



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
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DOUGLAS A. DUCEY
Governor

HEIDI HERBST PAAKKONEN, M.P.A.
Executive Director

Regular Session Meeting Minutes

Held virtually via Zoom on May 7, 2021

Board Members

Diana Davis-Wilson, DBH, BCBA – Chair
Bryan Davey, Ph.D., BCBA-D – Vice-Chair
Matthew A. Meier, Psy.D. – Secretary
Linda Caterino, Ph.D., ABPP
Aditya Dynar, Esq.
Stephen Gill, Ph.D.
Melanie Laboy, Esq.
Ramona N. Mellott, Ph.D.
Tamara Shreeve, MPA

1. CALL TO ORDER

Chairwoman Davis-Wilson called the Board's meeting to order at 8:31 a.m.

2. ROLL CALL

The following Board members participated in the virtual meeting: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Mr. Dynar and Ms. Laboy.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Heidi Herbst Paakkonen, Executive Director; Jennifer Michaelsen, Deputy Director; Jeanne Galvin, Assistant Attorney General (AAG); Kathy Fowkes, Licensing Specialist; and, Krishna Poe, Programs and Projects Specialist.

3. REMARKS/ANNOUNCEMENTS

- **Board Surveys**

Chairwoman Davis-Wilson encouraged meeting attendees to provide feedback by contacting Board staff and completing a Board Meeting Assessment Survey.

- **Board Member and Staff Appreciation**

Chairwoman Davis-Wilson acknowledged and thanked Board members and staff for their hard work and efforts in facilitating the Board's meetings.

- **Continuing education credit for Board meeting attendance**

Chairwoman Davis-Wilson announced that meeting attendees were eligible for continuing education credit. She stated that codewords would be provided throughout today's meeting that attendees are to email Board staff within one week of the meeting to receive the credit.

4. CALL TO THE PUBLIC

No individuals addressed the Board during the Call to the Public.

5. COUNSEL UPDATE

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

The Consent Agenda was considered around 8:35 a.m.

MOTION: Vice-Chairman Davey moved for the Board to approve the items as listed under the Consent Agenda.

SECOND: Ms. Shreeve

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Mr. Dynar and Ms. Laboy.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board noted that the April 8, 2021 minutes were not yet available for review for today's meeting.

A. APPROVAL OF MINUTES

- April 8, 2021 Regular Session Minutes
- April 8, 2021 Executive Session Minutes

B. EXECUTIVE DIRECTOR'S REPORT

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

Requesting Approval to Sit for Examination (EPPP) Only

- 1) Danielle Lenna-Lerner Moore, Psy.D.
- 2) Lindsay K. Mills, Ph.D.
- 3) Nadejda Alexandrova, Psy.D.

Requesting Approval to Sit for Examination (EPPP) & Licensure

- 1) Jasbir Sandhu, Psy.D.
- 2) Jessica L. Semmann, Ph.D.
- 3) Melissa Wagner, Ph.D.
- 4) Summer Boyd, Psy.D.
- 5) Bryan Gaviria-Jimenez, Psy.D.

Requesting Approval for Licensure by Waiver

- 1) Allison N. Faris, Psy.D.
- 2) Christopher D. Schmelzle, Ph.D.

Requesting Approval for Licensure by Credential (ABPP, CPQ or National Register)

- 1) Emily C. Engel, Psy.D.
- 2) Joelle Smith, Psy.D.
- 3) Justin A. D'Arienzo, Psy.D.
- 4) Urmi Jani, Psy.D.
- 5) Justin A. D'Arienzo, Psy.D.

Requesting Approval for Licensure by Universal Recognition

- 1) Bradley E. Belsher, Ph.D.
- 2) Jacqueline M. Henretig, Psy.D.
- 3) Karol A. Marshall, Ph.D.

- 4) Ross Levin, Ph.D.
- 5) Sharilyn Eileen Adams, Psy.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Allison Ring, M.S.
- 2) Allyson Perrault, M.A.
- 3) Ashley Coker, M.S.
- 4) Cara W. Craddock, M.Ed.
- 5) Christian Ortiz, M.A.
- 6) Eva Santana, M.Ed.
- 7) Genoveva Machado, M.A.
- 8) Hannah Luecht, M.A.
- 9) Jacob Jarvis, M.S.
- 10) Jocelyn Gidley, M.Ed.
- 12) Julie K. Daniel, M.A.
- 13) Kelsey. Webb, M.S.
- 14) Madeline P. Carlino, M.S.
- 15) Melissa Kreitner, M.S.
- 16) Peter Alfano, M.S.
- 17) Ryan T. Glasgow, M.A.
- 18) Zandra Galimba, M.A.
- 19) Ingrid Lucas, M.Ed.

E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST FOR POSTDOCTORAL WRITTEN TRAINING PLAN MODIFICATION FOR LAUREN PERRY BLAKE, PSY.D., TEMPORARY LICENSE HOLDER PSY-T-000034

F. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR TESTING ACCOMMODATIONS FROM MARISA TERESA SANCHEZ, PSY.D.

TIMED ITEMS – 8:45 a.m.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED CONSENT AGREEMENT FOR SURRENDER OF LICENSE FOR JANICE BLAIR, PH.D., IN CASE NO. 21-15

This item was considered around 8:46 a.m.

Deputy Director Michaelsen summarized that the Board received a complaint from a licensed social worker that alleged a client recently reported having had a romantic and sexual relationship in 2004 with his former therapist, Dr. Blair, and that she ended the relationship shortly thereafter indicating that it was inappropriate. During the course of the investigation, Dr. Blaire’s counsel informed Board staff that she was interested in voluntarily surrendering her license in lieu of further proceedings as she was nearing retirement. Dr. Blair subsequently signed the proposed Consent Agreement drafted and offered by Board staff with an effective date two weeks after accepted by the Board to allow time for Dr. Blair to close her practice and transition clients.

MOTION: Ms. Shreeve moved for the Board to accept the proposed Consent Agreement for Surrender of Licensure.

SECOND: Dr. Gill

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Mr. Dynar and Ms. Laboy.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING THE COMPLAINT SCREENING COMMITTEE’S RECOMMENDATION TO ISSUE A NON-DISCIPLINARY LETTER OF CONCERN AND ORDER FOR CONTINUING EDUCATION TO KARLAYE RAFINDADI, PH.D., FOR COMPLAINT NO. 21-11

This item was considered around 8:49 a.m.

Dr. Rafindadi and Attorney Mandi Karvis participated in the virtual meeting during the Board’s consideration of this matter.

Deputy Director Michaelsen summarized that this matter was regarding a psychological evaluation completed by Dr. Rafindadi for client MT in 2019 at the request of his probation officer. MT filed his complaint in January of 2021 alleging that he was misdiagnosed by Dr. Rafindadi in her report. The Complaint Screening Committee (“CSC”) reviewed the case and discussed concerns relating to several aspects of the evaluation report and the lack of information to support the diagnosis stated in the report. The CSC recommended the issuance of a non-disciplinary Letter of Concern and non-disciplinary CE Order for completion of 10 hours in the areas of psychological evaluations, report writing and diagnosis, in addition to the hours required for license renewal.

Ms. Karvis stated that the CSC discussed concerns regarding the lack of a summary in the report, that Dr. Rafindadi heard the Committee’s concerns and indicated that summaries are typically part of her reports. In response to concerns relating to the provisional diagnosis of mild intellectual disabilities based on WASI-II, Ms. Karvis stated that Dr. Rafindadi specifically indicated that it was a provisional diagnosis with respect to the mild intellectual disabilities based on the WASI-II and the individual’s past educational experience. Ms. Karvis stated that they did not believe this situation warranted a Letter of Concern or an Order for CE.

Dr. Caterino questioned the licensee as to her training specific to the WASI-II. Dr. Rafindadi reported that she completed specific training on the WASI years ago, and clarified that she was trained on the first version and not the second and that she has used it over the course of around 12 years. Dr. Rafindadi stated that she understood the concerns raised by the CSC and explained that she wanted to do more work with this client to confirm the diagnosis, but the client did not return. Dr. Caterino stated her concerns regarding information that she felt was lacking from the evaluation report and stated that more mention as to the lack of validity of the testing should have been included in the report.

The Board reviewed and discussed the CSC’s concerns and recommendation for a non-disciplinary sanction as well as counsel’s request for dismissal. Dr. Gill recalled the Committee’s discussion and concerns relating to the provisional diagnosis in that the Committee found the WASI-II cannot support a provisional diagnosis and there was no documentation regarding adaptive function. Dr. Gill stated that the diagnosis was not properly supported and he spoke in favor of the Committee’s recommendation to issue a Letter of Concern. Dr. Caterino stated that the WASI was not the correct instrument to be used. Ms. Shreeve pointed out that the CSC recommended non-disciplinary CE in addition to the Letter of Concern for the licensee to obtain additional training and have a better understanding of how these studies or tests should be used.

MOTION: Ms. Shreeve moved for the Board to issue a non-disciplinary Letter of Concern and offer a Consent Agreement for non-disciplinary CE. If not signed, the matter shall proceed to initial review.

SECOND: Dr. Gill

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Mr. Dynar and Ms. Laboy.

**VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.**

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO THE COMMITTEE ON BEHAVIOR ANALYSTS RECOMMENDATION TO ISSUE A NON-DISCIPLINARY LETTER OF CONCERN TO CIERRA WALLING, M.ED., FOR COMPLAINT NO. 21-16

This item was considered around 9:12 a.m.

Ms. Walling participated in the virtual meeting during the Board's consideration of this matter.

Chairwoman Davis-Wilson summarized that the complaint alleged that the licensee terminated her employment with the organization without properly transitioning her clients. The Committee on Behavior Analysts ("CBA") noted concerns raised by both the complainant and licensee, and determined that this was an employment matter. The CBA did note concerns that there was not an ongoing or any attempt to ensure that the clients were properly transferred, to ensure that the families were notified and staff were able to provide coverage. The Board noted that the licensee submitted her resignation during the time that she was on COVID quarantine and that by the time she returned, she was locked out. The CSC noted concerns that Ms. Walling made no further attempts to contact her supervisor or the organization to ensure proper transition of her clients and recommended the issuance of a Letter of Concern.

Vice-Chairman Davey commented that this was a young practitioner who was in a difficult situation that led to the shortcoming in transferring her clinical cases. He recalled that the Committee questioned whether this could have been averted by a few simple communications and determined that a Letter of Concern was warranted.

MOTION: Vice-Chairman Davey moved for the Board to issue the recommended non-disciplinary Letter of Concern.

SECOND: Ms. Shreeve

Dr. Mellott stated her concerns regarding the difficulties relating to employment matters and that she was concerned with issuing a Letter of Concern in this instance. Ms. Walling reported that she submitted her letter of resignation to Human Resources and sent a separate email to staff and her supervisor addressing her reasons for resigning. She stated that she was open to preparing for a transition of care, but was unable to have communications with the company after her COVID quarantine as the company locked her out of their communication portals. Ms. Walling stated that she eventually connected with a staff member from the company via LinkedIn and confirmed that the individual was taking over her four active cases.

In response to Dr. Caterino's questioning, Ms. Walling stated that she was not provided an opportunity to have a proper transition plan meeting when she was locked out and was under the impression that she was not able to discuss clients since she was no longer an employee. Dr. Mellott questioned the licensee regarding her email communications with her supervisor prior to being locked out of the company. Ms. Walling explained that she emailed Human Resources on February 10th regarding her resignation, and that she sent a separate email that same day to her supervisor and staff to explain her reason for leaving the company, her quarantine finished on February 12th, and that she was locked out of the company by the following Monday, February 15th. Dr. Mellott noted that Ms. Walling responded to an email response from Human Resources regarding the scheduling of her exit interview and that she did not respond to her supervisor's response to her email that asked to meet with her to review cases and transition upon return from quarantine.

Chairwoman Davis-Wilson noted that during the CSC, the employer indicated that Ms. Walling was provided with an outline of what was required to qualify for quarantine and that the company found that Ms. Walling was not on an approved COVID quarantine. Ms. Walling explained that she scheduled mobile rapid testing as it was listed as approved by the company, and that they never showed up for her appointment and she ultimately elected to self-quarantine. Ms. Walling stated that she assumed her employment was terminated after realizing

she was locked out and that she realizes she should have made further follow up attempts. Dr. Mellott stated that a Letter of Concern was not warranted given the circumstances of the pandemic, the fact that the licensee communicated via email with her colleagues regarding her resignation and in light of how the Board has addressed similar matters at the early stages of the pandemic. Vice-Chairman Davey stated that the CSC recommended a Letter of Concern to have it on record in the event that a similar issue is raised in the future. Dr. Mellott stated that this was a Human Resources matter and does not warrant a Letter of Concern as she did not find that there was evidence of client abandonment.

Vice-Chairman Davey and Ms. Shreeve withdrew their motion.

Chairwoman Davis-Wilson noted that the company had COVID policies in place and had restricted access to protect client privacy. She stated that this case differed from previous matters in that the licensee did not make further attempts to contact the company to ensure proper transition of clients. Dr. Caterino stated that Ms. Walling should have made further attempts to contact her supervisor and questioned whether she informed clients or families that she was preparing to leave the company. Ms. Walling stated that she did not have an opportunity to speak with families as she planned to do so after determining who was taking over for her. Vice-Chairman Davey commented that the Committee found the company's operations egregious and noted that they did not provide documentation regarding their policies for separations and disciplinary procedures. He stated that he did not believe there was an opportunity for proper transition and was due to both parties to some respect.

MOTION: Ms. Shreeve moved for dismissal.

SECOND: Dr. Mellott

Ms. Shreeve stated that Ms. Walling has heard the Board's concerns and has hopefully learned from this case. Dr. Gill stated that he supported Dr. Mellott's comments, and stated his concerns that the licensee did not reach out to her supervisor or whomever may have been covering for her while on leave.

VOTE: The following Board members voted in favor of the motion: Vice-Chairman Davey, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members voted against the motion: Chairwoman Davis-Wilson and Dr. Caterino. The following Board members were absent: Dr. Meier, Mr. Dynar and Ms. Laboy.

VOTE: 4-yay, 2-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

Vice-Chairman Davey requested staff agendaize for the next CBA meeting a topic relating to the outcome and follow up of the Board's discussion in this matter as a learning opportunity for the Committee members.

The Board recessed from 9:57 a.m. to 10:06 a.m.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEWS OF THE FOLLOWING COMPLAINTS

a) Complaint No. 21-12 Vaughn Tsoutsouris, Psy.D.

This item was considered around 10:06 a.m.

Dr. Tsoutsouris and Attorney Dr. Faren Akins participated in the virtual meeting during the Board's consideration of this matter. Complainant RB also participated in the virtual meeting.

Dr. Gill summarized that RB received telehealth services from Dr. Tsoutsouris from July 2020 to January of 2021. RB alleged in her complaint that Dr. Tsoutsouris discussed his dating and personal life, that he sexualized his patients and encouraged RB's sexual feelings toward him, and that he terminated her treatment inappropriately and abandoned her. Dr. Gill stated that the Complaint Screening Committee ("CSC") reviewed this matter at which time both parties were present. The CSC voted to forward the case to the Board based upon potential violations involving

recordkeeping issues, consent forms that were not compliant with telepractice rules, lack of a policy regarding emailing and texting the client outside of sessions, and concerns relating to personal disclosures on the part of the licensee to the client that were deemed not appropriate considering RB's expressed romantic interest in him. RB terminated treatment with the licensee and began seeing a new therapist in January of 2021. Dr. Gill further summarized that in response to the complaint and investigation, Dr. Tsoutsouris denied the allegations and stated that RB was difficult to treat. Dr. Tsoutsouris provided documentation confirming informed consent related to telepractice as well as CEs recently completed in the areas of risk management and recordkeeping.

In response to Dr. Caterino's questioning, Complainant RB explained that she questioned terminating the therapy relationship several times throughout the course of treatment and reiterated to the Board the allegations as outlined in her complaint. Ms. Shreeve inquired with RB regarding whether she expressed to Dr. Tsoutsouris that she was attracted to him. RB stated that she thought the licensee was married at the time that she brought this up to him and that she gave him the choice to end the therapeutic relationship, but he wanted to continue. RB stated that Dr. Tsoutsouris told her he was single and that he sexualized his patients for which he was receiving therapy. RB reported that she was distraught and found a new therapist who she stated has been wonderful and that the therapy is a completely different experience than with the licensee.

Dr. Akins stated that Dr. Tsoutsouris denied making any personal disclosures during RB's therapy, that he has taken to heart the concerns raised by the CSC and is now participating in a peer consultation group. Dr. Tsoutsouris reported that he has updated his informed consent forms to include more information regarding electronic communications and has updated his electronic communications policy to be congruent with the information in the consent forms. He stated that he no longer accepts text messages from clients and that he has made the appropriate modifications to his telehealth consent forms to be congruent with Board requirements. He also reported completion of 19 CE hours in documentation and ethics in order to further educate himself in these critical areas. Dr. Tsoutsouris stated that he utilized his personal therapy to better understand and treat the dynamics in this case, and that he has joined a peer consultation group that will provide him with more opportunity to gain knowledge in difficult cases such as this.

Ms. Shreeve questioned the licensee regarding the allegations relating to self-disclosure. Dr. Tsoutsouris stated that he did reveal to RB that he was single, but that he never stated he was attracted to her or that he sexualizes his patients. Dr. Gill suggested entering into Executive Session to discuss confidential health information and stated that he believed the diagnostics and treatment planning needed to be addressed in this case. Dr. Caterino questioned why the licensee continued to provide therapy if the client expressed a desire to end treatment on more than one occasion. Dr. Tsoutsouris stated that RB expressed some doubt about treatment and then would express her desire to stay.

MOTION: Dr. Gill moved for the Board to enter into Executive Session to discuss confidential health related information and to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(2) and (3).

SECOND: Ms. Shreeve

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Mr. Dynar and Ms. Laboy.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board entered into Executive Session at 10:44 a.m.

The Board returned to Open Session at 10:50 a.m.

No legal action was taken by the Board during Executive Session.

Vice-Chairman Davey stated his concerns regarding the texts and questioned whether the licensee ever considered that he may not have the qualifications or time for this patient and if he consulted other psychiatrists or psychologists for assistance that could help him navigate through this case. Dr. Tsoutsouris stated that he did take this case into his own therapy with a psychologist to try and understand the dynamics and to receive support. He stated that he considered the possibility of referring RB to another provider, but felt that there was risk involved since he sensed that she was developing an attachment to him.

Dr. Gill recognized the difficulties encountered in these types of cases, and stated that it is not uncommon to have a less than positive outcome in such treatment. He stated that documentation and consultation are imperative when facing such challenges. Dr. Mellott stated that the evidence presented in this support that the violations did occur, and that she believed supervision was important for protection of the public. The Board discussed proceeding to informal hearing with the option to enter into a Consent Agreement based upon the violations identified by the CSC.

MOTION: Dr. Gill moved for the Board to proceed to informal interview in this case for possible violations of A.R.S. § 32-2061(16)(h), (k), (o) and (dd) as it pertains to 3.04 of the code of ethics.

SECOND: Dr. Mellott

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Mr. Dynar and Ms. Laboy.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board discussed probationary terms to include CE in the areas of personality and substance use disorders, as well as supervision for two hours a session twice a month for one year with the option to review at six months with a report from the supervisor as to whether supervision should continue or terminate. Dr. Caterino recalled RB's claim that the last session with Dr. Tsoutsouris was not really a session, and stated that based on her review of the information gathered in this case, there did appear to be notes from the session as well as a time listed. Dr. Tsoutsouris confirmed that his last visit with RB was a termination session.

THE FOLLOWING AGENDA ITEMS ARE UNTIMED AND MAY BE DISCUSSED AND DECIDED UPON AT VARIOUS TIMES THROUGHOUT THE MEETING AT THE DISCRETION OF THE CHAIR

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON PRESENTATION OF COMPLETED STUDENT INTERNSHIP PROJECTS

This item was considered around 11:01 a.m.

a. Caitlin Doherty – Research Agenda Presentation

Executive Director Herbst Paakkonen recognized Ms. Doherty for her hard work and efforts, and stated that she believed the information gathered during Ms. Doherty's research was particularly informative in that it addressed a number of regulatory issues and established framework that could be updated in the future and can be referenced when struggling with a specific decision relative to cases, complaints and policies that are regulatory in nature.

Ms. Doherty presented to the Board the research agenda of the tasks she completed during her internship semester including tracking of claims that were opened as complaints since 2016 and complaints dismissed since 2015. Ms. Doherty stated that her research showed that more complaints were referred to the Board in 2020 versus dismissed, and that the CSC has been successful in limiting the number of cases that need to be reviewed by the full Board, saving time

and resources. Ms. Doherty reported that she researched all Board actions for the past ten years and categorized them by the types of violations, the three main categories involved failing to maintain adequate records, providing services unnecessary, unsafe or unprofessional and violating ethical standards adopted by the Board. She proposed utilizing this data to consider designing CE credits to try and reduce these areas of concern. Additionally, Ms. Doherty reported on requests for investigational reports and CE audits, which she stated differ from other states as to availability and fees associated with investigational reports as well as the frequency of CE audits. The Board discussed when reporting on the percentages of cases where discipline was issued, the total number of cases should be included for reference. The Board suggested including examples of what is considered a great risk or medium risk and charting the individuals against whom the complaints were filed.

Ms. Doherty summarized that her research into BAs included the definition of BAs in other states as well as client. She stated that the majority of other states that did have BAs defined included the following in their definitions: “design, implementation and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior.” Ms. Doherty reported that the majority of states do not have a definition for “client,” and that some states also include what a BA is not within their definition. Chairwoman Davis-Wilson questioned how many other states utilized the same language from the model licensing act for BAs, pointed out that some states issue licenses to BAs upon proof of certification with no additional licensing requirements, and she suggested these micro analyses be included in this data going forward. Board members also recognized that BAs in other states are associated with different regulatory boards, including behavioral health, medical and psychology, while some are fully independent as an acting body. Ms. Doherty further reported on the percentage of BA applications that included data errors, of which 31 different types were identified, which results in delays in the licensing process and creates more work for both the Board’s staff and the applicant.

The Board thanked Ms. Doherty for her research and presentation. Executive Director Herbst Paakkonen reported that the Board’s suggestions have been noted and that the next intern will be working on their implementation. She encouraged Board members to forward to her via email any additional thoughts or suggestions. Executive Director Herbst Paakkonen stated her appreciation for Ms. Doherty and stated that it was a pleasure working with her. She also reported that Ms. Doherty has agreed to stay on with the Board part time to assist Ms. Fowkes with licensing tasks.

b. Elizabeth Bronold – Psychologist Consumer Education Video Presentation

Executive Director Herbst Paakkonen recognized Ms. Bronold for her hard work and efforts and stated that she was tasked with a challenging project that involved creativity and a specific technology skillset in that she assembled a consumer focused information video.

Ms. Bronold explained that the idea for the video was to create something that was consumer friendly and easy for the general public to access and digest the information. She stated that the complaint section of the Board’s public facing website contained overwhelming information and was hard to navigate causing issues for consumers trying to determine whether they should file a complaint versus a claim and were unsure about the complaints process itself. Ms. Bronold stated that the video she created covers the complaints process to hopefully offer a better understanding to consumers and helps ensure that they are filing with the correct regulators. Ms. Bronold shared her screen for playing of the video for the Board as well as meeting attendees.

The Board applauded Ms. Bronold’s work and thanked her for the video she created. Chairwoman Davis-Wilson noted that the video referenced complaints only against psychologists, and she suggested that it be modified to include BAs. Ms. Bronold reported that a separate video will be made relating to BAs. Executive Director Herbst Paakkonen informed the Board that she reviewed the content closely along with the Deputy Director, and that the software program allows for easy modifications. The Board discussed the make-up of the CSC and Executive Director Herbst

Paakkonen confirmed that the membership typically consists of one public member and two psychologists, with the exception of some occasions where a BA Board member has served on the CSC due to quorum issues.

The Board thanked Ms. Bronold for a job well done. Executive Director Herbst Paakkonen reported that while Ms. Bronold's internship has ended, she has agreed to assemble a video regarding the regulation of BAs.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION WHETHER THE BOARD HAS JURISDICTION REGARDING A COMPLAINT FILED AGAINST SONJA RACITI, PSY.D., AND TO DETERMINE WHETHER TO DISMISS THE MATTER FOR LACK OF JURISDICTION OR TO PROCEED WITH THE COMPLAINT PROCESS

This item was considered around 12:45 p.m. at which time Mr. Dynar joined the meeting, and Dr. Caterino departed from the meeting as she was recused from this matter.

Chairwoman Davis-Wilson informed the Board that this matter was agendaized for the Board to determine whether it has jurisdiction over the complaint and whether or not the matter should proceed with the usual complaint process.

Deputy Director Michaelsen summarized that the Board previously issued a disciplinary order after reviewing a complaint submitted by HB against a licensed psychologist. The Board's Order required supervision with a pre-approved practice monitor. The Board approved Dr. Raciti to serve as practice monitor, noting that the psychologist had already voluntarily engaged with Dr. Raciti for assistance in her practice prior to the Board's Order becoming effective in October of 2020. Subsequently, HB filed a complaint against Dr. Raciti alleging several concerns, to include that there was a conflict of interest for Dr. Raciti to accept the role of practice monitor for the psychologist in that HB felt a therapeutic relationship had been established. Deputy Director Michaelsen reported that review of the documentation submitted by HB reflected that the parties communicated regarding the possible scheduling of an appointment to establish care, but it appeared that services were never rendered as the initial evaluation was canceled by Dr. Raciti for reasons related to COVID. Deputy Director Michaelsen stated that some of the allegations relate to concerns that occurred in mid-2020, prior to the initiation of practice monitoring, while other allegations pertain to the time that Dr. Raciti was serving as practice monitor for the psychologist. She asked the Board to consider A.R.S. § 32-2081(d) when considering jurisdiction to pursue a complaint.

MOTION: Ms. Shreeve moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Chairwoman Davis-Wilson

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Mr. Dynar, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Dr. Caterino and Ms. Laboy.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board entered into Executive Session at 12:51 p.m.

The Board returned to Open Session at 1:11 p.m.

No legal action was taken by the Board during Executive Session.

Chairwoman Davis-Wilson reminded the Board members that the purpose of today's proceeding was to determine or establish whether or not the Board has jurisdiction over this complaint. Ms. Shreeve stated that based on her review of the file, there did not appear to be a therapeutic relationship established between the parties. Mr. Dynar agreed with Ms. Shreeve's comments and stated that he found the Board did not have jurisdiction to open a complaint given that Dr. Raciti was acting as an agent of and performing duties for the Board.

MOTION: Ms. Shreeve moved for the Board to not open a complaint due to lack of jurisdiction.

SECOND: Mr. Dynar

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Mr. Dynar, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Dr. Caterino and Ms. Laboy.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CLAIMS REVIEW PROCESS ESTABLISHED BY A.R.S. § 32-2081

This item was considered around 11:40 a.m.

Deputy Director Michaelsen summarized the Board's claims process and how it differed from the usual complaint process. Specifically, claims are filed when the psychologist's services stemmed from a Court order and requires independent review by three Board members, including one public member, to recommend whether they believe there is merit to open an investigation. If one or more member determines there is merit to open an investigation, the normal complaint process is then carried out.

Ms. Shreeve questioned the number of claims that proceeded to complaints where only one member found merit versus matters where two members found merit to open a complaint. Deputy Director Michaelsen stated that she would research the information and report back to the Board. Dr. Gill stated that the claims process should require a majority of members to vote for proceeding with a complaint versus just one member making that determination. The Board recognized that there is no input received from the psychologist when claims are reviewed, and that if no merit is found, the matters are not pursued and no investigation is initiated. AAG Galvin explained that the claims process was created to keep the psychologist out of the process so that they may continue their involvement with the court proceedings until a determination has been made. She stated that the psychologist would often times have to recuse or remove him or herself from the court proceeding due to the existence of a complaint, which has been alleviated by the Board's claims process.

Dr. Mellott suggested claim review process training for Board members to undergo and better understand the process and the purpose for the claims review. AAG Galvin reported that the legislature created the claims process, and she informed the Board that the forms completed and submitted by Board members during the claims review process are public record. Ms. Shreeve recalled the Board was not satisfied with the change in law, but creating the claims review process was the best remedy created by the Board. Ms. Shreeve spoke in favor of maintaining the current claims review process as it currently exists. Dr. Gill spoke in favor of Dr. Mellott's suggestion for Board member training in this area. Chairwoman Davis-Wilson instructed Board staff to create and arrange a training session for Board members relating to the claims review process, and to add possible changes to this process to the list of items the Board may be pursuing for the next legislative session in 2022. AAG Galvin cautioned the Board regarding possible future legislation and pointed out that the legislative process could potentially change whatever bill is initially proposed by the Board.

14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED LEGISLATION INCLUDING, BUT NOT LIMITED TO, SB1253, HB2067, HB2128, HB2243, HB2267, HB2433, HB2454, HB2561, SB1482

This item was considered around 8:38 a.m.

Executive Director Herbst Paakkonen reported that HB2267 does not appear to be moving forward through the legislative process, due in part to the potential fiscal impact to the State's General Fund. She reported that HB2454 expanding telehealth was signed into law and effective immediately. She stated that a registry is being established for individuals licensed in another state to provide telehealth services to Arizona residents. Executive Director Paakkonen stated that there will be more information for the Board to consider at its next meeting regarding the registry process. Additionally, Executive Director Herbst Paakkonen reported that HB2561 passed and establishes PCSAS as a recognized accreditor of psychologist education programs for the purposes of licensure. She also reported on the introduction of the general appropriations act and the delay with

no new developments, and stated that the Agency is anxiously waiting to learn whether the bill establishes the additional position and funds for technology needs/deficiencies as requested.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON EXECUTIVE ORDER 2021-02 REQUIREMENT TO REVIEW WAIVED AND SUSPENDED RULES DURING PUBLIC HEALTH STATE OF EMERGENCY FOR COVID-19, AND IMPACTS OF THE SAME

This item was considered around 12:08 p.m.

Executive Director Herbst Paakkonen reported that one waiver could not be acted on last month as the Board has been awaiting input from the BACB with regard to the waiver that grants a deviation from requirements for observation with a client. She stated that there is no specific date for which the BACB planned to return to pre-COVID requirements and that the Board does not have the clarity it had hoped to have in order to make a determination. Executive Director Herbst Paakkonen stated that the Governor's Office has requested the Board to arrive at recommendations for all waived and suspended rules; however, she stated that this is one that she does not believe the Board can reflect on at this time as it is tied to the certifying body's decision.

Chairwoman Davis-Wilson stated her concerns that prolonging this waived requirement could result in allowing for individuals to complete their supervised experience without ever having had a client. Executive Director Herbst Paakkonen confirmed that she would assemble the information and submit it, and that she will seek further insight into this and report back to the Board.

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

This item was considered around 8:43 a.m.

Executive Director Herbst Paakkonen reported that the staff continues to monitor the state of emergency and that it appeared the strategy has been to gradually modify certain restrictions. She informed the Board that while the temporary license remains an option at this time, she has been advising applicants to be mindful of the fact that the temporary licenses will terminate with the Governor's lifting of the declared state of emergency.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PROPOSED NEW CONTINUING EDUCATION REQUIREMENT SPECIFIC TO DIVERSITY TOPICS AND RELATED CONTENT

This item was considered around 12:17 p.m.

Executive Director Herbst Paakkonen summarized that the Board discussed this topic at its April 8th meeting and struggled to arrive at the language for the requirement that members felt was reflective of all topics and content areas that would be appropriate and accommodate a variety of diverse topics. The Board determined at that time that members would think about it and return to the Board with further discussion. Executive Director Herbst Paakkonen reported that she received information from ASPA with recommendations to use terminology such as diversity, multicultural competence, and multicultural diversity and inclusion. She stated that AAG Galvin proposed language that included a number of broad categories under which a lot of different content areas could potentially fit.

Dr. Gill spoke in support of the proposed language with the exception of the word "competence," and stated that he recalled the Board previously elected not to use this term. Dr. Gill questioned who would be approving the courses or classes. Dr. Mellott pointed out that the rules indicate which CEs are acceptable. Executive Director Herbst Paakkonen clarified that the Board's rules do not require any evaluation, accreditation or approval of CE units. She also reported that Ms. Krishna's research demonstrated that APA accreditation is overwhelmingly present in reported CE units completed by licensees. Ms. Shreeve spoke in support of the proposed language as she found it was very encompassing. Executive Director Herbst Paakkonen reported that

Amanda Acevedo, a student at NAU, shared a resource that is a model of addressing diversity and presented an outline of information that could inform content development for courses that would fit into this requirement. Chairwoman Davis-Wilson stated her concerns regarding multiculturalism not encompassing the entire group including marginalized individuals. She stated that the information provided by Ms. Acevedo is a great resource and would help guide the professionals as well as the CE review committee if adopted as a tool. Chairwoman Davis-Wilson stated her appreciation for Ms. Acevedo bringing the information to the Board's attention.

MOTION: Ms. Shreeve moved for the Board to adopt the language proposed by AAG Galvin as follows: "Require licensees to complete 4 hours of CE for each renewal cycle in the area of diversity. Such topics could include, but are not limited to, race, age, sex, gender, gender identification, neuro differences, developmental abilities, physical abilities and income inequality."

SECOND: Dr. Mellott

Dr. Mellott questioned when the change would become effective. Chairwoman Davis-Wilson stated that the rule writing process was required in order to make the change, and that the Board would be adding this to its proposed rules. Dr. Caterino questioned whether 4 CE hours should be required versus 3 CE hours. Chairwoman Davis-Wilson recalled the Board voted previously to require 4 CE hours and that the required hours could be determined when the Board votes on the draft rule packet. Executive Director Herbst Paakkonen reported that ASPA was assured that they can have courses available for this specific content.

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Mr. Dynar and Ms. Laboy.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

Chairwoman Davis-Wilson noted that the Board's original vote on this topic included the BAs and that the BA professional association assured that they will have CEs available for members.

18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PERFORMANCE APPRAISAL FOR EXECUTIVE DIRECTOR

This item was considered around 12:31 p.m.

Chairwoman Davis-Wilson observed that the Executive Director has been with the Board for 18 months and that this was an appropriate time for the Board to conduct an appraisal. She instructed the Board to review the statewide appraisal tool used for employees and discuss the process they would like to utilize to proceed in this matter.

MOTION: Ms. Shreeve moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Chairwoman Davis-Wilson

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Mr. Dynar and Ms. Laboy.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board entered into Executive Session at 12:34 p.m.

The Board returned to Open Session at 12:40 p.m.

No legal action was taken by the Board during Executive Session.

The Board discussed whether to proceed with the performance appraisal and whether to utilize the statewide appraisal tool. Board members indicated that not all members received a copy of the appraisal tool. Ms. Shreeve suggested that the Executive Director provide the Board with an overview of what she feels she has

accomplished in her time with the Agency and what she planned to work on for next year. Ms. Shreeve questioned whether it would be appropriate for the Board to consider a salary increase during the appraisal process. AAG Galvin stated that the Board had the authority to offer such an increase if it deems appropriate at the conclusion of the appraisal process.

Chairwoman Davis-Wilson instructed the Executive Director to create an outline of self-reflection and successes that she has had over the past 18 months, instructed the AAG to draft the necessary notice letters, and instructed staff to agendize this matter for the Board's next meeting and disseminate a copy of the appraisal tool to Board members.

19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING BEHAVIOR ANALYST LICENSE APPLICATION FROM SAMUEL D. JORDAN, M.S.

This item was considered around 8:36 a.m.

Vice-Chairman Davey reported that this matter was missed during the Committee on Behavior Analysts meeting and was forwarded to the full Board. He noted that the applicant has been a BCBA since 2015 and holds licensure in Utah and Virginia. Vice-Chairman Davey stated that there did not appear to be any issues with the application and he spoke in favor of granting the license.

MOTION: Vice-Chairman Davey moved for the Board to issue the license.

SECOND: Ms. Shreeve

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Mr. Dynar and Ms. Laboy.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

20. NEW AGENDA ITEMS FOR FUTURE MEETINGS

21. ADJOURNMENT

MOTION: Ms. Shreeve moved for adjournment.

SECOND: Dr. Gill

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Mr. Dynar, Dr. Gill, Dr. Mellott and Ms. Shreeve. The following Board members were absent: Dr. Meier, Dr. Caterino and Ms. Laboy.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board's meeting adjourned at 1:15 p.m.

Respectfully submitted,



Matt Meier, Psy.D.
Secretary