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**BOARD OF PSYCHOLOGIST EXAMINERS
RULES COMMITTEE
REGULAR SESSION MINUTES**

*April 25, 2014
1:00 p.m.*

*State Boards Office Conference Room
1400 W. Washington, Suite 230
Phoenix, AZ 85007*

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners Rules Committee was called to order by Dr. Mellott at 1:00 p.m. on April 25, 2013. No Executive Sessions were held.

2. ROLL CALL

Rules Committee Members Present

Ramona Mellott, Ph.D.
Bob Bohanske, Ph.D.
John DiBacco, Ph.D.
Frederick S. Wechsler, Ph.D., Psy.D., ABPP

Staff Present

Dr. Cindy Olvey - Executive Director

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

3. APPROVAL OF MINUTES FOR NOVEMBER 8, 2014, MEETING

Dr. Bohanske moved for approval of the minutes of the November 8, 2014, meeting. Motion seconded by Dr. DiBacco. Motion carried 3-0-1 with Dr. Wechsler abstained.

4. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO ITEMS REVISED AT THE DIRECTION OF THE RULES COMMITTEE INCLUDING BUT NOT LIMITED TO:

• Continuing Education (A.A.C. R4-26-207)

Dr. Mellott summarized the changes approved to date in draft rules for this section. The Committee clarified that individuals presenting a symposium or paper receive the same number of credits equal to the amount of time scheduled in the published agenda with a maximum of 10 hours of credit during a licensing cycle. The Committee also clarified that individuals who present posters may receive credit equal to the amount of time scheduled in the published agenda with a

maximum of 10 hours of credit during a licensing cycle. The Committee discussed the process for Board members to receive ethics credit for serving as members of the Board. Board staff will develop language for Committee members to consider at the next Rules Committee meeting.

- **Foreign Graduates (A.A.C. R4-26-211)**

Committee members reviewed and discussed the section of draft rules that addresses foreign graduates. The ability of the Board to access the International Handbook of Universities was discussed. The process for determining whether an applicant from a foreign school has satisfied educational requirements.

- **Reapplication (A.R.S. 32-2067(A)(3)), (A.R.S. 32-2074(B), (A.A.C. R4-26-208(E)), (A.A.C. R4-26-108(2))**

This section reflects the discussion by the Board. The reapplication process will be discussed at the next Board meeting.

5. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO AREAS FOR CONSIDERATION BY THE RULES COMMITTEE INCLUDING BUT NOT LIMITED TO:

- **Draft Survey of Training Directors regarding Supervision (including discussion of instructions) (A.R.S. §32-2071)**

Committee members discussed the purpose of surveying Training Directors regarding supervision including input on issues that are often points of discussion by the Board. This input would potentially assist the Board in developing clarifying language in the rules that will assist trainees, applicants, as well as the Board. It was the consensus of the Committee to pilot the survey. Committee members discussed incorporating group vs. individual supervision into the questions. Committee members were asked to each provide Dr. Olvey with two names of training directors to whom a survey may be sent. Committee members also discussed whether it is necessary to involve an Institutional Review Board.

- **Cancellation of License (A.R.S. §32-2074(E))**

Committee members discussed including a rule that states a license may not be cancelled when a complaint is pending or under investigation by the Board. In addition, the Committee discussed withdrawing an application. The Committee directed staff to include a statement that an application may be withdrawn only with approval by the Board.

- **Clarification of supervisor's clinical responsibility when supervision is ordered as discipline**

Dr. Olvey summarized that cases involving supervision as part of discipline ordered by the Board may need rules to address differences between supervising trainees versus supervising psychologists who are already licensed. Committee members discussed liability issues for supervisors and the scope of responsibility. Committee members discussed including language that indicates the supervisor is responsible for those areas pursuant to the Board order; this does not absolve the supervisor of any potential civil liability; supervisors are held responsible for ethical and statutory responsibilities notwithstanding the confines of the Board order.

- **Definitions (A.A.C. R4-26-101)**

- **Applied Psychology (A.R.S. §32-2071(A))**

Committee members discussed a draft definition of applied psychology. Members discussed whether the definition should limit educational degrees to the area of health services psychology. Dr. Olvey will inquire about the definition of applied psychology from other States and Provinces via the Association of State and Provincial Psychology Boards' List Serve.

- **Disaster (A.R.S. §32-2075(A)(4))**

It was the consensus of the Committee that the draft definition of disaster is acceptable:

A.R.S. 32-2061(16)

16. "Disaster," as used in A.R.S. § 32-2075(A)(4), means a contingency or situation for which the governor declares a state of emergency under the authority provided at A.R.S. § 35-192. The Board acknowledges any state of emergency declared by the governor or determined by the Board.

- **Good Cause (A.A.C. R4-26-207(I)), (A.A.C. R4-26-308(F)), (A.R.S. §32-2067(C))**

It was the consensus of the Committee that the draft definition of good cause is acceptable:

. . . good cause includes but is not limited to illness or injury of the licensee or a close family member, death of a close family member, birth or adoption of a child, military service, relocation, natural disaster, financial hardship, or residence in a foreign country for at least 12 months of the license period.

- **Last Client Activity (A.A.C. R4-26-106(C))**

It was the consensus of the Committee to review the CMS (Centers for Medicare/Medicaid) definition pertaining to last client contact.

- **Raw Test Data (A.A.C. R4-26-101(24)), (A.A.C. R4-26-106(B)), (A.R.S. §32-2061(cc))**

It was the consensus of the Committee that the draft definition of raw test data is acceptable:

A.R.S. §32-2061(28)

28. "Raw test data" means ~~information collected~~ test scores, client responses to test questions or stimuli, and notes and recordings concerning client statements and behavior during a psychologist's assessment and evaluation.

- **Regulatory Jurisdiction (A.R.S. §32-2071.01(A)(5)) (A.R.S. §32-2071.01(A)(6))**

It was the consensus of the Committee that the draft definition of regulatory jurisdiction is acceptable:

A.R.S. §32-2061(29)

29. "Regulatory jurisdiction" means a state or territory of the U.S., the District of Columbia, or a foreign country with authority to grant or deny entry into a profession or occupation.

o **Stipend**

The draft definition of stipend comes from the Board’s Substantive Policy Statement on Substantial Financial Interest. It was the consensus of the Committee that the draft definition of stipend is acceptable.

A.R.S. §32-2061(31)

31. “Stipend” means a fee paid to a supervisee that is not based on productivity or revenue generated.

o **Supervisor (A.R.S. §32-2071)**

The Committee discussed whether a separate definition was necessary for secondary supervisor. It was the consensus of the Committee not to create a separate definition for secondary supervisor.

6. DISCUSSION, CONSIDERATION, POSSIBLE ACTION PERTAINING TO CORRESPONDENCE RECEIVED FROM FAREN AKINS RECOMMENDING CHANGES TO STATUTES AND RULES

This agenda item was deferred until the next Committee meeting.

7. DISCUSSION, CONSIDERATION, POSSIBLE ACTION PERTAINING TO MILESTONES AND ANTICIPATED TIME FRAMES ASSOCIATED WITH COMPLETION OF THE RULE

The Committee indicated that draft rules should be ready to present to the Board at the August, 2014, meeting. Once a draft of rules is approved by the Board, a draft will be posted on the website for informal comment. Comment would be provided to the Board at the November meeting and potentially the docket could be opened by the end of the calendar year. The rules process could potentially be completed by the end of June, 2015.

8. SCHEDULE NEXT COMMITTEE MEETING

The Board office will contact Committee members to schedule the next meeting.

9. AGENDA ITEMS FOR FUTURE MEETINGS

HB 2172 was passed by the Legislature and is awaiting signature by the Governor. Rules pertaining to this legislation will be required.

10. ADJOURNMENT

At 4:17 p.m., Dr. Bohanske moved that the meeting adjourn; seconded by Dr. DiBacco. Motion carried 4-0.

Ramona N. Mellott, Ph.D.
Chair