



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
1740 WEST ADAMS STREET, SUITE 2430
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KATIE HOBBS
Governor

HEIDI HERBST PAAKKONEN
Executive Director

Sent by Certified Mail #9589071052701952595337

Also sent by email to: [REDACTED]

December 19, 2024

Nicole Lipowski, M.A., BCBA
[REDACTED]

RE: NOTICE OF APPLICATION DENIAL

Dear Ms. Lipowski:

At a public meeting held on December 13, 2024, the Arizona Board of Psychologist Examiners ("Board"), considered your application for licensure as behavior analyst in Arizona. After having considered all of the evidence, the Board voted to deny your application.

By way of background, the Board received your application for licensure on July 31, 2023. At the time of this submission, you held a behavior analyst license in Iowa (issued on July 27, 2023) and a Board Certified Behavior Analyst ("BCBA") certification issued by the Behavior Analyst Certification Board in 2019. A notice of deficiency was sent to you on September 21, 2023, informing you of additional documentation that you were required to submit for your application to be administratively complete. In January 2024, while your application was pending, the Board received a complaint (no. 24-29) alleging that you were practicing behavior analysis in the State of Arizona without a license. The Board conducted an investigation into these allegations and its findings serve as a basis for this Notice of Denial.

The factual basis for the denial of your application includes:

1. On January 16, 2024, the Board received complaint no. 24-29, alleging that you are the Clinical Director and supervising BCBA for a company located in Arizona called Swan Therapy Group ("Agency"). The investigative record indicated that you began working for Agency around July 2023, before you submitted your application to the Board. You continued to work for Agency until it closed on November 1, 2024.
2. The Board's Committee on Behavior Analysts ("Committee") reviewed this complaint at its public meetings on September 27, 2024 and December 6, 2024. You were present and answered the Committee's questions relative to your duties at Agency. You acknowledged that in your capacity as the former clinical director, you routinely provided

applied behavior analytic services in the form of providing oversight of client services and care coordination. You also acknowledged that you provided behavior analytical services without a license and that you assume responsibility for your decision to do so. The Committee found that you unlawfully practiced in the State of Arizona without a license and did not do your due diligence to review applicable statutes and rules to practice in Arizona before starting this employment. The Board accepted the Committee's recommendation to deny your application.

Given the foregoing, the Board voted to deny your application for licensure based upon your failure to demonstrate that you meet the requirements as set forth in A.R.S. § 32.2091.02 (Qualifications of applicant), which specifies that, "A person who wishes to practice as a behavior analyst must be licensed pursuant to this article." Additionally, the Board found that you violated A.R.S. § 32-2091.12, it is a class 2 misdemeanor for a person who is not licensed pursuant to his article to engage in the practice of behavior analysis.

NOTICE

Notice of Appealable Agency Action. Right to Hearing on Denial of Application.

Pursuant to A.R.S. § 41-1092.03, you have the right to appeal the denial of application for licensure by requesting a hearing. To obtain a hearing, you must submit a written request for a hearing to the Arizona Board of Psychologist Examiners, 1740 West Adams St., Suite 2430, Phoenix, Arizona, 85007. Pursuant to A.R.S. §41-1092.03(B), the request for hearing must be received at the Board's office within thirty-five (35) calendar days of the date of this Order. The request must state your name, your address, the action being appealed (denial of licensure), and must contain a concise statement of the reasons for the appeal. The hearing will be held within sixty (60) calendar days after the Board receives your request for hearing (A.R.S. § 41-1092.05(A)). At the hearing, you will have the burden of proof to demonstrate that you are qualified for licensure regarding the matters set forth in this Order of Application Denial. The Office of the Attorney General will represent the State of Arizona at the hearing.

Please contact me if you have questions: heidi.paakkonen@psychboard.az.gov or 602-542-3018.

Sincerely,



Heidi Herbst Paakkonen, MPA
Executive Director

Sent by email to:
Jeanne Galvin, Assistant Attorney General