



Governor
Douglas A. Ducey

Arizona Board of Psychologist Examiners

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Board Members

Janice K. Brundage, Ph.D., Chair
Tamara Shreeve, MPA., Vice-Chair
Lynn L. Flowers, Ph.D. Secretary
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Diana Davis-Wilson, DBH, BCBA
Joseph Donaldson
Ramona N. Mellott, Ph.D.
Frederick S. Wechsler, Ph.D., Psy.D.

Executive Director Jenna Jones

REGULAR SESSION MINUTES

June 2, 2017
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 Bohanske at 8:37 a.m. on June 2, 2017.

2. ROLL CALL

Board Members Present

Bob Bohanske, Ph.D., – Chair
Lynn Flowers, Ph.D. – Vice Chair
Paul Beljan, Psy.D., ABPdN, ABN
Janice K. Brundage, Ph.D. - Secretary
Joseph C. Donaldson
Ramona N. Mellott, Ph.D.
Tamara Shreeve, MPA
Frederick S. Wechsler, Ph.D., Psy.D., ABPP (cl)

Board Staff

Dr. Cindy Olvey, Executive Director
Lynanne Chapman, Deputy Director
Heather Broaddus, Licensing Coordinator
Krishna Poe, Administrative Assistant

Attorney General's Office

Jeanne Galvin, Esq.

3. REMARKS/ANNOUNCEMENTS

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

Board Assessment Forms – Dr. Bohanske 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. Bohanske presented a plaque to Mr. Rob Robichaud for his service as a Board member since 2013. Mr. Robichaud's term expired in January 2017 and he continued to serve on the Board until April 2017. Dr. Bohanske presented a plaque to Dr. Beljan for his service as a Board member since 2013. Dr. Beljan's term expired in January 2017 and he will continue to serve on the Board through June 2017. Dr. Bohanske presented a plaque to Dr. Wechsler for his service as the May 2015 - December 2016 Board Chair. Dr. Bohanske thanked Board members and Staff for their dedication and hard work.

4. CALL TO THE PUBLIC

There were no requests to speak.

5. COUNSEL REPORT

A case was brought against the Board in Pima County Superior Court by Dr. Anthony Luick. The case was moved to Federal Court by the Attorney General's Office. A Motion to Dismiss was later filed by the Attorney General. Dr. Luick indicated an interest in stipulating to a dismissal of the case. The stipulation was signed by both parties and the Court has ordered the case dismissed.

The Board summarily suspended the license of Christine Dargon, Ph.D. and is awaiting Formal Hearing. The Formal Hearing has been scheduled for the end of June.

Dr. Steven Gray has filed a Special Action with the Court alleging that the Board does not have jurisdiction over anonymous complaints. The Board stayed action on the complaint pending a decision by the Court. Oral argument is set for June 16, 2017.

A claim was filed with the Board pertaining to John DenBoer, Ph.D. The claim moved forward to a complaint. Dr. DenBoer's attorney, Larry Cohen, filed a Complaint for Declaratory Judgment; Injunctive Relief with the Maricopa County Superior Court to obtain a ruling on the question of the Board's jurisdiction. Board action on RFI 16-22 is stayed pending complete and final court action in the court case. Ms. Galvin stated that the Board will likely have a response by the Fall of 2017.

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

Dr. Wechsler made a motion, seconded by Dr. Beljan to approve the items on the Consent Agenda. Dr. Brundage abstained from the March 17, 2017, Regular Session Minutes. The motion carried 8-0.

(a) APPROVAL OF MINUTES

- March 17, 2017, Regular Session (Dr. Brundage abstained)
- April 7, 2017, Regular Session

(b) EXECUTIVE DIRECTOR'S REPORT

(c) INVESTIGATIONS REPORT

(d) LICENSING REPORT

(e) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL TO SIT FOR EPPP AND LICENSURE

- Daniel Phillips, Ph.D.
- Jared Bakker, Psy.D.
- John Balles, Ph.D.
- Laurie Cessna-Fisher, Psy.D.
- Michelle James, Psy.D.
- Raymonda Matheka, Psy.D.
- Rebekah Gingras, Psy.D.
- Sarah Opuroku, Psy.D.

ii. REQUESTING APPROVAL FOR LICENSURE BY WAIVER

- Danielle Eagen, Ph.D.
- Desey Tziortzis, Psy.D.
- Dominique Marguerite, Ph.D.

- Donald Salz, Ed.D.
- Marsha Ferrick Heiden, Ph.D.
- Tracy Rogers, Ph.D.

iii. REQUESTING APPROVAL FOR LICENSURE BY CREDENTIAL

- Matthew Clark, Ph.D.

(f) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF TEMPORARY LICENSE APPLICANTS AND APPROVAL OF POSTDOCTORAL WRITTEN TRAINING PLAN AND APPROVAL TO SIT FOR THE EPPP

- Imecca Akpa, Psy.D.

(g) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- Katie Sears, M.A.
- Lynn Kernes, M.Ed.
- Molly McGinnis, M.Ed.
- Shana Hornstein, Ph.D.
- Shelby Miner, M.S.
- Taryn Snyder, M.Ed.

(h) DISCUSSION/DECISION REGARDING REQUEST FOR REACTIVATION OF INACTIVE LICENSE SUBMITTED BY MARIANNE BRANDON, PH.D.

(i) DISCUSSION/DECISION REGARDING REQUEST FOR SECOND EXTENSION OF TIME TO SIT FOR THE EPPP FROM RICARDO MENDIVIL, PSY.D.

(j) DISCUSSION/DECISION REGARDING REQUEST FOR EXTENSION OF TIME TO SIT FOR THE EPPP FROM MICHAEL PINNELL, PSY.D.

(k) DISCUSSION/DECISION REGARDING REQUEST FOR EXTENSION OF TIME TO SIT FOR THE EPPP FROM DEBORAH RICHARDSON, PH.D.

(l) DISCUSSION/DECISION REGARDING REQUEST FOR REACTIVATION OF INACTIVE LICENSE SUBMITTED BY ANTHONY JIMENEZ, PH.D.

(m) DISCUSSION/DECISION REGARDING REQUEST SUBMITTED BY CORINNA NDOLO, M.ED, FOR EXTENSION OF TIME TO COMPLETE THE CONTINUING EDUCATION REQUIREMENTS FOR LICENSURE RENEWAL DUE BY APRIL 30, 2017

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEWS FOR THE FOLLOWING INVESTIGATIONS

Complaint No. 15-37, Monika Kos, Ph.D.

Dr. Mellott recused from this agenda item and exited the meeting room. Dr. Flowers provided a summary to the Board stating that Dr. Kos is an applicant for licensure as a psychologist. During the review of Dr. Kos' application the Board opened a complaint against Dr. Kos' supervisor for possible unprofessional conduct pertaining to Dr. Kos' postdoctoral supervision. The complaint was dismissed. Subsequently the Board opened a complaint against Dr. Kos for possible violation of A.R.S. §32-2061(15)(c) for possibly making or using statements of a character tending to deceive or mislead; A.R.S. §32-2061(15)(j) for possibly making a fraudulent or untrue statement to the board or its investigators, staff or consultants; and A.R.S. §32-2061(15)(m) for possibly using fraud, misrepresentation or deception to obtain or attempt to obtain a psychology license or to pass or attempt to pass a psychology licensing examination or in assisting another person to do so.

Dr. Kos was not present. The Board deliberated stating that there were no supervisor signatures on the supervision logs, and Dr. Kos' supervisor affirmed that he did not sign the postdoctoral training agreement that was submitted to the Board. The supervisor also affirmed that the supervision logs reported more supervision than he provided. Board members expressed concern about the authenticity of the documents. Furthermore, Board members noted the variation in handwriting throughout the documents. After deliberation, Dr. Wechsler made a motion, seconded by Dr. Beljan, to move this matter to an Informal Interview. The motion carried 7-0-1 with Dr. Mellott recused.

Complaint No. T-16-32, Troy Melendez, Ph.D.

Dr. Beljan provided a summary to the Board stating that there was an anonymous complaint filed pertaining to Dr. Melendez practicing psychology. A letter was sent to Dr. Melendez requesting a response to the complaint. Dr. Melendez's website indicated that he provides services that may fall under the purview of a psychologist. It also appeared that Dr. Melendez was portraying himself as a psychologist. Dr. Melendez responded and made changes to his website. This matter was reviewed by the Board's Complaint Screening Committee (Committee) and the Committee requested that Dr. Melendez put a disclaimer on his website stating that he is not licensed as a psychologist. As of May 17, 2017, Dr. Melendez has not put the requested disclaimer on his website. Board members expressed concern that Dr. Melendez did not comply with the Committee's request. After deliberation, Ms. Shreeve made a motion, seconded by Dr. Brundage, to move this matter to an Informal Interview and to issue a subpoena for Dr. Melendez's appearance at the Informal Interview.

Complaint No. 16-37, Nelson de Jesus, Ph.D.

Dr. Flowers provided a summary to the Board stating that the Complainant is the mother of Dr. de Jesus' client. The Complainant alleged that Dr. de Jesus failed to recognize his clients risk of inflicting self-harm. Dr. de Jesus responded stating that his client had his cell phone number and national hot-line numbers and he did not believe his client was in immediate danger. The Complaint Screening Committee voted to forward this matter to the Board for possible violations of A.R.S. §§32-2061(e)(b)(o).

The Complainant was present, requested to speak and made statements. The indicated that shortly after the last session with Dr. de Jesus, the client harmed himself. The Complainant indicated that no safety plan was in place.

Dr. de Jesus and his attorney, Charlie Hover, were present, requested to speak, made statements and answered Board members' questions. Board members asked Dr. de Jesus about conducting a formal risk assessment, case consultation, possible coordination of care, treatment planning, and documentation of actions taken.

Board members deliberated and expressed concern about risk assessment, lack of treatment plan and safety plan in the records, as well as lack of follow up for missed appointment after the las session. Following deliberation, Dr. Wechsler made a motion, seconded by Dr. Flowers to move this matter to an Informal Interview for possible violations of A.R.S. §32-2061(15)(b) possibly betraying professional confidences; A.R.S. §32-2061(e) possible gross negligence in the practice of a psychologist; A.R.S. §32-2061(15)(h) possibly failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient; and A.R.S. §32-2061(o) possibly providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice. The motion carried 6-2 on a roll call vote with Dr. Brundage and Ms. Shreeve voting no.

Complaint No. T-16-09, Susanne Mumby, Psy.D.

Ms. Shreeve provided a summary to the Board stating that the Complainant alleges that Dr. Mumby is portraying herself as a psychologist without being licensed. Board staff was unable to contact Dr. Mumby regarding the allegations as all of the correspondence was returned to the Board office as "undeliverable". Subsequent to the complaint being submitted, Dr. Mumby submitted an application for licensure as a psychologist to the Board office. Upon receipt of her application, Dr. Mumby was sent correspondence regarding the complaint. Dr. Mumby

responded in a timely manner. The Complaint Screening Committee voted to forward this matter to the Board for further review. Dr. Mumby's application was put on hold during the complaint process and is pending review.

Dr. Mumby was present, requested to speak, made a statement and answered Board members questions. Dr. Mumby stated that she recently moved to Arizona and was unfamiliar with Arizona law. Since receiving the Board's correspondence she has made modifications to her websites. She attested that she practices under supervision and has changed her title to "Psychology Associate". Additionally, she stated that she works in the prison. Board members expressed concern that Dr. Mumby was unfamiliar with Arizona law. Dr. Mumby attested that she has not read all of Arizona law. Board members encouraged Dr. Mumby to become familiar with Arizona law that pertains to the psychology profession. Board members noted the efforts Dr. Mumby made to rectify this matter. After deliberation, Dr. Mellott made a motion, seconded by Dr. Brunadge, to dismiss this matter. The motion carried 8-0.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION FOR REVIEW BY THE BOARD

Mark Popenhagen, Psy.D.

Ms. Chapman provided a brief summary stating that Dr. Popenhagen reported on his 2017 license renewal application that he was the subject of two investigation at his place of employment in 2015 and the matters were resolved. A letter from the place of employment was submitted. Board members deliberated and stated that the matter was resolved appropriately. After deliberation, Ms. Shreeve made a motion, seconded by Dr. Brundage, to take no action in this matter and to approve Dr. Popenhagen's renewal application. The motion carried 7-0-1 with Dr. Wechsler abstained.

Phillip Lett, Ph.D.

Ms. Chapman provided a brief summary stating that Dr. Lett reported on his 2017 license renewal application that an ethics complaint was filed with the American Psychological Association (APA). The complaint is ongoing. Dr. Lett and his attorney, Faren Akins, were present telephonically, requested to speak and made a statement. After deliberation, Dr. Mellott made a motion, seconded by Dr. Wechsler, to take no action in this matter and to approve Dr. Lett's renewal. The Board asked Dr. Lett to keep the Board apprised of the ongoing complaint with the APA. The motion carried 8-0

Charles Bilbrey, Ph.D.

Ms. Chapman provided a brief summary stating that Dr. Bilbrey reported on his 2017 renewal application that a complaint that was filed against him with the California Psychology Board in 2015. Dr. Bilbrey indicated that the complaint was dismissed in 2016. Dr. Bilbrey did not submit documentation stating that the complaint was dismissed. After deliberation, Ms. Shreeve made a motion, seconded by Mr. Donaldson, to take no action in this matter and to approve Dr. Bilbrey's renewal upon receipt of documentation that the complaint was dismissed. The motion carried 8-0

Justin Phelps, Ed.D.

Ms. Chapman provided a brief summary stating that Dr. Phelps answered "yes" to question #11 of the 2017 psychologist renewal application. Dr. Phelps reported that he was dismissed from his place of employment for viewing pornography in his office during office hours. Dr. Phelps was present, requested to speak and made a statement. Board members expressed concern with Dr. Phelps behavior and encouraged Dr. Phelps to seek help if necessary. Dr. Phelps attested that he is currently in a 12 step program. After deliberation, Ms. Shreeve made a motion, seconded by Mr. Donaldson, to take no action in this matter and to approve Dr. Phelps's renewal. The motion carried 8-0

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR RELEASE FROM PROBATION AND PRACTICE MONITOR FROM JOANNA WOODS, PSY.D.

Dr. Wechsler recused from reviewing this matter and exited the meeting room. Ms. Chapman provided a summary stating that Dr. Woods had entered into a Consent Agreement with the Board in September 2016. The Consent Agreement stipulates 6 months' probation and a practice monitor. Dr. Woods submitted a request to be released from probation and the practice monitoring requirement. Board members deliberated and determined that Dr. Woods fulfilled the requirements of the Consent Agreement. After deliberation, Dr. Mellott made a motion, seconded by Mr. Donaldson, to release Dr. Woods from the Consent Agreement. The motion carried 7-0-1 with Dr. Wechsler abstained.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING STATUS UPDATE FROM WILLIAM ARNETT, PSY.D. AND WHETHER PROBATION SHOULD BE LIFTED

Ms. Chapman provided a summary stating that in April of 2016 Dr. Arnett entered into a Consent Agreement with the Board. The Consent Agreement stipulated probation and regular updates regarding his employment and health status. The Board also directed Dr. Arnett to appear before the Board one-year after the April 2016, Board meeting for an update.

Dr. Arnett and his attorney, Brett Rigg, were present, requested to speak, made a statement and answered Board members' questions. Dr. Arnett summarized his criminal charges and timeline for the Board. Board members asked Dr. Arnett to summarize his employment and how many hours he works each week. Dr. Arnett answered stating that he works 10-40 hours and he supervises two people. Dr. Arnett attested that most of his work is administrative and that he does very little clinical work. Mr. Riggs stated that the Court review determined that all stipulations have been met and his record has been expunged. After deliberation, Mr. Donaldson made a motion, seconded by Dr. Beljan, to release Dr. Arnett from the Consent Agreement. The motion carried 8-0.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INFORMAL COMMENTS RECEIVED PERTAINING TO DRAFT RULES FOR BEHAVIOR ANALYSTS, POSSIBLE REVISIONS TO DRAFT RULES, AND POSSIBLE APPROVAL OF PROPOSED RULES

Dr. Mellott provided a summary stating that at the May 5, 2017, Board meeting the Board voted to post draft rules pertaining to behavior analysts on the Board's website for informal comment. The Board received two sets of comments. The Board's Assistant Attorney General, Ms. Galvin, was consulted regarding the comments and appropriate revisions were made. After deliberation, Dr. Mellott made a motion, seconded by Dr. Beljan, to approve the proposed rules and to submit them to the Secretary of State for filing. The motion carried 8-0.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING LEGISLATIVE SESSION WRAP UP INCLUDING, BUT NOT LIMITED TO, SB 1335, HB 2372, SB 1072, AND STATE BUDGET

Dr. Olvey provided a summary stating that the legislative session has concluded and the budget has been approved. Dr. Olvey explained the e-licensing project for state agencies and noted that some Board do not have the funds to pay for the eLicensing. Dr. Olvey stated that \$91,000 will be transferred from the Board's funds to help fund eLicensing for some agencies. The implementation of SB 1335 will form a Committee on Behavior Analyst appointed by the Governor as well as increase the number of Board members from 9 – 10, including two behavior analyst members. The implementation of HB 2372 will waive application and initial licensing fees for individuals who meet the requirements.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING A SECOND REQUEST FOR CONTINUANCE RECEIVED FROM JOHN DENBOER, PH.D., IN THE MATTERS OF COMPLAINT NOS. 16-39 AND 16-53

Ms. Chapman provided a summary stating that Dr. DenBoer has two complaints pending review. Dr. DenBoer previously requested a continuance that was granted by Board staff. Dr. DenBoer's complaints are scheduled to be

reviewed at the June 7, 2017, Complaint Screening Committee meeting. Board staff received correspondence from Dr. DenBoer's attorney, Sean Quinn, requesting a second continuance. Board staff is unable to grant a second continuance therefore the matter is before the Board for consideration. Dr. DenBoer's attorney, Sean Quinn, was present for questions. After deliberation, Mr. Donaldson made a motion, seconded by Ms. Shreeve, to grant the continuance request. The motion carried 8-0 on a roll call vote.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING ISSUES PERTAINING TO APPLICATIONS FOR LICENSURE AS PSYCHOLOGISTS SUBMITTED BY INDIVIDUALS WHO GRADUATE FROM PROGRAMS THAT ARE NOT ACCREDITED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION INCLUDING, BUT NOT LIMITED TO, MEETING INTERNSHIP REQUIREMENTS, SUPERVISION, WRITTEN TRAINING PLANS, AND COMPLETION OF APPLICATION FORMS

Ms. Broaddus summarized that approximately 20-25 percent of the psychologist applications received each year are from individuals who did not graduate from a program accredited by the American Psychological Association. Many of these applications are approximately 700-1,000 pages. Application Review Committee members and Board members have commented on the volume of these applications and how the applications are often disorganized. Additionally, Committee and Board members have expressed concern with internships not being an organized training plan, supervision not meeting requirements and internship training plans that are submitted. Board members discussed requiring applicants to type the application. Board members discussed revising the application to minimize the amount of syllabi and handbooks that are submitted. Board members discussed internships. Board members discussed sending a letter to non-APA programs expressing concern over some of the documents that are submitted by applicants who graduated from their programs. Dr. Mellott volunteered to look at the application and make revisions as needed.

15. NEW AGENDA ITEMS FOR FUTURE MEETINGS

It was requested that a Committee be formed to further look at the internship requirements.

16. ADJOURN

There being no further business to come before the Board, Dr. Wechsler made a motion, seconded by Mr. Donaldson, to adjourn the meeting at 12:38 p.m. The motion carried 8-0.

Respectfully submitted,

Lynn Flowers, Ph.D.
Secretary