



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 June 4, 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 8:33 a.m.

2. ROLL CALL

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

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; Krishna Poe, Administrative Assistant; and, Andrea Cisneros, Minutes Administrator.

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 code words 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

HB addressed the Board during the Call to the Public and stated concerns in relation to her complaint that was previously considered by the Board, the manner in which it was handled and concerns relating to the Board's discussions that took place at its last regular session meeting.

5. COUNSEL UPDATE

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

The Consent Agenda was considered around 8:43 a.m.

MOTION: Dr. Meier 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, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Meier, Dr. Mellott and Ms. Shreeve.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

A. APPROVAL OF MINUTES

- April 8, 2021 Regular Session Minutes
- April 8, 2021 Executive Session Minutes
- May 7, 2021 Regular Session Minutes
- May 7, 2021 Executive Session Minutes

B. EXECUTIVE DIRECTOR'S REPORT

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

Requesting Approval to Sit for EPPP & Licensure	EPPP Required – Part 1 or Parts 1 & 2
1) Brittany Danielle Walls, Ph.D.	Part 1
2) Elisa Geiss, Ph.D.	Parts 1 & 2
3) Nancy Lashley-Zanti, Psy.D.	Part 1
4) Naudia Renee Noorley, Psy.D. (REAPP)	Part 1
5) Zachery Olson, Psy.D.	Parts 1 & 2

Requesting Approval of Supervised Experience for Licensure (Re-opened App After Passing EPPP)

- 1) Brittany Anne Brown, Psy.D.

Requesting Approval for Licensure by Waiver

- 1) Skyler Leonard, Ph.D.
- 2) Liang Liao, Ph.D.

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

- 1) Amy R. Mozolik, Psy.D.
- 2) Charlene Louise Donovan, Ph.D.

Requesting Approval for Licensure by Universal Recognition

- 1) Bryan Gastelle, Psy.D.
- 2) Jeffrey E. Hansen, Ph.D.
- 3) Joseph Edward Morger, Psy.D.
- 4) Kathy B. Sigda, Ph.D.
- 5) Rochelle Sanders-Paris, Psy.D.
- 6) Tiffany Barr, Ph.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Alyssa D. Duguay, M.A.
- 2) Amoa Childs, M.S.

- 3) Christina Alvarez, M.A.
- 4) Christopher Morris, M.Ed.
- 5) Cristina Martinez, M.S.
- 6) Dariia Gwinn, M.A.
- 7) Eileen Dael, M.S.
- 8) Karissa Glenn, M.A.
- 9) Kyana Canady, M.S.
- 10) Lauren M. So, M.A.
- 12) Lena S. Kazaryan, M.A.
- 13) Maia T. Jones, M.S.
- 14) Nadia Todd, M.Ed.
- 15) Naomi Furlong, M.S.
- 16) Samantha Rochford, M.A.
- 17) Shawna Mieke, M.A.
- 18) Tristina Ellenburg, M.S.
- 19) Melissa Harrison, M.S.

- E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST FOR APPROVAL TO RETAKE EPPP FROM MEGA (FORD) McCARTHY, PH.D., TEMPORARY LICENSE HOLDER PSY-T000022.**
- F. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ACCEPTANCE OF A PROPOSED NON-DISCIPLINARY LETTER OF CONCERN AND NON-DISCIPLINARY CONSENT AGREEMENT FOR CONTINUING EDUCATION FOR COLLEEN KOWALKE, PSY.D., IN COMPLAINT NO. 21-18 (IF NOT ACCEPTED, AN INITIAL REVIEW WILL TAKE PLACE).**

TIMED ITEMS – 8:45 a.m.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED CONSENT AGREEMENT AND ORDER PERTAINING TO COMPLAINT NO. 21-12 FOR VAUGHN TSOUTSOURIS, PSY.D., AND POSSIBLE MOTION TO VACATE THE INFORMAL INTERVIEW

This item was considered around 8:48 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.

Ms. Laboy was recused from this matter.

Board staff summarized that the Board considered this matter at its May 2021 meeting for initial case review of allegations relating to multiple ethical issues alleged by RB to have occurred during the course of her treatment with Dr. Tsoutsouris. At that time, the Board voted to proceed to informal interview and directed staff to enter into settlement negotiations for a Consent Agreement to include terms that the Board indicated it was willing to consider to settle this matter. Dr. Tsoutsouris accepted and signed the Consent Agreement offered by staff for probation with requirements that include a practice monitor and completion of CE in areas of personalities disorders and substance use disorders.

RB stated that Dr. Tsoutsouris told her he sexualized his patients for which he receives therapy, that he was dishonest to the Board about a number of items, and she stated that Dr. Tsoutsouris was having a personal relationship with her. RB stated that there were many opportunities to end the therapy but he insisted that she stay, and that he terminated therapy abruptly with the offer for a termination session in exchange for her not filing a complaint.

Dr. Akins stated that they were satisfied with the Consent Agreement as written. Ms. Shreeve stated her appreciation for RB's comments. She pointed out that the Board previously determined that further education and guidance was warranted in this matter and she recognized that the proposed Consent Agreement included probationary terms of practice monitoring and CE.

MOTION: Ms. Shreeve moved for the Board to vacate the informal interview and accepted the proposed Consent Agreement.

SECOND: Mr. Dynar

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

VOTE: 7-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO THE COMMITTEE ON BEHAVIOR ANALYSTS RECOMMENDATION REGARDING THE FOLLOWING COMPLAINT AND/OR INITIAL CASE REVIEW OF THE FOLLOWING COMPLAINTS

a) Complaint No. 21-17 Jeffrey Siegel, M.S., BCBA

This item was considered around 9:08 a.m. at which time Dr. Mellott rejoined the virtual meeting.

Mr. Siegel did not participate in the virtual meeting during the Board's consideration of this matter. The Board observed that this matter stemmed from a complaint filed relating to allegations of unresponsiveness to signing off on supervision documentation. Mr. Siegel failed to respond to the Board staff's correspondences during the course of the investigation and also failed to respond to a subpoena issued in this case. Vice-Chairman Davey noted that Mr. Siegel appeared to be currently residing and practicing in California. He stated that the CBA was concerned with the lack of response from Mr. Siegel and that he may be engaging in the practice of supervision elsewhere. The CBA also considered notifying the BACB of this complaint.

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

SECOND: Vice-Chairman Davey

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board entered into Executive Session at 9:13 a.m.

The Board returned to Open Session at 9:25 a.m.

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

Chairwoman Davis-Wilson stated that the CBA discussed concerns relating to whether the technicians under Mr. Siegel's supervision are receiving adequate supervision while practicing. Vice-Chairman Davey stated his concerns regarding Mr. Siegel's continued supervision of young professionals in the field to pursue BA licensure while the Board has received a complaint from an individual who could not get their documentation signed off on in a timely fashion. He spoke in support of notifying the BACB of this individual and noted that Mr. Siegel continued to list his Arizona address on the BACB's website despite relocating to California.

MOTION: Vice-Chairman Davey moved for the Board to proceed to Formal Hearing in this matter, directed staff that a Consent Agreement for voluntary surrender of licensure would be acceptable in lieu of Formal Hearing, and instructed staff to notify the BACB of the individual's change in location from Arizona to California.

SECOND: Chairwoman Davis-Wilson

Dr. Gill questioned how the Board could assist the trainee in obtaining the signatures need for the license hours. Vice-Chairman Davey noted that the documentation was eventually signed off on by Mr. Siegel after extraordinary efforts were made by both the trainee and Board staff. Chairwoman Davis-Wilson pointed out that there are other avenues available to applicants to submit documentation in lieu of documentation form the supervisor. Mr. Dynar spoke against proceeding to Formal Hearing and suggested seeking enforcement of the subpoena through Superior Court. He stated that licensees have a duty to comply and stated that proceeding to Superior Court would indicate to the licensee that this is a serious matter.

The Board discussed proceeding to Formal Hearing versus Superior Court. Mr. Dynar commented that the timeframe for proceeding to Superior Court is much shorter than the process for proceeding to Formal Hearing to revoke the license. Dr. Meier pointed out that the Board had the ability to revoke the license after conducting a Formal Hearing. AAG Galvin clarified that the Formal Hearing could be held by the Board or referred to the Office of Administrative Hearings for the Formal Hearing. Dr. Meier stated that Mr. Siegel has been given ample opportunity to respond to the Board and he spoke in favor of proceeding with license revocation.

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

VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

b) Complaint No. T-21-02 Brandy Collins, BCBA

This item was considered around 9:03 a.m.

The Board observed that this matter stemmed from review of supervision documentation for a BA applicant where it was discovered that Ms. Collins was not licensed in Arizona. Ms. Collins is a licensed BA in the State of Texas and provided supervision to an individual located in Arizona. Chairwoman Davis-Wilson recalled that Ms. Collins appeared before the CBA and provided information regarding the nature of the supervision that was provided which involved assignments not specific to a patient receiving services in Arizona. The CBA was satisfied with the information received and recommended dismissing the investigation.

Board staff confirmed that Ms. Collins was notified of today's proceedings with no response. Dr. Caterino questioned whether Ms. Collins provided supervision to other Arizona trainees. Chairwoman Davis-Wilson noted that Ms. Collins had explained that she generally does not provide supervision in that capacity and that this was supplemental supervision as the applicant was also under the supervision of an Arizona-licensed BA. After becoming aware of the fact that the hours could not be applied to licensure, Ms. Collins terminated the contract and indicated that she had no interest in remote supervision moving forward.

MOTION: Vice-Chairman Davey moved for dismissal.

SECOND: Chairwoman Davis-Wilson

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO RENEWAL APPLICATION SUBMITTED BY JILL HAYES, PH.D.

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

Dr. Hayes and Attorney Marki Stewart participated in the virtual meeting during the Board's consideration of this matter.

Board staff summarized that Dr. Hayes applied for licensure renewal and answered in the affirmative to an application question that pertains to investigations. Dr. Hayes provided a written explanation and supporting documentation regarding a complaint that was filed with the US Department of Health and Human Services Office of Civil Rights. Board staff received a copy of the dismissal of that investigation indicating that there were no HIPAA violations identified.

Ms. Stewart asked the Board to consider the dismissal of the investigation and offered to provide a prepared statement if needed. Ms. Shreeve questioned whether HIPAA concerns were the only issues under investigation. Ms. Stewart confirmed that the allegations related only to a HIPAA violation that has now been resolved.

MOTION: Ms. Shreeve moved for the Board to grant the license renewal.

SECOND: Mr. Dynar

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

10. REQUEST FOR CLARIFICATION FILED BY LAUREN BLAKE, PSY.D., PURSUANT TO §41-1001.02, RELATING TO THE BOARD'S INTERPRETATION OF A.R.S. §§32-2071, 32-2072, AND 32-2073

This item was considered around 9:40 a.m.

Dr. Blake participated in the virtual meeting during the Board's consideration of this matter.

Executive Director Herbst Paakonon summarized that Dr. Blake submitted a petition requesting clarification as to whether she is required EPPP Part 2 in order to qualify for full licensure. Dr. Blake was granted temporary licensure on December 14, 2020 and planned to apply for an unrestricted license after completion of her postdoctoral training in August of 2022. The Board observed that the Board has previously clarified exemption from completing EPPP Part 2 if the individual applied for a full license prior to November 1, 2020.

Dr. Blake stated that there was some confusion in relation to the exemption and asked the Board to clarify whether she would be required to take the enhanced EPPP in light of the fact that she applied for temporary licensure prior to the November 1, 2020 deadline. AAG Galvin clarified that Dr. Blake had not yet applied for a full license and that the application filed prior to the November 1, 2020 related to temporary licensure, which she stated are to separate licenses. AAG Galvin reported that case law provides that if an application is pending and there are changes to licensure requirements during that process, the applicant is required to meet those new licensure requirements. AAG Galvin added that Dr. Blake is subject to the licensure requirements in effect at

the time that she applies for a full independent license, which would require her to complete the EPPP Part 2. Board staff clarified that while the information gathered during the application process for temporary licensure is transferred to the application file for an independent license, the license itself does not transfer. Board staff confirmed that Dr. Blake was approved for temporary licensure and issued correspondence that indicated she was approved for EPPP Part 1 only and was not subject to Part 2 at that time for the temporary license.

Ms. Laboy departed from the virtual meeting around 9:50 a.m.

Dr. Meier stated that he did not believe Dr. Blake would be required to take Part 2. He stated that the rule established by the Board provided an exemption for individuals applying for licensure prior to November 1, 2020.

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

SECOND: Vice-Chairman Davey

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 9:52 a.m.

The Board returned to Open Session at 10:12 a.m.

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

Ms. Laboy rejoined the virtual meeting around 10:07 a.m.

Dr. Meier stated that he struggled with this matter, noted that there has been a specific group of individuals to which this issue applied, and he questioned whether a statutory change was warranted similar to what the Board has done historically. Chairwoman Davis-Wilson commented that while she agreed that seeking legislation was a solution, she stated it would no longer apply to those affected by the time it would be sought and implemented. She recommended that Board staff add this topic to its running list of potential items to pursue at the next legislative session, and also suggested notifying individuals that temporary and independent licenses are two different applications and that they must meet the current licensure requirements at the time of application.

Dr. Caterino commented that pursuing a legislative change would further delay this matter and questioned whether that was the appropriate solution. Mr. Dynar pointed out that temporary licenses are not subject to renewal according to statute and he stated his concerns that any statutory fix might be too late for the individuals affected. Board staff reported that there were a total of 25 individuals affected by this change in licensure requirements. Dr. Meier proposed establishing a different deadline for this small group of individuals. AAG Galvin clarified that the November 1, 2020 deadline was established by the Board and not put into statute. Dr. Mellott proposed the possibility of a different date since it is not set by statute. Mr. Dynar spoke in favor of changing the deadline for these individuals and proposed an exemption from EPPP Part 2 for individuals who applied for temporary licensure prior to November 1, 2020 and apply for a full license prior to November 1, 2022. He stated that individuals who applied for temporary licensure prior to November 1, 2020 should be required to take the EPPP Part 2 if they apply for an independent license after November 1, 2022.

Dr. Gill stated that the Board has some responsibility for not issuing clear guidance at the time that the November 1, 2020 date was established since this issue had not been identified at the time. Ms. Shreeve questioned whether Mr. Dynar's suggestion could be drafted in a Substantive Policy Statement to provide some guidance.

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

Dr. Meier spoke against entering into Executive Session.

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

VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board entered into Executive Session at 10:26 a.m.

The Board returned to Open Session at 10:40 a.m.

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

Chairwoman Davis-Wilson spoke in support of issuing letters to applicants that clearly outline the two separate licenses and that they are required to meet licensure requirements at the time that they apply for independent licensure, which could require them to complete EPPP Part 2. She clarified that in response to Dr. Blake's petition, the Board has determined that she would be required to complete Part 2 in order to meet current requirements for independent licensure. Dr. Mellott suggested agendizing this topic for the Board's next meeting for further discussion on how to address this particular situation. Ms. Shreeve questioned whether further discussion as needed and spoke in support of the suggestion for staff to issue letters to the small group of individuals in question. Dr. Mellott requested the matter be agendized at a future meeting for the Board to consider Mr. Dynar's suggestion. Dr. Meier questioned whether the Board should render a decision on this matter at this time if there is further discussion needed. Ms. Shreeve suggested postponing staff sending any letters to this group of individuals if the matter will be further discussed at a future meeting.

Executive Director Herbst Paakkonen clarified that statute required the Board to respond to the petition within 30 days. AAG Galvin stated the Board had the option of requesting the petitioner to waive that deadline. Dr. Blake asked the Board to clarify its direction in this matter. Chairwoman Davis-Wilson stated that the legal interpretation at this time was that she was required to take the EPPP Part 2 in order to become eligible for a full license and that the Board has been discussing whether further discussion was needed in order to clarify the previous dates that were set forth in order to remedy this issue. Dr. Blake agreed to waive the thirty day deadline to respond to her petition and emphasized the importance for this group of individuals to be informed sooner than later. Dr. Meier questioned whether informing the petitioner that the Board is reviewing alternative options would satisfy the requirement to respond within thirty days. AAG Galvin stated the Board could indicate that based on today's discussion and consideration, she would be subject to Part 2 of EPPP and that the Board will hold further discussion on this issue at a future meeting that could potentially alter their position that was rendered today. The Board confirmed that no letters will be submitted to this group of individuals at this time with the exception of Dr. Blake.

The Board recessed from 10:55 a.m. to 11:11 a.m.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO AzPA EPPP EARLY ENTRY REQUEST

This item was considered around 11:12 a.m.

Dr. Meier was recused from this matter. Dr. Melissa Flint of AzPA participated in the virtual meeting during the Board's consideration of this matter.

Executive Director Herbst Paakkonen reported that the Board received a request from AzPA to approve allowing psychologists to complete Parts 1 and 2 of the EPPP in two different phases, one upon completion of doctoral coursework and the second prior to completion of required dissertation and internship. She directed the Board to A.R.S. § 32-2072 for the established examination requirement and A.R.S. § 32-2071 for an outline

of education and training qualifications. Dr. Flint clarified that they are requesting to allow Arizona students to take Part 1 following doctoral coursework and take Part 2 once the degree is done. She stated that this would not impact the timing of licensure and would allow individuals an earlier opportunity to take Part 1. Dr. Flint reported that ASPPB has supported this request and that AzPA believed this would remove another barrier to licensure.

Dr. Mellott recognized that counselors are allowed to take the exam upon certification by an academic program. She stated that taking the exam closer to completing course work would potentially increase passing rates, but stated that she had some concerns about the process relating to the students not yet being vetted and she questioned whether other states allow this early entry option. Executive Director Herbst Paakkonen reported that the ASPPB has data that demonstrated there is one jurisdiction that permits individuals to sit for the EPPP during graduate year, 15 permit it after the degree is granted, 7 allow it during postdoctoral training and 3 allow it upon completion of all supervised work experience. Dr. Caterino spoke in support of allowing the early entry option. Dr. Gill state that it sounded like a good idea and emphasized the importance of how universities handle this. Dr. Mellott offered to assist the Board's staff and AAG in gathering further information and outlining the process. Dr. Flint also offered her assistance.

Executive Director Paakkonen clarified that the consensus of the Board today was to gather additional information and possible consideration of a legislative change at a future meeting. The Board thanked Dr. Flint for her participation in today's proceeding.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING ENACTED LEGISLATION DURING THE 55TH ARIZONA STATE LEGISLATURE, FIRST REGULAR SESSION (HB2067, HB2242, HB2454, HB2759, SB1063, SB1149, SB1253, SB1505 & THE GENERAL APPROPRIATIONS ACT FOR FY2022

This item was considered around 11:26 a.m.

The Board observed that HB2561 regarding fingerprint clearance card requirements will take effective January 1, 2022, and that provisions were included to address Argosy students and the window of time to apply. HB2561 regarding PCSAS accreditation change in statute requires the Board to ensure that applications reflect this change. SB1149 inserted the word "shall" with any reference to universal recognition application. HB2454 created a registration application that will require Committee and Board review. The Board noted that a number of other states participate in PSYPACT and that the registry may not be as appealing to providers in those states. Executive Director Herbst-Paakkonen reported that she has been tracking the emergency temporary licensure data for both psychologists and BAs and stated that those individuals may be interested in applying for the registry. She pointed out that BAs do not have an interstate compact at this time, and that there was a small number of BAs who applied for emergency temporary licensure.

The Board recognized there were some significant policy changes including fingerprint clearance requirements, accreditation changes and implementation of the new registry and the implications they will have on the role of Board members and future Board agendas.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING OUT-OF-STATE TELEHEALTH PRACTICE REGISTRY EXEMPT RULEMAKING

This item was considered around 11:34 a.m.

Executive Director Herbst Paakkonen asked the Board for direction regarding the telehealth practice registry fee and timeframes and reported that the Board has exemption from rulemaking requirements for one year. She asked the Board to consider the proposal to establish timeframes for telehealth registry that are consistent with those established for other existing license types. The Board noted that consistent timeframes among the different types of licensure applications would be the least disruptive to Board business. Chairwoman Davis-Wilson thanked the Executive Director and Board staff for the well-established recommendations and stated her appreciation for their hard work.

Executive Director Herbst Paakkonen reported that staff had been working with a rulewriting consultant to assist the Board with the process of rule promulgating. She stated that the term “telehealth” has been the standard/consistent term used to reference telepractice. Chairwoman Davis-Wilson pointed out that “telepractice” appeared in the definition applicable to psychologist and questioned whether that included BAs. Vice-Chairman Davey noted that the BA statutes do not define telepractice and suggested updating the language applicable to BAs. Dr. Mellott suggested using a more general term to cover any future changes in terminology. AAG Galvin proposed referencing the statute defining telehealth or telepractice to possibly provide more coverage if there is a future word change. Executive Director Herbst Paakkonen reported that a broad coalition of stakeholders worked on this legislation and that “telehealth” was the term at which they arrived.

Executive Director Herbst Paakkonen summarized that she initially recommended establishing a fee schedule consistent with a regular license given the work that would be required for the processing of a registration application. She stated that they had initially assumed the Board had the authority to implement an annual renewal for the telehealth registration; however, upon receiving legal advice, Executive Director Herbst Paakkonen stated that the language does not grant the Board the authority to charge an annual registration update fee despite the requirement for annual registration. She stated that given this is a novel process, it is unclear whether \$350 is reflective of the costs associated with the processing of a telehealth registration application with possibility of perpetual renewal.

Dr. Mellott questioned whether the work involved with processing the registration applications would be similar to that of a regular license application. Executive Director Herbst Paakkonen reported that it would be more congruent to the universal recognition application process. However, she pointed out that there were some requirements unique to the registration including submitting proof of malpractice insurance for Arizona, as well as the identification of a statutory agent in Arizona for purposes of providing notice to that individual of possible investigation. Executive Director Herbst Paakkonen stated it was unclear whether registrants will be subject to the new fingerprint clearance card requirement and what type of questions could be included in the application.

Chairwoman Davis-Wilson questioned whether a \$500 fee was reflective of the work required to process the annual registration renewal in addition to the initial application. She also recognized recent Board discussions regarding possible fee reductions in other areas. Executive Director Herbst Paakkonen stated that with the exemption in rulemaking, the Board has an opportunity at this time to establish fees and timeframes, and she pointed out that the Board had the ability to revisit this topic in the future after analyzing the cost and work associated with processing the registrations. Dr. Mellott proposed a higher fee than that of a regular license and she questioned who would have jurisdiction over complaints filed against the registrant. Executive Director Herbst Paakkonen reported that the question was among a number of questions posed to the AAG for clarification and she stated her concerns that the legislation may not have given the Board full investigative authority.

Mr. Dynar stated his concerns regarding preferential treatment of out of state providers and stated that any fee structure that deviates from the current fee structure for Arizona licensure could be problematic. Chairwoman Davis-Wilson stated that she agreed with Mr. Dynar’s comments and pointed out that registrants will not be charged a fee to annually update their registration. Executive Director Herbst Paakkonen stated that the language included the term “update” rather than renewal, which she explained has a different legal meaning. Chairwoman Davis-Wilson stated her concerns regarding the increase in staff’s workload due to the implementation of the telehealth registration and suggested fees of either \$750 or \$1,000 to reflect the amount of work required for the registration process. Dr. Caterino stated her concerns that out of state providers will not be required to pay a renewal fee.

Executive Director Herbst Paakkonen reported that the annual registration updates will include submitting a list of patient contacts and possibly updating the insurance information. She also stated her appreciation for the Agency shifting to a different management system and stated that she was confident the new system will have the ability to generate the type of data points the Board will need to revisit this topic in the future. Executive Director Herbst Paakkonen also reported that she anticipated the part-time licensing specialist position to

develop into a full-time position in the future and that processing the registrations may be assumed by this position. Dr. Mellott observed that the national registration renewal fee is \$200, and she spoke in support of proceeding with a \$500 registration fee and revisiting in the future. Executive Director Herbst Paakkonen pointed out that there would be an increase in technology costs and Board/Committee review expenses in addition to an increase in Board staff's workload by implementing the new telehealth registration process.

Chairwoman Davis-Wilson noted the costs associated with initial and renewal license applications for BAs and proposed a registration fee of \$850 or \$1,000 for BAs given that it is a one-time fee for possible lifetime of administrative work by the Board. Dr. Meier stated his concerns regarding charging too high a fee for the one-time payment at initial registration and stated that some providers may not be able to afford it while there is a need for more service provision, especially in rural areas. Vice-Chairman Davey stated his concerns that the Board was not given the option to charge renewal fees. Dr. Meier suggested revisiting the fee schedule in one year. Mr. Dynar reiterated his support for establishing a fee schedule similar to that of initial regular licensure application given the current telehealth statutory framework. He stated that an initial fee of \$350 was appropriate. Executive Director Herbst Paakkonen stated that the inability to charge a renewal fee may not have been intentional and that the legislation may change in the future if the regulated community raises this issue.

Dr. Mellott questioned what other states are charging for registration fees. Executive Director Herbst Paakkonen stated that the data would be helpful, but does not exist as the legislation was unique to Arizona and that she anticipated other states to potentially follow with similar practice registries. Dr. Meier proposed a fee schedule of \$600 with the Board revisiting this in one year to determine whether the fees cover the work required for processing telehealth registrations.

MOTION: Chairwoman Davis-Wilson moved for the Board to establish a fee schedule of \$600 for telehealth registration with revisiting of the fee schedule in ten months.

SECOND: Ms. Shreeve

Executive Director Herbst Paakkonen clarified that the one year exemption period began at the time that the legislation became effective on May 5th. Vice-Chairman Davey suggested a standing agenda item for the Committee to report registration numbers. Executive Director Herbst Paakkonen reported that the new system launch was scheduled for August 15th and will include a dashboard for the Board and Committee to review a recording of certain data for tracking.

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

VOTE: 7-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

This item was considered around 12:46 p.m.

Executive Director Herbst Paakkonen reported that June 1st was the deadline to report to the Governor's Office which waivers and suspensions put into place during the state of emergency the Board wished to remain in place. She stated that the Board previously elected to allow the waivers to terminate at the time that the state of emergency is lifted. She reported that a representative from the Governor's Office may attend the upcoming meeting of 90/10 boards to address any questions relating to timing of the lifting of the state of emergency and how it will impact the Board.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PERFORMANCE APPRAISAL FOR EXECUTIVE DIRECTOR AND POSSIBLE SALARY ADJUSTMENT

This item was considered around 12:48 p.m.

MOTION: Chairwoman Davis-Wilson moved for the Board to enter into Executive Session for personnel matters pursuant to A.R.S. § 38-431.03(A)(1).

SECOND: Ms. Shreeve

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 12:49 p.m.

The Board returned to Open Session at 1:31 p.m.

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

MOTION: Ms. Shreeve moved for the Board to approve the salary increase as discussed in Executive Session.

SECOND: Mr. Dynar

Ms. Shreeve recognized the Executive Director for her high-quality work and excellent performance.

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Chairwoman Davis-Wilson thanked the Executive Director for her hard work and stated that the growth of the Board has been astronomical under her leadership.

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO CONSIDERATION OF POSSIBLE MERIT-BASED INCENTIVE PAY FOR BOARD STAFF

This item was considered around 1:33 p.m.

Executive Director Herbst Paakkonen reported that the Board had a total of \$3,200 with which to work and referred the members to her memo where she outlined specific criteria and formula for staff to become eligible for a merit-based incentive. She asked the Board to authorize her to grant discretion to award merit-based incentives and stated if not approved, the money would revert back to the Board's reserved fund at the end of the fiscal year.

MOTION: Ms. Shreeve moved for the Board to authorize the Executive Director to aware merit-based incentives to Board staff based on the criteria as outlined by the Executive Director.

SECOND: Dr. Mellott

Chairwoman Davis-Wilson recognized Board staff's hard work and efforts over the course of the past year and stated her appreciation for staff's time and commitment to the Board.

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING BEHAVIOR ANALYST APPLICATION FOR LICENSURE FROM MELISSA MARIE MAKELA, M.ED.

This item was considered around 12:36 p.m.

Chairwoman Davis-Wilson observed that Ms. Makela passed her examination, completed her degree in special education and completed 1,500 hours of supervision. She spoke in support of approving the application.

MOTION: Dr. Mellott moved for the Board to approve the application.

SECOND: Ms. Shreeve

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board recessed from 12:38 p.m. to 12:46 p.m.

18. NEW AGENDA ITEMS FOR FUTURE MEETINGS

This item was considered around 1:37 p.m.

Mr. Dynar requested the Counsel Update include Court filings for Board member review.

Executive Director Herbst Paakkonen questioned the Board as to whether her Executive Report should continue under the Consent Agenda or if the Board would prefer that it appear in a different location on the Agenda for further discussion. Ms. Shreeve suggested continuing with the current process and noted that the report could be pulled by any member if there are questions. Chairwoman Davis-Wilson suggested revisiting this topic in the future and stated her concerns that it might add unnecessary time to meetings.

Dr. Mellott questioned whether plans have been made regarding the format of future Board meetings and the Board discussed agendaizing this topic for further discussion at its next meeting.

19. 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, Dr. Caterino, Mr. Dynar, Dr. Gill, Ms. Laboy, Dr. Meier, Dr. Mellott and Ms. Shreeve. The following Board member was absent: Ms. Laboy.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board's meeting adjourned at 1:45 p.m.

Respectfully submitted,



Matt Meier, Psy.D.
Secretary