



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
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Governor

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Executive Director

Committee on Behavior Analysts

REGULAR SESSION MINUTES

March 5, 2021 - 9:30 a.m.

Held via Zoom

1. CALL TO ORDER

The meeting was called to order by Dr. Stenhoff, Committee Chair, at 9:32 a.m.

2. ROLL CALL

Committee Members Present

Donald Stenhoff, Ph.D., BCBA-D, Chair

Diana Davis-Wilson, DBH, BCBA

Bryan Davey, Ph.D., BCBA-D

Tisha Denton, M.Ed., BCBA

Paige Raetz, Ph.D., BCBA-D

Staff Present

Heidi Herbst Paakkonen, Executive Director

Jennifer Michaelson, Deputy Director

Kathy Fowkes, Licensing Specialist

Assistant Attorney General Present

Jeanne Galvin, Esq.

A quorum of the Committee was established.

3. REMARKS/ANNOUNCEMENTS

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

Dr. Stenhoff welcomed committee members, staff and the public. He acknowledged the efforts of the members and staff in preparing for this meeting.

4. APPROVAL OF MINUTES

- **February 5, 2021 Regular Session Minutes**

MOTION: Dr. Davey moved to approve the minutes as drafted. Dr. Davis-Wilson seconded the motion.

VOTE: The motion was approved 5-0.

- **February 5, 2021 Executive Session Minutes**

MOTION: Dr. Davey moved to approve the minutes as drafted. Dr. Raetz seconded the motion.

VOTE: The motion was approved 5-0.

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

A. Behavior Analyst Applications for Licensure

1) Adriana Diaz, 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.

2) Alannah Coley-Eisenmann, M.S.

Dr. Raetz disclosed for the record that applicant received supervision at her organization but they had no interactions and therefore she can objectively review the 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.

3) Elizabeth Johnson, 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 the applicant provided what appears to be an incorrect answer relative to whether her supervisor in West Virginia is licensed. Ms. Fowkes explained that she had requested that answer to be changed by the applicant, but instead received the information from the applicant indicating the facility is licensed. The members concurred that this appears to be a misunderstanding as to the licensure requirement and that an informal request through staff can correct the matter; once done the application can be forwarded to the Board with a recommendation for approval.

4) Joseph Michael Kamen, 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) Kate Horner, M.S.

Dr. Stenhoff disclosed for the record that he previously was the applicant's instructor. Dr. Davis-Wilson also disclosed that she previously was the applicant's instructor and that she received supervision at her agency, but the supervision was not provided by her. Both members affirmed they can review this matter without bias. 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) Kelsey Erdmann, M.Ed.

Dr. Raetz disclosed for the record that applicant was employed at her organization but they had no interactions and therefore she can objectively review the 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.

7) Kylie Cairen Holt, 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) Lloyd Gilbert, 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 question 3 was left blank. The Committee determined the application can be forwarded to the Board with a recommendation for approval once staff obtains the missing information from the applicant, and that information does not warrant Committee review.

9) Madeline Roznos, M.S.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.

10) Sarah J. Robison, 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 with the exception of the fact that the majority of her supervised practice hours were provided by an unlicensed person. The Committee members discussed the licensure exemption provision in the statute A.R.S. §32-2097.08(5) and whether it is to be interpreted such that while an Arizona State University instructor is exempt from licensure, Board rule states that supervised hours acquired for purposes of licensure must be completed under a licensed behavior analyst.

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

VOTE: The motion was approved 5-0.

Upon resuming the public meeting the Committee asked Ms. Robison to explain who her client was during the period of supervision completed under Dr. Boutot DiGangi. She explained that she worked for a school district in the developmental preschool so those students were her clients. She indicated that in this role she performed only ABA work consisting of data collection, programming, program goals, graphing, training aides, and delivering presentations. Ms. Robison further explained that over 1,500 of her supervised hours were provided by a licensed behavior analyst; in the process she acknowledged that Dr. Boutot DiGangi was licensed in another state, but not in Arizona, citing the licensure exemption for Arizona State University employees at A.R.S. §32-2097.08(5). The Committee responded that the exemption only addresses that Dr. Boutot DiGangi is not required to be licensed to perform her role at ASU, but the Board's administrative rule R4-26-404.2(C)(4)(a) requires supervisors of Arizona applicants for licensure to be licensed in Arizona. In response to the Committee's question, Ms. Robison accordingly estimated that 130 of her supervision hours were provided under an Arizona licensed behavior analyst. The Committee discussed that this situation may be pervasive in the ASU program due to possible misinterpretation of the licensure requirements and this could adversely impact other applicants' ability to acquire the required number of hours of supervision.

Dr. Boutot DiGangi was present for the discussion, and she assured the Committee that this situation is unique to Ms. Robison and that no other practicum students are similarly affected. The Committee thanked her for sharing her insights and for providing the reassurance. Ms. Galvin identified the Committee's options as including allowing Ms. Robison to withdraw her application to avoid a denial, and extending to Ms. Robison any of the available time frames extensions and waivers. Ms. Robison was invited to comment, but she declined to do so.

Dr. Boutot DiGangi requested whether she can review Ms. Robison's file for purposes of identifying any additional hours not reflected in the file; the Committee affirmed that this is permissible as long as those hours are appropriately documented. The Committee spoke to the need for applicants and supervisors to share accurate information relative to the licensure requirements established in the statutes and administrative rules, and encouraged the professional association to help facilitate that process.

MOTION: Dr. Davis-Wilson moved to direct board staff to write to the applicant advising her of the disqualifying professional experience hours, and to supply her with the options to either withdraw her application or to keep her file open to complete the deficient 1,370 hours; failure to notify the Board of that decision within 30 days would result in the application being closed and the application fee is retained. The motion included the provisions that the application fee could be applied to any future application, and that she can supply any additional appropriately documented hours to support the current application. Dr. Davey seconded the motion.

DISCUSSION: The Committee directed staff to invite a representative of the online ASU program on the next agenda to discuss concerns relative to whether students are advised of the licensure requirements in Arizona. The Committee thanked the applicant and expressed support to her as she navigates the next steps.

VOTE: The motion was approved 5-0.

Dr. Raetz departed the meeting at 10:50 a.m.

11) Steven Hassien, 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) Tahra J. Cessna, 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, the Committee indicated that the supervision logs and the supervision contract are necessary for this application in order to ascertain whether the hours are qualifying or not. The Committee expressed concerns relative to the applicant's executive level role in the organization given that her subordinates signed off on her supervision documentation. The Committee directed staff to issue a FAIR letter to the applicant to obtain the information and clarification reflected in the discussion.

13) Terri Ann Yonge Julian, 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 the supervision dates are not listed on the BACB form which is problematic in that it necessitates that Board staff request the detailed accounting of hours from the applicant. The members concurred that they do not want to abdicate the responsibility of verifications of hours to the BACB. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

14) Tessa Grabowsky, 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.

15) Yarelis Lopez Alvarez, 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 noted that her academic transcripts issued by institutions in Spain and Cuba were translated by an agency meeting the Board's rule specific to foreign educated psychologists. Ms. Galvin affirmed that

while there is no equivalent rule for behavior analyst applicants, it is reasonable to recommend acceptance of the application based on the fact the translations meet Board-adopted standards. 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) Francesca M. 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. The review also reflected that the applicant reported a single resolved DUI charge from 2012. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

MOTION: Dr. Davey moved to forward all complete applications to the full Board with a recommendation for approval; the motion included the provision that the applications of Elizabeth Johnson, M.S. and Lloyd Gilbert, M.S. may be forwarded upon receipt of the clarifying information noted in the discussions. Dr. Davis-Wilson seconded the motion.

VOTE: The motion was approved 4-0.

MOTION: Dr. Davis-Wilson moved to issued FAIR letters to Sarah J. Robison, M.Ed. and to Tahra J. Cessna, M.S. as reflected by the discussion. Dr. Davey seconded the motion.

VOTE: The motion was approved 4-0.

6. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING POTENTIAL RECOMMENDATION TO THE BOARD TO OPEN A COMPLAINT AGAINST JEFFREY R.W. SIEGEL

Ms. Paakkonen advised the Committee that this matter is coming back for review by request given that Mr. Siegel was unresponsive to several requests by a former supervisee and by Board staff to supply supervision documentation in support of that supervisee's licensure application. She explained that through a former colleague Board staff learned that he had relocated to California without supplying a change of address to the Board. Mr. Siegel finally submitted the documentation on February 22, 2021 after a delay of several months. Ms. Paakkonen reported that Mr. Siegel continued to be unresponsive to emails sent by Board staff, but that a few minutes prior to today's Committee meeting he submitted the change of address form and indicated staff emails were routed to his spam folder. That email expressed apologies to everyone impacted by these events, and noted he is unable to attend today's meeting. Ms. Paakkonen suggested the Committee review A.R.S. §32-2091(12)(bb) which indicates it is unprofessional conduct to fail to timely furnish information to the Board, and also the statute A.R.S. §32-2066 which requires submission by licensees of a timely change of address.

The Committee discussion reflected that the licensee's conduct appears to violate both of the statutes cited, his behavior is concerning, and his excuses appear to be implausible. The members noted that his unresponsiveness is adversely impacting the delivery of needed services in Arizona.

MOTION: Dr. Davey offered a motion recommending a complaint be opened against Mr. Siegel. Ms. Denton seconded the motion.

DISCUSSION: In addition to the statutes cited, the Committee indicated to Ms. Galvin that sections 2.0, 2.01, 7.0, and 9.01 of the BACB Code of Conduct may also apply to the complaint.

VOTE: The motion was approved 4-0.

7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING UNLICENSED SUPERVISION PROVIDED BY SAMANTHA LEMONS AND BRANDY COLLINS AS IDENTIFIED IN THE APPLICATION OF PAIGE HUFF

Ms. Paakkonen reminded the Committee that this matter is on the agenda given that the Committee previously found during the review of Paige Huff's application for licensure that Brandy Collins, a Texas licensed behavior analyst, communicated to Board staff in an electronic mail message that she had provided supervision of Arizona-located Ms. Huff remotely from Texas; Ms. Collins is not licensed in Arizona and accordingly this conduct may amount to unlicensed practice. Ms. Paakkonen noted that Ms. Collins never submitted a supervision verification form to the Board, but the Committee may wish to take action based on her own admission of the supervision provided. She identified the statute §32-2091.12(A) which indicates it is a class 2 misdemeanor to engage in the practice of behavior analysis without a license. The Committee questioned whether additional information would lend direction to whether a complaint should be opened, and explored some similar events that came before the Committee and what actions ensue. Ms. Galvin advised the Committee that it could elect to conduct an interview of Ms. Collins at which time Board staff would send notice to her of that fact; that notice could include mention that one possible outcome of that interview would be a recommendation to the Board to open a complaint. She further explained that if a complaint is opened, it is generally an action that must be reported to other states on their applications; however, an interview for purposes of gathering additional facts is usually not required to be reported. She advised to look at the matter from a probable cause perspective. Board staff confirmed that Ms. Collins never submitted a verification form quantifying the hours of supervision. The Committee questioned what information might be lacking, acknowledging the evidence supplied by the applicant/supervisee.

MOTION: Dr. Davis-Wilson proposed to motion to recommend to the Board opening a complaint against Brandy Collins for practicing without a license in Arizona. Ms. Denton seconded the motion.

VOTE: The motion was approved 4-0.

Ms. Paakkonen summarized the known facts for the matter concerning Samantha Lemons, noting that the Committee previously reviewed the supervision verification forms in support the application of Ms. Huff, and in the process the Committee noted there was a period of one month (from May to June of 2016) of that supervised experience during which Ms. Lemons did not have an Arizona license. She suggested the Committee evaluate this fact against §32-2091.12(A), and also §32-2091(12)(c), making or using statements of a character tending to deceive or mislead and (dd), violating an ethical standard adopted by the board. The Committee discussion reflected that additional information is required in the form of an explanation of the actual services provided during the 30 days in question, and acknowledged that A.R.S. §322091.08(A)(4) provides for a 20 day exemption for licensure when a behavior analyst is temporarily in Arizona. The Committee members further discussed that there are several unknown facts that need to be discovered in order to arrive at the appropriate conclusion or recommendation.

MOTION: Dr. Davis-Wilson moved to table any action on this matter and to invite Ms. Lemons to appear before the Committee for an interview, the purpose of which is to gather additional facts. Dr. Davey seconded the motion.

VOTE: The motion was approved 4-0.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON OUTCOME OF BOARD REVIEW AND STAFF IMPLEMENTATION OF THE RAMP PROGRAM

Ms. Paakkonen reported that during its most recent meeting the Board formally adopted the confidential reporting and monitoring program (RAMP), considering the Committee's recommendation to do so in the process. She stated that later today she is notifying the state professional associations for psychologists and for behavior analysts of the program and is requesting that information be shared with their membership.

Ms. Raakel Elzy and Ms. Jessica Belokas, representing the Arizona Association for Behavior Analysis (AzABA) were present for the discussion and agreed to distribute RAMP information to the membership.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED LEGISLATION INCLUDING, BUT NOT LIMITED TO, HB2014, HB2067, HB2084, HB2103, HB2128, HB2242, HB2243, HB2267, HB2319, HB2422, HB2433, HB2454, HB2471, HB2535, HB2759, SB1063, SB1089, SB1149 & SB1253

Ms. Paakkonen summarized only those bills that are currently moving through the legislative review process:

- **HB 2067:** Allows a criminal court to issue an order that includes a "Certificate of Second Chance" that in certain instances releases the person from all barriers and disabilities in obtaining an occupational license issued under Title 32 that resulted from the conviction if the person is otherwise qualified.
- **HB 2128:** The list of persons that state agencies are required to waive any initial license fee charged for, with some exceptions, is expanded to include any active duty military service member and the member's spouse and any veteran.
- **HB 2267:** By September 1 of each year, each regulatory board and agency is required to review the costs it incurs, the monies it has in its funds and the fee revenues it collects to determine whether the regulatory board or agency expects ending balances in its licensing fund to exceed 50 percent of the appropriations from that fund in the current fiscal year. If so, the regulatory board or agency is required to provide a onetime waiver or reduction from licensure or certification renewal fees to reduce the balance in its licensing fund to below 50 percent of its appropriation from that fund in the upcoming fiscal year, or within the board's or agency's normal schedule for renewing licenses or certificates if longer than one year. She explained that she will need to spend some time to ascertain how to implement such a requirement, but it appears the agency will be waiving all fees for a considerable period of time.
- **HB 2454:** Expands telehealth to be more widely utilized and with fewer restrictions, and brings telehealth practice on par with respect to reimbursement. She explained the recent amendment allowing for out of state licensees to register with the appropriate board to practice into Arizona via telehealth.
- **SB1149:** Requires licensing with the word "shall" in the universal licensing statute 32-4302 if the applicant meets the requirements, and requires agencies to prominently post the notice on all applications.
- **SB 1253:** Makes several revisions to the behavior analyst statutes including establishing fingerprint card clearance, licensure requirements for supervisors in the state where the supervision was provided, and clarifies the review requirements for possible summary suspension complaints.

Finally she advised the Committee that she is watching for the filing of the General Appropriations Act as it will hopefully contain the approval for the agency to hire an additional 0.5 FTE to support specifically the processing of behavior analyst applications.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING LICENSURE AND REGULATORY ISSUES RELATIVE TO COVID-19

Ms. Paakkonen advised that during the April 2, 2021 meeting of the Committee, the members will review Executive 2021-02 which requires state agencies to conduct a comprehensive review of any rules that were suspended during the Public Health State of Emergency for COVID-19 to determine if those rules should be permanently suspended and send a report of their findings no later than June 1, 2021.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON PROPOSED APPLICATION EDITS TO ADDRESS COVID-19 EDUCATION AND TRAINING MODIFICATIONS

Ms. Fowkes advised the Committee that ASPPB issued some resources to member boards for possible inclusion into existing applications for purposes of capturing education and training modifications made as a

result of the pandemic. She explained that the Application Review Committee of the board elected to incorporate one suggestion; given this the Committee may wish to consider doing the same. She called to the Committee's attention the document presenting the proposed modification consisting of a broadly worded question to capture a written explanation as to any education and training modifications incurred. The Committee commented that it would be ideal that if a modification is indicated, the applicant's verifier should attend the review of the application to speak to it. The Committee members spoke to the challenges of identifying specific themes to modifications, and of understanding what states other than Arizona have permitted. The discussion also reflected the challenges of tasking Board staff with providing guidance to applicants on these matters. The members also noted that at this time there is no clarity relative to exactly what modifications may be reported. Board staff reminded the Committee that a document describing all Board-approved waivers can serve as a resource to applicants and to the Committee.

The Committee elected to incorporate a question asking for an explanation of any modification(s) made, and to provide the rationale, justification, or supporting documentation to support them. Ms. Fowkes will bring the proposed revision back to the Committee for further review and discussion. The Committee questioned whether the rule R4-26-403 allows the Committee to ask additional questions. Ms. Galvin advised that the Committee needs to avoid asking any question not permitted by the rule that could serve as a basis for denial of the application. The concern was expressed that, after one year into the pandemic, the Committee may see applications from individual who have spent no time face-to-face with a single client. Ms. Galvin advised that this issue should be agenda-ized for a future discussion.

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

Ms. Paakkonen summarized the BACB updates as consisting of a compilation of the regulator list-serve communications for 2020, noting that many of them were previously shared with the Committee. She also noted that the BACB shared a "cautionary tale" relative to another jurisdiction's narrow statutory definition of the term "client" which is hampering that jurisdiction's ability to effectively regulate the actual scope of practice of behavior analysis in that state; this may be relevant to consider as the Committee continues to hold stakeholder discussions on this topic.

13. NEW AGENDA ITEMS FOR FUTURE MEETINGS

- Inviting Samantha Lemons to an interview to obtain additional facts concerning the services she provided to Paige Huff in her capacity as her former supervisor;
- Completing the review of waived rules required by Executive Order 2021-02, and discussing the concern that future applicants for licensure may have limited or no face-to-face client experience;
- Inviting a representative of ASU's online program to an interview relative to the information supplied to program students of the licensure requirements in Arizona;
- A discussion of the value of the BCaBA in Arizona's service delivery system;
- Revisit the application revision concerning modifications to education and training; and
- Curating a list of practice monitors for behavior analysts ordered to complete corrective action.

14. ADJOURNMENT

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

VOTE: The motion was approved 4-0. The meeting concluded at 12:46 p.m.