



Board Members

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**State of Arizona
Board of Psychologist Examiners**

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Executive Director

Lynanne Chapman
Deputy Director

Heather Duracinski
Licensing Coordinator

Krishna Poe
Administrative Assistant

REGULAR SESSION MINUTES

April 29, 2016
8:30 a.m.
Capitol Center
15 S. 15th Ave.
Basement Conference Room
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman Wechsler at 8:30 a.m. on February 5, 2016.

2. ROLL CALL

Board Members Present

Frederick S. Wechsler, Ph.D., Psy.D., ABPP – Chair
Tamara Shreeve, MPA – Vice Chair
Paul Beljan, Psy.D., ABPdN, ABN - Secretary
Bob Bohanske, Ph.D. (left the meeting at 3:27 p.m.)
Janice K. Brundage, Ph.D.
Joseph C. Donaldson
Lynn L. Flowers, Ph.D.
Ramona N. Mellott, Ph.D
Rob Robichaud, M.A. CJ, SHRM-CP, PHR

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Attorney General’s Office

Jeanne Galvin, Esq.

3. REMARKS/ANNOUNCEMENTS

CE Documentation – Dr. Wechsler announced that licensees could receive CE credits in Ethics for attendance at Board meetings and explained how to obtain credit.

Board Assessment Forms – Dr. Wechsler encouraged members of the audience to complete a Board meeting Assessment Survey and place them in the survey box.

Board Member and Staff Appreciation –Dr. Wechsler thanked Board members and Staff for their dedication and hard work.

4. CALL TO THE PUBLIC

Dianne Fitzgerald-Verbonitz, RN, MA, CAE, Executive Director for the Arizona Psychological Association (AzPA), requested to speak and announced that AzPA's convention is coming up and will be located in Tucson, AZ. The theme of the convention is integrated medicine. She stated that AzPA has a new liaison to the Board, Rene McGovern, Ph.D. She introduced Sandra Klar, Psy.D., stating that Dr. Klar is AzPA's treasurer and is the Chair of the Public Education Committee.

5. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR RELEASE FROM PROBATION AND PRACTICE MONITOR FOR GEORGE J. BLUTH, PH.D.

Dr. Beljan recused from this item and exited the meeting room. Ms. Chapman summarized stating that Dr. Bluth's Consent Agreement for probation and practice monitor was executed February 15, 2015. She stated that the Board office received a request from Dr. Bluth requesting to be released from the Consent Agreement. Dr. Bluth was not present but his legal counsel, Larry Cohen, was present telephonically and requested to speak. Mr. Cohen stated that Dr. Bluth has completed all of the terms of the Consent Agreement and they are respectfully requesting release from the terms of the Consent Agreement. Board members acknowledged Dr. Bluth's efforts. After deliberation Dr. Brundage made a motion, seconded by Dr. Bohankse, to release Dr. Bluth from the terms of the Consent Agreement. The motion carried 8-0-1 with Dr. Beljan recused.

6. CONSENT AGENDA - DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION

Dr. Bohanske made a motion, seconded by Ms. Shreeve, to approve the items on the Consent Agenda. Dr. Brundage and Mr. Robichaud abstained from the March 10, 2016, and April 15, 2016, Regular Session Minutes. Mr. Donaldson abstained from the March 10, 2016, Regular Session Minutes. Dr. Mellott abstained from the March 10, 2016, April 1, 2016, and April 15, 2016, Regular Session Minutes. The motion carried 9-0.

(a) APPROVAL OF MINUTES

- March 10, 2016, Regular Session (Dr. Brundage, Mr. Donaldson, Dr. Mellott and Mr. Robichaud abstained)
- April 1, 2016, Regular Session (Dr. Mellott abstained)
- April 15, 2016, Regular Session (Dr. Brundage, Dr. Mellott and Mr. Robichaud abstained)

(b) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL FOR EXAM AND/OR LICENSURE

- Bibi Stang, Ph.D.
- Quebec Logan, Ph.D.

ii. REQUESTING APPROVAL FOR LICENSURE BY WAIVER

- Bryce Jupinko, Psy.D.

iii. REQUESTING APPROVAL FOR LICENSURE BY CREDENTIAL

- Mark Anderson, Ph.D.
- Philip Takakjian, Ph.D.

(c) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- Brandy Naleski, M.Ed.
- Deborah Renfroe, M.Ed.
- Kari Mochel, M.Ed.

(d) DISCUSSION/DECISION REGARDING REQUEST FOR EXTENSION OF TIME TO SIT FOR THE EPPP FROM KRISTEN SERGEANT, PH.D.

(e) EXECUTIVE DIRECTOR'S REPORT

(f) INVESTIGATIONS REPORT

(g) LICENSING REPORT

**7. INFORMAL INTERVIEW – William Arnett, Psy.D. RFI 15-31
DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO ALLEGATIONS OF
UNPROFESSIONAL CONDUCT, POSSIBLE DISMISSAL/DISCIPLINE, AND/OR OFFER OF A
CONSENT AGREEMENT OR REFERRAL TO A FORMAL HEARING**

Dr. Arnett and his legal counsel, Brett Rigg, were present. Board members and staff introduced themselves. Dr. Wechsler explained Informal Interview procedures and provided a summary of the allegations. Dr. Arnett made a brief opening statement. Mr. Robichaud provided a summary of the complaint stating that the complaint was initiated by the Board after Dr. Arnett reported criminal charges. The Complaint Screening Committee forwarded the complaint to the Board for further review. During its February 5, 2016, initial review of the case, the Board determined that Dr. Arnett reported the charges in a timely manner, but voted to forward the complaint to an Informal Interview for further review. Board members asked questions related to the circumstances and sequence of events leading to Dr. Arnett's criminal charges and the outcome of his criminal matter. Dr. Arnett and Mr. Rigg responded to Board member questions and advised that Dr. Arnett entered into a plea agreement, pleading guilty to a class 1 misdemeanor. He was placed on one year of probation and ordered to pay fines, which have been paid. He is hopeful that the court may grant him early release from probation.

Board members inquired about Dr. Arnett's clinical and administrative practice while he was engaging in the conduct that eventually led to the charges. Dr. Arnett responded that there have never been any complaints about his clinical practice and he believes his practice was sound during that period of time. Dr. Arnett also discussed actions he has taken to prevent issues in the future. Dr. Arnett stated that he is residing in another state and is not currently practicing but would eventually like to resume his work. Mr. Rigg responded to Board member questions clarifying that Dr. Arnett's probation is unsupervised and he is permitted to reside out-of-state.

At 9:27 a.m. Dr. Wechsler made a motion, seconded by Mr. Donaldson, to go into Executive Session to obtain confidential legal advice from the Board's legal counsel. The Motion carried 9-0. Open session reconvened at 9:52 a.m.

Following deliberation, Dr. Mellott made a motion, seconded by Dr. Brundage, to offer a Consent Agreement or issue an Order that includes probation for a minimum of one-year with requirements that he submit quarterly reports to the Board regarding the progress of his job search and that his health care practitioner/prescribing professional provide quarterly reports regarding the health care he is receiving for his medical condition. When Dr. Arnett gains employment, he will notify the Board immediately as to the capacity of his employment. If he obtains employment that requires a license to practice psychology, he will be required to meet with a behavioral health professional twice monthly with a requirement that quarterly reports be submitted to the Board from the behavioral health professional. He will also be required to receive supervision from a Board-approved supervisor. Dr. Arnett shall submit the name and credentials of a proposed supervisor for Board approval. The supervision will begin once Dr. Arnett obtains employment utilizing his Arizona license. If Dr. Arnett is employed in a remote location, supervision by the Board approved supervisor may be provided via electronic means. After the Order or Consent Agreement is in effect for a year, Dr. Arnett will make an in-person appearance at a Board meeting to provide a status update, and discuss whether further probation is warranted. The motion carried 9-0 on a roll call vote.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEWS OF THE FOLLOWING INVESTIGATIONS

RFI 16-04 – Julia Lesselyong, Psy.D.

Dr. Beljan provided a summary to the Board stating that the Complainant, J.S., alleged that Dr. Lesselyong conducted an evaluation of him in 2014 and did not provide her contact information or the names of students who accompanied her, recorded the session without his consent, changed the results of the evaluation, and refused to release the evaluation report unless he first signed a form agreeing to release her from all claims. Dr. Lesselyong's written response stated that she did not record the session and did not change the results of the evaluation. She indicated that she may not have given J.S. her contact information. Dr. Lesselyong also responded that she was making changes to her forms. Dr. Beljan stated that the Complaint Screening Committee forwarded this case to the Board for possible violations of A.R.S. §§32-2061(15)(e) and (cc).

J.S. was present, requested to speak, made a statement and answered Board members' questions. J.S. reviewed a time-line of events and stated that he has not yet received a copy of the report.

Dr. Lesselyong, and her legal counsel, Kathleen Brody, were present, requested to speak, made a statement and answered Board members' questions. Ms. Brody stated that Dr. Lesselyong received permission from the facility to release the report to J.S. and it was mailed to him on April 27, 2016. Ms. Brody reviewed changes Dr. Lesselyong is making to her practice regarding forms, paperwork, and making it easier for clients to contact her. Board members discussed with Dr. Lesselyong whether she reviewed the consent form with J.S., the language contained in her release form, whether she recorded the evaluation, the reasons she did not meet with J.S., as well as her work with vulnerable adults.

The Board deliberated and expressed concerns that Dr. Lesselyong is utilizing forms that she has not reviewed, is not easily accessible to her clients, may not have knowledge of consent procedures, and did not provide records in a timely manner. Following deliberation, Mr. Robichaud made a motion, seconded by Dr. Flowers, to forward this matter to an Informal Interview for possible violations of A.R.S. §32-2071(15)(e) and (cc). The motion carried 9-0.

RFI 15-36 – David Maselli, Ph.D.

Dr. Wechsler recused from this item and exited the meeting room. Ms. Shreeve Chaired this item and stated that on April 28, 2016, the Board office received a request from Dr. Maselli requesting a continuance of this matter for medical reasons. Dr. Olvey provided a summary of extensions and continuances granted to Dr. Maselli thus far in the adjudication of this matter.

Following deliberation, Dr. Bohanske made a motion, seconded by Mr. Donaldson, to deny Dr. Maselli's request for a continuance and to move this matter to an Informal Interview. The motion carried 8-0-1 with Dr. Wechsler recused. Additionally, it was the consensus of the Board that future continuances will not be granted unless a letter from a medical professional is first provided.

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO INFORMAL COMMENTS RECEIVED REGARDING PSYCHOLOGY DRAFT RULES AND POSSIBLE APPROVAL OF PROPOSED PSYCHOLOGY RULES FOR SUBMISSION TO SECRETARY OF STATE

Dr. Mellott provided a summary to the Board stating that draft psychology rules were published for informal comment on the Board's website. Dr. Mellott stated that the majority of the comments were regarding the new renewal process. Dr. Mellott also stated that changes were made to the continuing education section based on public comment. Following discussion, Dr. Bohanske made a motion, seconded by Dr. Beljan, to approve the

draft rules as Proposed Rules and to file a Notice of Proposed Rulemaking with the Secretary of State. The motion carried 9-0.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROCESS TO BE USED FOR LICENSE RENEWAL IN 2017

Dr. Olvey summarized the new renewal cycle stating that all licenses expire April 30, 2017, and that 40 hours of continuing education is required to be completed by all psychologist licensees by April 30, 2017. Dr. Olvey elaborated stating every licensee will have a prorated license fee due on April 30, 2017. This fee will transition the licensee from the May 1, 2017, deadline to the licensee's individual renewal date, which is based on the last day of the birth month and the individual license number with renewal in odd years for licensees with odd numbered licenses and renewal in even years for licensees with even number licenses. Dr. Olvey stated that licensees will be sent a notice early in 2017 identifying the new individual renewal date and detailing the prorated license fee due on April 30, 2017.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING POSSIBLE APPROVAL OF A SUBSTANTIVE POLICY STATEMENT THAT WOULD ALLOW CARRY OVER OF CONTINUING EDUCATION CREDITS ONLY FOR THE TRANSITION TO NEW LICENSE EXPIRATION DATES

Dr. Mellott provided a summary stating that during the transition to the new renewal cycle some licensees may have a short period of time until it is time to renew again. Dr. Mellott stated that in light of this, the Rules Committee is recommending that the Board allow licensees who obtain more than 40 hours of continuing education during the 2015-2017 renewal cycle be allowed to carry over an additional 10 hours of continuing education for the transition period. Dr. Mellott stated that this would be a one-time carryover for the transition period. After deliberation, Dr. Brundage made a motion, seconded by Dr. Flowers, to allow licensees to carryover no more than 10 hours of continuing education that was obtained above the 40 required hours one-time only for the transition period to the new renewal cycle and to approve the Substantive Policy Statement for publication with the Secretary of State. The motion carried 9-0.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING DRAFT RULES FOR BEHAVIOR ANALYSIS AND POSSIBLE APPROVAL FOR POSTING ON BOARD WEBSITE FOR INFORMAL PUBLIC COMMENT

Dr. Mellott provided a summary stating that the Rules Committee has been working on drafting rules that include standards for education, training and supervision for behavior analysts to be more consistent with the BACB guidelines pursuant to A.R.S. §32-2091.03. She asked the Board to approve posting the draft rules on the Board's website for informal public comment. Following deliberation, Dr. Bohanske made a motion, seconded by Dr. Brundage, to approve posting the draft rules for behavior analysts on the Board's website for informal public comment. The motion carried 9-0.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO DEBORAH HUGHES, PSY.D. AND HER REQUEST FOR THE ACCEPTANCE OF THE CONSENT AGREEMENT AND ORDER FOR THE VOLUNTARY SURRENDER OF HER LICENSE, POSSIBLE ACCEPTANCE OF THE SAME AND POSSIBLE RESCISSION OF THE REFERRAL TO FORMAL HEARING

Assistant Attorney General, Michael Raine, represented the Board in this matter. Assistant Attorney General, Jeanne Galvin, represented the State. Ms. Chapman provided a summary stating the Board office received information that Dr. Hughes was engaged in inappropriate relations with a minor patient and she was terminated from her place of employment. Subsequently, the Board office opened a Request for Investigation on behalf of the Board. The Board issued an Interim Order for Summary Suspension and a Formal Hearing was scheduled. Subsequently, Dr. Hughes legal counsel, David G. Derickson, contacted the Board office stating that Dr. Hughes is willing to settle this matter by voluntarily surrendering her license.

Dr. Hughes was not present but her legal counsel, Mr. Derickson, was present and made a statement. Mr. Derickson stated that Dr. Hughes has signed three original Consent Agreements for voluntary surrender. Ms. Galvin addressed the Board stating that a voluntary surrender in lieu of disciplinary action is considered discipline and will be reported to the National Practitioners Data Bank. Ms. Galvin urged the Board to accept the Consent Agreement for voluntary surrender and to vacate the Formal Hearing.

The Board deliberated and expressed concern with the severity of this matter and directed that the American Psychological Association be alerted. After deliberation, Dr. Bohanske made a motion, seconded by Dr. Brundage and Ms. Shreeve, to vacate the Formal Hearing, accept the Consent Agreement for voluntary surrender and to alert the American Psychological Association of this matter. The motion carried 9-0 on a roll call vote.

14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LEGISLATIVE UPDATE INCLUDING, BUT NOT LIMITED TO, HB 2503 AND SB 1443

Dr. Olvey provided a summary stating that HB 2503 is in the House and, if passed, will be transmitted to the Governor for signature. She stated that SB 1443 passed. Dr. Olvey stated that all Bills are being held until the legislature approves the State budget. Board members asked how behavior analysts transitioning to the Board of Behavioral Health Examiners (BBHE) may affect the Board. Dr. Olvey stated that there is a firewall between the behavior analyst and psychologist funds. Dr. Olvey elaborated that the behavior analyst fund will be transferred to BBHE along with all of their data. She stated that it will take staff time and that staff will work with BBHE to ensure a smooth transition.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PSYCHOLOGIST APPLICATION FOR LICENSURE BY WAIVER SUBMITTED BY R. KEVIN GOEKE, PH.D. AND POSSIBLE DENIAL OF THE SAME

Dr. Wechsler provided a summary to the Board stating that the Application Review Committee (Committee) reviewed Dr. Goeke's application at its April 26, 2016, meeting. Dr. Wechsler stated that Dr. Goeke is applying by waiver and meets the requirement to waive his supervised work experience. The Committee voted to forward Dr. Goeke's application to the full Board for further review of his doctorate degree in "Education Special Services". Dr. Goeke was present and made a statement. Dr. Goeke stated that his program was highly individualized and he obtained all of the required course work.

At 2:10 p.m. Dr. Wechsler made a motion, seconded by Ms. Shreeve, to go into Executive Session to obtain confidential legal advice from the Board's legal counsel. The motion carried 9-0. Open session reconvened at 2:21 p.m.

Board members determined that Dr. Goeke's degree in "Education Special Services" does not meet statutory requirements. Dr. Wechsler made a motion, seconded by Mr. Donaldson, to allow Dr. Goeke to withdraw his application within seven business days. If Dr. Goeke does not withdraw his application it will be denied as his degree in "Education Special Services" does not meet the requirement of A.R.S. §32-2071(A) as an applied psychology degree. The motion carried 9-0 on a roll call vote.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PSYCHOLOGIST APPLICATION FOR LICENSURE BY WAIVER SUBMITTED BY BRIAN KEHOE, PH.D. AND POSSIBLE DENIAL OF THE SAME

Dr. Wechsler provided a summary to the Board stating that the Application Review Committee (Committee) reviewed Dr. Brian Kehoe's application and subsequent submission at its April 26, 2016, meeting. Dr. Wechsler stated that Dr. Brian Kehoe is applying postdoctoral hours toward licensure and the Committee requested additional information as Dr. Kehoe's father, Dan Kehoe, Ph.D., verified Dr. Brian Kehoe's postdoctoral hours which may not meet the requirement of Arizona Administrative Code R4-26-209(B). Dr. Wechsler stated that the

Committee noted that Dr. Brian Kehoe submitted a letter to the Board in November 2015, indicating that Dr. Dan Kehoe provided all of his supervision. Additionally, the Committee noted that the postdoctoral training plan indicates that Dr. Dan Kehoe is the primary supervisor. Subsequently, the Board office received a new postdoctoral verification form from Dr. Richard Armsby attesting that he was Dr. Brian Kehoe's primary supervisor. Furthermore, Dr. Wechsler stated that the Board office received an email from Dr. Dan Kehoe in April 2016, which indicated that he did not provide primary supervision to Dr. Brian Kehoe but as the Director of the agency signed off on Dr. Brian Kehoe's hours. The Committee noted the discrepancies and voted to forward this matter to the full Board for further review.

The Board deliberated and expressed concern that Dr. Brian Kehoe may have made a fraudulent statement to the Board. The Board noted that Dr. Brian Kehoe is licensed as a psychologist in Florida and Hawaii. After deliberation, Dr. Bohanske made a motion, seconded by Dr. Beljan, to direct Board staff to contact the Florida and Hawaii Psychology Board's to obtain information regarding Dr. Brian Kehoe's postdoctoral supervision. The motion carried 9-0.

17. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO FIFTH CIRCUIT COURT OF APPEALS DECISION REGARDING THE STATE OF TEXAS SCOPE OF PRACTICE FOR PSYCHOLOGY

Dr. Brundage provided a summary to the Board stating that the Fifth Circuit Court of Appeals in Texas determined that the Texas State Board of Examiners of Psychologists (Texas Board) "scope of practice" definition is too broad. Dr. Brundage elaborated stating that an individual running for a public position was portraying herself as a psychologist without being licensed and the Texas Board issued her a Cease and Desist letter. The individual ceased using the term psychologist but subsequently filed a complaint with the Court. The Court determined that political speech is protected and the Texas Board overstepped its boundaries by mandating that the individual discontinue the use of the term psychologist. Ms. Galvin elaborated stating that this case is not applicable to Arizona. She stated that political speech is protected in that an individual running for a public position is trying to obtain votes, not clients. Dr. Bohanske stated that he will raise the issue at the Association of State and Provincial Psychology Boards meeting and inquire as to how other jurisdictions are handling this matter. Dr. Bohanske stated he will bring the information to a future Board meeting.

18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING A RENEWAL APPLICATION QUESTION THAT ASKS WHETHER A LICENSEE HAS BEEN OR IS CURRENTLY UNDER INVESTIGATION CONCERNING ETHICAL PROPRIETY OR LEGALITY OF CONDUCT

Dr. Olvey provided a summary to the Board stating that during the last renewal cycle there was some confusion amongst licensees regarding question number nine of the renewal application pertaining to whether a licensee was under investigation during the previous licensing period. Board staff has revised the question and it is before the Board for review. Board members indicated that it would like to discuss what constitutes a complaint and asked that an agenda item be placed on a future meeting of the Board.

Dr. Bohanske left the meeting at 3:27 p.m.

19. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Dr. Beljan requested that an item pertaining to discussion of a complaint vs. a request for investigation be placed on a future agenda of the Board.

20. ADJOURN

There being no further business to come before the Board, Dr. Brundage made a motion, seconded by Dr. Beljan, to adjourn the meeting at 3:27 p.m. The motion carried 8-0.

Respectfully submitted,

Tamara Shreeve, MPA
Vice-Chair