeline of her relationship with the RBT, indicating that the romantic relationship was initiated shortly

after the conclusion of their professional relationship. The response also stated that she and the RBT reviewed and discussed the Code's provisions for purposes of ensuring their actions were in adherence to them. Ms. Jones affirmed that they are now in a committed romantic relationship, reiterating that it began only after the professional relationship ended.

Ms. Jones was present for the review of the complaint. She explained that the impetus for it was likely the information from the BACB Registry, in addition to a photo of herself in a social media posting featuring her engagement ring (in which her fiancée SA, her former supervisee) was tagged. Her receipt of the complaint compelled her to update the information on the BACB Registry to reflect that she no longer supervised SA, and to reconstruct the timeline of events concerning the shift in the relationship. Ms. Jones stated that, assuming the anonymous source was another BCBA, had that individual come to her with questions or concerns as the BACB Ethics Code requires, this matter could have been easily remedied with the Registry correction and an explanation, and would have rendered a complaint as unnecessary.

The Committee asked Ms. Jones to describe her interactions with SA during the time that the supervisory relationship still existed, but she and SA met together outside of work. She responded that she was approached by SA in September with a request to meet outside of work to share her insights regarding selecting a place to establish a residence in the Phoenix area. The second time she was approached by SA involved a group setting; it was at this time that Ms. Jones indicated that she was not interested in a personal relationship as long as their professional relationship was intact; she cited the Ethics Code in the process. Subsequently she learned through the company's communications system that SA was resigning from the company. Later, SA asked her on a date.

In response to a question, Ms. Jones affirmed that she is very aware of the provisions of the Ethical Code, having worked in the profession for quite some time. She stated that she does not spend time with colleagues socially. She stated that the first meeting with SA did not raise any red flags, but the second request warranted a conversation with her about the Ethical Code. Ms. Jones was asked whether she coached SA relative to her maintaining awareness of her obligations to the RBT Ethical Code. Ms. Jones affirmed this was addressed in their conversations. Ms. Jones was asked to speak to her awareness to maintain current information with the BACB Registry. She admitted that she is disappointed in herself for not promptly addressing this, but explained that she now has safety nets in place to ensure an oversight of this kind does not reoccur (i.e. a checklist used in exit interviews).

The Committee deliberated the case, noting that the complaint filing was precipitated by information that was publicly available. However, the timeline of the relationship along with the absence of any substantiation of an inappropriate multiple relationship does not establish that a violation had occurred. The Committee noted that this case represents somewhat of a cautionary tale. It was noted that Ms. Jones' actions to address the situation contributed to the recommended outcome; additionally, the Committee commented that the complaint might not have manifested had the concerned individual first discussed his or her concerns with Ms. Jones.

MOTION: Dr. Davey moved to recommend to the Board a dismissal of the complaint. Ms. Denton seconded the motion.

VOTE: The motion was approved 5-0.

Ms. Denton advised the licensee that Board staff will send notice of the scheduling of this case and the recommendation on a future Board meeting agenda.

5. NEW AGENDA ITEMS FOR FUTURE MEETINGS

No items were requested.

6. ADJOURN

MOTION: Dr. Raetz moved to adjourn the meeting. Dr. Stenhoff seconded the motion.

VOTE: The motion was approved 5-0.

The meeting concluded at 10:11 a.m.