



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 5, 2020

Board Members

Tamara Shreeve, MPA – Chair
Diana Davis-Wilson, DBH, BCBA, PH.D. – Vice-Chair
Lynn L. Flowers, Ph.D. – Secretary
Bob Bohanske, Ph.D., FNAP
Bryan Davey, Ph.D., BCBA-D
Aditya Dynar, Esq.
Stephen Gill, Ph.D.
Matthew A. Meier, Psy.D.
Ramona N. Mellott, Ph.D.

1. CALL TO ORDER

Chairwoman Shreeve called the meeting to order at 8:32 a.m.

2. ROLL CALL

The following Board members were present: Chairwoman Shreeve, Vice-Chairwoman Davis-Wilson, Dr. Bohanske, Dr. Davey, Dr. Flowers, Dr. Gill, Dr. Meier, and Dr. Mellott. The following Board member was absent: Mr. Dynar.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Heidi Herbst Paakkonen, Executive Director; Jennifer Michaelson, Deputy Director; Jeanne Galvin, Assistant Attorney General (AAG); Kathy Fowkes, Licensing Specialist; Krishna Poe, Programs and Projects Specialist; and, Andrea Cisneros, Minutes Administrator. Marc Harris, AAG, participated to provide the Board with independent legal advice on agenda item #16.

3. REMARKS/ANNOUNCEMENTS

This item was considered around 8:33 a.m.

- **Board Surveys**

Chairwoman Shreeve encouraged meeting attendees to contact Board staff to obtain and complete a Board Meeting Assessment Survey.

- **Board Member and Staff Appreciation**

Chairwoman Shreeve acknowledged and thanked Board members and staff for their efforts in facilitating the Board's meetings.

4. CALL TO THE PUBLIC

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

5. COUNSEL UPDATE

This item was considered around 8:34 a.m.

AAG Galvin stated she had nothing to report at this time.

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

The Board considered and voted on the Consent Agenda items around 8:34 a.m.

MOTION: Dr. Bohanske moved for the Board to approve the items as listed under the Consent Agenda.

SECOND: Dr. Meier

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

A. APPROVAL OF MINUTES

- May 8, 2020 Regular Session Minutes
- May 8, 2020 Executive Session Minutes (1:38 p.m. to 1:55 p.m.)
- May 8, 2020 Executive Session Minutes (3:23 p.m. to 3:46 p.m.)
- May 28, 2020 Regular Session Minutes

B. EXECUTIVE DIRECTOR'S REPORT

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

Requesting Approval to Sit for Examination (EPPP) Only

- 1) Ashley R. Voss, Psy.D.
- 2) Brittany Anne Brown, Psy.D.
- 3) Christine Garcia, Ph.D.
- 4) Jodi L. Tichi, Psy.D.
- 5) Melissa L. Korkes, Psy.D.
- 6) Shelby Lynn McGrew, Ph.D.

Requesting Approval to Sit for Examination (EPPP) & Licensure

- 1) Barbod Salimi, Psy.D.
- 2) Chelsea Lynn Matteson, Psy.D.
- 3) Karen L. Chaney, Psy.D.
- 4) Pamela Davis, Psy.D.

Requesting Approval of Supervised Hours for Licensure

- 1) Daniel Wechsler, Psy.D.

Requesting Approval for Licensure by Credential

- 1) Mary Eugenia Burns, Psy.D.

Requesting Approval for Licensure by Universal Recognition

- 1) Aryela Janine Swope Levy, Psy.D.
- 2) Joy Goldbert, Ph.D.

- 3) Liesl Elizabeth Scalzitti, Ph.D.
- 4) Lisa M. Foerster, Psy.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Amanda George, M.A.
- 2) Aspen Leigh Grant, M.Ed.
- 3) Sarah Elizabeth Kelley, M.A.

TIMED ITEM – 9:00 a.m.

7. INFORMAL INTERVIEW – SHANNA SADEH, PH.D. – COMPLAINT NO. 20-14 DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO ALLEGATIONS OF UNPROFESSIONAL CONDUCT, PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, POSSIBLE DISCIPLINE AND/OR OFFER OF A CONSENT AGREEMENT OR REFERRAL TO A FORMAL HEARING.

This item was introduced around 9:08 a.m.

Dr. Sadeh participated in the virtual meeting with Attorneys Mark Harrison and Travis Hunt during the Board's consideration of this matter. The following individuals were called as witnesses and questioned during the Board's discussion: Janet Cahill, Ph.D.; Sylvia Ann Cohen, Ph.D.; Carol Mellen-Sysel, Psy.D.; and, Complainant MP.

Chairwoman Shreeve summarized that the allegations identified in this case included A.R.S. § 32-2061(16)(h) failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient; (o) providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; and (dd) violating an ethical standard adopted by the board.

Mr. Harrison requested that the Board conduct the Informal Interview in Executive Session to discuss confidential health information. He also requested the Board obtain a report from the mother's therapist and the Department of Child Services report prior to proceeding in this matter. Mr. Harrison stated that he believed the failure to obtain these reports is highly prejudicial, and that the licensee is able, highly educated, and acted with the utmost professionalism. Mr. Harrison also reported that Dr. Sadeh voluntarily completed a number of CE courses relating to recordkeeping to address the Board's concerns per the meeting minutes of its prior meeting. AAG Galvin requested the Board address Mr. Harrison's two motions. Chairwoman Shreeve stated that Executive Session was not required for discussion of this case, and asked other members to comment on the request for additional information. Dr. Flowers stated that based on his review of the case, he did not believe that records on the complainant were required, and that the Board had enough information as well as testimonies in order to proceed in this case. Dr. Bohanske agreed with Dr. Flowers' comments.

MOTION: Dr. Flowers moved for the Board to deny the request to subpoena additional records in this case.

SECOND: Dr. Bohanske

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

AAG Galvin stated that there appeared to be no reason at this time for the Board to adjourn into Executive Session, and that she would notify the Board if she felt they reached that point during discussions. Chairwoman Shreeve summarized that the complaint alleged general bias and unethical behavior that

potentially hindered the patient's treatment progress. Mr. Harrison questioned the complainant's credibility and stated that a highly trained psychologist reviewed the file and licensee's conduct and found that her conduct was ethical, professional, and competent. Mr. Harrison reiterated that Dr. Sadeh voluntarily completed several CE courses relating to recordkeeping and that documentation of treatment plans is now part of her routine in her handling of cases.

Dr. Cahill was called as a witness and provided the Board with a summary of her experience, credentials, and educational background. Chairwoman Shreeve instructed the witness to not identify specific diagnoses of individuals involved in the case as the information is health-related and confidential pursuant to HIPAA. AAG Galvin reminded the parties that this case involved the licensee and her treatment of the patient, and not the diagnosis of lack thereof of the mother or anyone else participating. AAG Galvin instructed Mr. Harrison's to keep his questioning of the witness related to the licensee's treatment of her patients. Dr. Flowers commented that the complainant's credibility being called in to question by the opposing parties appeared to be a diversion of the real issues in this case. Dr. Flowers asked the witness to focus on the actual treatment that was or was not rendered, and to provide an opinion as whether she believed the daughter's case was handled properly by the licensee. Dr. Sadeh stated that this was not a diversion, and that she was treating a suspected victim of FDIA and the ability to discuss the mother's issues is significant in this case. Chairwoman Shreeve questioned the licensee as to how this would have affected her recordkeeping. Dr. Sadeh responded that she had to provide two separate updates to the parents due to concerns regarding the mother's behavior with the child. Dr. Mellott questioned whether the Board should proceed in Executive Session in order to receive the information from this witness. Dr. Cahill clarified that her testimony related to the definition and treatment of FDIA and does not relate to whether or not it occurred in this case.

Mr. Harrison questioned the witness regarding whether she believed Dr. Sadeh complied with the best practice standards for cases involving FDIA. Dr. Cahill confirmed and stated that she believed Dr. Sadeh handled the case ethically and professionally. In response to further questioning by Mr. Harrison, Dr. Cahill stated that in general terms, when looking at the characteristics of individuals who meet FDIA criteria, it is generally agreed in the field that individuals with this disorder will frequently attempt to splinter different providers in order to support their position. Dr. Cahill also confirmed that the separation test is a necessary piece of the protocol for diagnostic purposes and to ensure the safety of the child.

In response to Board member questioning, Dr. Cahill stated that she could not endorse or provide an opinion regarding whether the treatment plans and services provided for therapy were appropriate, but did confirm that the separation test was appropriate and followed guidelines. She stated that depending on the role of the professional, there is very specific protocol of how to record what is occurring, and that there are also specific protocols that are called for in terms of treatment once a diagnosis is made. Dr. Cahill clarified that the FDIA guidelines do not speak specifically to withholding information from the parties involved. Dr. Cahill also stated that she did not review Dr. Sadeh's records in this case and could not opine as to whether the documentation was complete and informative for a complex case.

The Board took a brief recess and returned to this item around 10:06 a.m.

Dr. Sadeh was questioned by Mr. Harrison and reported that she obtained licensure in 2017 and subsequently developed her own private practice. She explained that she became introduced to the field of forensic psychology and began providing court-involved services. Dr. Sadeh stated that she treats children and specializes in trauma treatment in high conflict divorce. She stated that Dr. Mellen was the Therapeutic Interventionist (TI) appointed by the Court with an order to reunite the child with her estranged father. Dr. Sadeh stated that the TI experienced a lot of resistance in that process, recognized the need for the child to have individual therapy, and recommended that Dr. Sadeh provide such services due to her background and experience in this area. Dr. Sadeh reported that these cases are complicated as the parents tend to have different realities and the child is caught in between. She stated that in this particular case, there was an additional issue of a child with a medical history. Dr. Sadeh informed the Board that when she considers how to initiate treatment in these complex cases, she hires a consultant to help her prioritize treatment. In this case, she hired Licensed Professional Counselor Lauren Day to review the case and agreed that targeting

the medical issues was an appropriate first target, to which the licensee stated the child responded very quickly with improvement noted within a couple of weeks. Dr. Sadeh stated that the situation was very unusual in that this dynamic of having to maintain the mother-child relationship as she was only caregiver who really had a relationship with the child. She stated that the care team recognized that the mother would need treatment in order for the child to get better, and Ms. Day was recommended as therapist for the mother based on her background and experience in these areas. Dr. Sadeh stated that while waiting for the mother's treatment to "catch-up" with the child's treatment, she elected to pivot the daughter's therapy to work on social skills.

Dr. Sadeh explained that this was not her usual practice, and that the case was complicated in that the care team synchronized between the father, mother and child functioning. She stated that while there may not have been clear treatment plans within Dr. Sadeh's charting, the information was documented by the TI in her reports to the Court. Dr. Sadeh reported that the mother was very involved in the daughter's therapy, but shifted her collaborative cooperation when the licensee recommended that the child differentiate and engage in age-appropriate behaviors. Dr. Sadeh stated that one dilemma she faced in this case involved the fact that when the child would show improvement and progress in therapy, the licensee was afraid to inform the mother due to the backlash the child would receive at home and would become ill. Dr. Sadeh informed the Board that she sought a legal opinion at the time and was advised that providing at least one parent with the child's progress would be adequate. In terms of billing, Dr. Sadeh stated that the father paid for the services provided and did not complain about the billing. Dr. Sadeh pointed out that the father signed a declaration to that effect that was provided for the Board's review.

In response to further questioning by Mr. Harrison, Dr. Sadeh explained that Ms. Day had concerns regarding characteristics and signs noted in the treatment with the mother and recommended a separation test, and Dr. Mellen saw the separation test as a part of the reunification. The child was then admitted to a residential facility and after one week, she began to show improvement and requested to be reunited with her father after one video session. The residential facility's therapist did not think that it was ethical to separate the mother and child fundamentally. Dr. Sadeh stated that since this case, she has been more careful in her forensic cases to include recordkeeping that is independent, or specifically references another provider's file.

Chairwoman Shreeve questioned the licensee regarding the letter from the residential facility to the Court. Dr. Sadeh stated that she discussed the letter with the TI and that they elected to not provide it to the Court due to the number of inaccuracies and the fact that it advocated for something that was contrary to the protocol. When asked whether the licensee disclosed her personal relationship with "Coach" Ben Miller to the child's mother, Dr. Sadeh stated that she has disclosed this information to other cases, but felt that it would not be in the child's best interest in this particular case. Dr. Meier stated that he struggled to differentiate between the role of the TI versus the licensee's role as the child's psychotherapist, and stated that there appeared to be a lot of crossover. Dr. Sadeh clarified that the TI served as the family therapist and built a team that included Dr. Sadeh providing therapy services to the child. She further explained that her services included therapeutic supervision, of which both parents were aware. Dr. Meier further questioned the consent obtained from the parties involved, noting that the consent form included in the file did not outline the type of professional services that were eventually billed. Dr. Sadeh stated that she was working under the umbrella of the Court-appointed TI, that the father signed an electronic consent form, and that she went over the consent form and treatment plan with the mother.

Dr. Gill questioned the licensee regarding the Court ordering her to terminate therapy after the patient was discharged from the residential facility, and asked where a discharge plan was documented in the record. Dr. Sadeh stated that she had never been terminated from therapy by Court order, and that she continued briefly with consulting the TI who took on the therapy role thereafter. Dr. Sadeh agreed that the record lacked documentation regarding her role in consulting with the TI and the part she played in obtaining a new therapist for the child. Dr. Meier questioned the licensee as to whether she was concerned with the dual relationship of Ms. Day, noting that she initially consulted on the case and then later became the mother's therapist. Dr. Sadeh stated that while this may be true for regular cases, this particular case had releases signed for the treatment provided and that the treatment team met regularly. Dr. Flowers reiterated his

concerns regarding recordkeeping documentation, and stated that the coordination of care between the treatment team was not mentioned in the records and that the consent form was inadequate. Dr. Mellott stated her concerns regarding the licensee's billing for services in this case and requested that Dr. Sadeh expand on this issue. Dr. Sadeh stated that she charges \$220 per hour for her services, which include therapy, therapeutic supervision, as well as other miscellaneous research and communications that fall under professional services.

Dr. Cohen was called as a witness and questioned by Mr. Harrison. Dr. Cohen stated that she has known Dr. Sadeh since 1995 and provided the Board with a background of their initial meeting and prior collaboration in work. Dr. Cohen stated that she believed the licensee to be of the highest integrity as a psychologist, and pointed out that she has staffed her on cases involving patients. Dr. Cohen reported that she continues to work with Dr. Sadeh in terms of school psychology, and that they also started a non-profit organization that helps with psychology educational evaluations.

Dr. Mellen was called as a witness and was questioned by Mr. Hunt. Dr. Mellen explained that she was the TI appointed by the Court in early 2019, and that she began working with the child after first meeting with each parent. Dr. Mellen stated that she determined early on that she needed some assistance with the case and built a care team to work collaboratively with the family. She stated that Dr. Sadeh in her role as the child's therapist provided information on a regular basis in order to coordinate the care. Dr. Mellen stated that she would recommend Dr. Sadeh's involvement in specific aspects of the case and would make recommendations to the Court. With regard to therapeutic supervision, Dr. Mellen stated that she has used Dr. Sadeh in this role in the past, and that the rates charged by Dr. Sadeh was less than the standard rates charged for these services. Dr. Mellen confirmed that the services provided by Dr. Sadeh in this matter were in line with the TI's recommendations to the Court. Dr. Mellen stated that while she did not supervise the services provided by Dr. Sadeh, she benefited from her being able to share both her observations and interactions in therapy. Dr. Mellen also confirmed that the child was removed from the residential facility due to facility's insistence on moving forward with parent-child contact despite the fact that there was to be no contact between mother and child and the DCS case had already been initiated. Dr. Mellen stated that they had good reasoning to not provide the residential facility therapist's letter to the Court, but that the Court ultimately received a copy of the letter by other means. Dr. Mellen confirmed that Dr. Sadeh participated in coordinating continued therapy for the child after she was instructed by the Court to remove herself from the case. In response to further questioning by Mr. Hunt, Dr. Mellen stated that she did not have any concerns regarding the comprehensiveness or accuracy of Dr. Sadeh's reports, and added that she found the licensee to be a very fine and bright psychologist.

Dr. Meier commented that it appeared there was a lot of blurring of boundaries with their team consulting on the case, versus them becoming a particular person's therapist. He expressed concern regarding dual relationships affecting the therapies involved, and stated that he could not find documentation of the consultations or collaborations as a part of the consent form. Dr. Mellen stated that she did not see the same dual relationships and in response to Dr. Meier pointed out that Ms. Day consulted on the case and then later became a part of the treatment team in providing therapy to the mother. Mr. Harrison interjected that concern regarding dual relationships was not part of the complaint filed in this case and that his client was not properly noticed regarding this concern. Mr. Harrison pointed out that Dr. Sadeh previously testified that the parties were made aware of the prior relationship and signed waivers to proceed. Dr. Meier stated that it was not the responsibility of the client to waive the dual relationship and was the professional's ethical responsibility to ensure that they are not engaging in potentially harmful dual relationships. Dr. Mellen explained that she consulted Ms. Day to obtain additional information regarding medical child abuse as she happens to be an expertise in this area. She stated this was the extent of the consult and no specific details of the case were discussed at that time. When asked who was responsible for the treatment plan in this case, Dr. Mellen confirmed that as the Court-appointed TI, she was responsible for the treatment plan as it related specifically to reunification.

Chairwoman Shreeve requested the licensee expand on the type of CE credits that were voluntarily completed. Dr. Sadeh reported that she took documentation courses and read a book, totaling 6 CE credit

hours. Dr. Meier questioned the licensee regarding her training in forensic psychology and whether she had been supervised in order for her to develop that expertise. Dr. Sadeh stated that she has invested significantly in additional trainings after obtaining licensure, and has attended specialization trainings for EMDR and trauma work. Dr. Sadeh added that she believed she followed the ethical standards for court informed treatment in this case.

The Board recessed for a brief lunch at 12:35 p.m. and returned to this matter around 1:05 p.m.

In his closing remarks, Mr. Harrison pointed out that the minutes from the Board's prior discussion focused not on treatment, but rather on the licensee's recordkeeping and billing. He stated that these concerns have been addressed at some length by the witness testimony obtained today. He stated that this case was truly unique, extraordinarily complicated, highly complex, and difficult to document in the traditional fashion expected of psychologists. Mr. Harrison stated that the licensee's treatment in this case has been validated and commended by two highly trained and very experienced psychologists. He stated that in addition to the recordkeeping CE voluntarily completed by the licensee, she also completed 60 hours of CE in family court-related work. He added that the credibility of the mother's complaint must be assessed by the Board, and stated that there is no evidence of misconduct in violation of ethical standards and the complaint should be dismissed.

The Board noted that the complainant had expressed her desire to participate in today's proceedings and called on MP to provide a statement to the Board. Due to technical difficulties, MP was not able to do so at the time that she was called on by the Board, and the Board proceeded with deliberations.

Chairwoman Shreeve observed that some of the Board's concerns were addressed by the testimonies provided today, and recognized that the licensee was proactive in completing some CE in recordkeeping. Dr. Flowers stated that he remained concerned regarding recordkeeping, and stated that while the testimonies provided today have provided context as to what was occurring, the records do not include a clear treatment plan and the consent form was inadequate. Dr. Flowers stated he was also troubled by the billing in this case, and stated that the record did not expand on the type of professional services that were ultimately billed by the licensee. Dr. Gill agreed with Dr. Flowers' comments and stated that more effective documentation was required for a case with such complexities as described by the parties involved. Dr. Gill reiterated his concerns regarding the lack of a discharge plan or summary.

During the Board's deliberations, Board staff was successful in assisting the complainant in her ability to participate in the proceedings. Complainant MP, the child's mother, explained that she was never informed that Dr. Sadeh consulted with Ms. Day, who eventually became MP's individual therapist. MP pointed out that she was not ordered to seek individual therapy until after Dr. Sadeh and Dr. Mellen were removed from the case. MP provided the Board with a timeline of the events that occurred in this case, and stated that RP had been at the residential facility for almost one month by the time the DCS case was initiated. Complainant MP stated that the DCS report, residential facility records, police report, and her therapy records should be obtained by the Board as she believed the information within those reports would directly conflict with the care team's documentation. MP further stated that RP's records from a provider she was seeing at Phoenix Children's Hospital contradicted Dr. Mellen's and Dr. Sadeh's records. MP added that a medical doctor was never consulted on the case to review RP's medical information.

In response to Board members' questions, MP stated that she did not meet with Dr. Sadeh to review the consent form and plans for treatment as previously testified by Dr. Sadeh. MP stated she did recall receiving emails from the licensee regarding some of the therapeutic supervision activities carried out during treatment. MP confirmed that the counseling services provided did not seem normal and was concerned with what was taking place during treatment with her daughter. MP added that based on her experience and involved in RP's prior therapies, this was the first time that the therapy seemed odd.

Following MP's testimony, the Board returned to deliberations.

Chairwoman Shreeve stated her concerns regarding recordkeeping, lack of a clearly documented treatment plan, informed consent issues and an overall lack of documentation. Dr. Bohanske also expressed concern regarding the licensee's recordkeeping in this case. Dr. Meier stated that he had similar concerns regarding the recordkeeping, noting a lack of treatment plan progress notes, and insufficient documentation to justify what was being done. Dr. Meier stated that he had concerns regarding the boundaries in relation to dual roles and lack of consent. Dr. Meier further stated concerns relating to competency and that there did not appear to have been any training involving professional supervision.

The Board discussed how to proceed in this case and whether the matter rises to the level of discipline. Dr. Flowers commented that this matter rises to the level of discipline and that corrective action was warranted. Dr. Flowers spoke in favor of requiring a practice monitor to ensure compliance with appropriate practice standards. Dr. Mellott stated that while the psychologist appears to have the best interest of the client a priority, the documentation was brief and the Board had to rely on the licensee's explanation to understand her involvement in this case. Dr. Mellott spoke in support of appointing a professional to review the licensee's records in her practice as a whole to ensure that treatment plans are clear, and that the sequence of care and rationale for decision making is documented. Dr. Gill agreed with Dr. Mellott's comments and stated that the practice monitor shall be skilled in monitoring billing and documentation to determine that it is appropriate, and has the expertise and knowledge to have a degree of competence in providing supervising of this case.

Dr. Meier agreed with the other Board members' comments, and stated that emphasis should be placed on documentation of progress notes with a practice monitor who focuses on custody situations to ensure the licensee is working within acceptable standards. The Board discussed the frequency of the reviews by the practice monitor and considered revisiting the terms after one year to determine whether monitoring should continue. Dr. Bohanske proposed revisiting this after six months of monitoring with quarterly reports to the Board. AAG Galvin clarified that a practice monitor could be required as a term of probation, and that the practice monitor appointed by the Board shall be familiar with the area of forensic practice. Dr. Flowers stated that the Board was concerned that the issues involved in this case may involve other services offered within the practice and that the reviews should not be specific to only forensic cases. Mr. Harrison questioned whether the Board would consider the licensee agreeing to no longer do forensic work and if this would influence the Board's decision in this case. Chairwoman Shreeve stated that the Board was in deliberation discussions and that there was to be no further interaction with the parties. Mr. Harrison stated that there was no evidence of general recordkeeping practices or billing in any case other than the one before the Board. Dr. Gill stated that informed consent should also be emphasized to the practice monitor as it has been a critical piece of this case as discussed by the Board.

MOTION: Chairwoman Shreeve moved for the Board to issue an Order for One Year Probation to require a Board-approved Practice Monitor familiar with the area of forensic psychology as well as standard areas of practice with respect to recordkeeping and informed consent. After six months, the Practice Monitor shall submit a report to the Board providing a status update and any recommendations with respect to continuation of monitoring. The frequency for which the licensee is to meet with the Practice Monitor shall be twice a month, two hours per session, and shall address areas of concerns regarding boundaries and dual relationships. The licensee shall complete 24 hours of Board-approved CE in the areas of forensic psychology, ethics, and recordkeeping, and shall be in addition to the CE credits required for license renewal. Any CE completed within the last year by the licensee can apply to the CE requirement, subject to Board staff and/or Board approval. The licensee shall be responsible for all costs associated with the probation terms.

SECOND: Dr. Flowers

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

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

MOTION PASSED.

Chairwoman Shreeve thanked the parties for participating in today's proceedings and stated that they will be contacted by the Board's office.

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

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PROPOSED RESOLUTIONS SUBMITTED BY NEAL OLSHAN, PH.D., IN RESOLUTION OF COMPLAINT NO. 20-03.

This item was introduced around 2:00 p.m.

Attorney John Agra participated in the virtual meeting during the Board's consideration of this matter. Deputy Director Michaelsen summarized that the Board received a complaint that Dr. Olshan had indicated that treatment would be accomplished through audiogenic tapes, but never provided the tapes to the client. The complaint alleged that Dr. Olshan did not provide him the psychotherapy that he paid for and that the licensee did not respond to the client's multiple requests. After filing the complaint with the Board, the complainant informed Board staff that Dr. Olshan ultimately sent him the tapes. According to Dr. Olshan, the complainant's emails went to his spam folder and were not received. Deputy Director Michaelsen further summarized that Dr. Olshan failed to comply with a Board subpoena to appear, failed to respond to a subpoena requesting the patient's clinical records, and failed to provide adequate evidence to support his claim of a medical issue. Deputy Director Michaelsen stated that a total of six statutory violations were identified in this case relating to unprofessional conduct, and that the licensee was offered a Consent Agreement for voluntary surrender of licensure. Dr. Olshan subsequently retained legal counsel and on April 27, 2020, Board staff received correspondence from counsel detailing the medical challenges Dr. Olshan had experienced in the prior year, and requested entering into discussions regarding resolving this case with possible alternatives to surrender of licensure or revocation.

Mr. Agra assured the Board that future requests of the Board will be responded to immediately and that the client's complaint has been addressed as he has since received the tapes. He also reported that the licensee, though not timely, did ultimately comply with the subpoena requesting records. Dr. Flowers stated that he noted some inconsistencies in the licensee's response to the complaint, and questioned how Dr. Olshan was able to competently perform around 300 evaluations at the same time that he claimed that he was not responding to the Board due to an illness. Dr. Gill pointed out that the Board has yet to receive documentation to support the claimed medical issues. Dr. Bohanske stated that he was astounded by the licensee's conduct and spoke in favor of license revocation. Dr. Bohanske observed that Dr. Olshan failed to comply with the Board's requests and subpoenas over the course of a year during a time that despite having medical issues preventing him from engaging with the Board, he was reportedly able to competently work. Dr. Bohanske reiterated that he found the licensee's conduct in this matter rises to the level of license revocation.

Dr. Flowers expressed his concern regarding the original patient notes. He stated that the typewritten notes that were provided to the Board by Dr. Olshan appeared to have been generated after the fact and included commentaries as to what the doctor thought was going on at that time. Chairwoman Shreeve requested the psychologist to respond to the Board's concerns regarding his email to the Complaint Screening Committee wherein he explained that the patient notes were not provided because his handwriting was illegible. Mr. Agra reported that Dr. Olshan had been observing the Board's meeting until around 12:30 p.m. as he had clients scheduled for afternoon appointments and was no longer participating in today's proceedings. Board members expressed their concerns regarding the licensee's absence, and Dr. Gill commented that it appeared to always be inconvenient for Dr. Olshan to appear before the Board. Chairwoman Shreeve stated that the licensee was provided sufficient notice for today's proceedings and that the Board was somewhat dismayed by his continued absence. Chairwoman Shreeve stated that she wanted to hear directly from the doctor regarding the serious concerns raised in this matter. Dr. Bohanske stated that the licensee has refused to respond to this Board and noted that the Board previously discussed concerns regarding Dr. Olshan ignoring all facets of the Board's ability to regulate what was going on with his practice. Dr. Bohanske proposed the Board consider summarily suspending the license at this time.

Mr. Agra stated it was his understanding that the licensee was not subpoenaed to appear before the Board during today's meeting and reiterated that Dr. Olshan had to excuse himself from the Board's meeting to tend to client appointments. Deputy Director Michaelsen clarified that Dr. Olshan failed to comply with two prior Board subpoenas. Mr. Agra stated that he did not anticipate the scope of today's discussion to include addressing the issues or evidence gathering. He stated that he believed the licensee was not required to attend as the discussion would entail possible alternatives to resolve the complaint. Chairwoman Shreeve pointed out that the licensee was offered a Consent Agreement for surrender of licensure, and expressed her concerns regarding Dr. Olshan's absence from this discussion.

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

SECOND: Dr. Meier

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

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

MOTION PASSED.

The Board entered into Executive Session at 2:22 p.m.

The Board returned to Open Session at 2:41 p.m.

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

Upon the Board's return to Open Session, Dr. Olshan joined the virtual meeting. Mr. Agra continued his participation in this proceeding. Chairwoman Shreeve informed the licensee that the Board discussed serious concerns regarding his failure to respond to multiple requests. Dr. Olshan expressed his displeasure with having to appear before the Board at this time, and stated that he was under the impression that his case would be heard earlier in the day. Dr. Olshan reported that he had been observing the Board's meeting during the morning session and had to leave for patients he scheduled for afternoon appointments. AAG Galvin informed the licensee that the Board was prepared to continue in this matter without him appearing as he was adequately noticed for the Board's meeting and elected to leave the meeting before this matter was introduced. Dr. Olshan was questioned regarding the typewritten patient notes that were submitted to the Board in his supplemental correspondence. Mr. Agra stated that he and his client understood today's proceedings to involve discussions relating to other alternatives to resolve the complaint and not an evidentiary hearing. Chairwoman Shreeve stated that it would be difficult for the Board to enter into negotiation discussions without first having the ability to question the licensee.

Dr. Flowers noted that Dr. Olshan previously stated that he was not able to appear before the Board due to medical issues and a heavy patient load. Dr. Flowers also noted that within that same timeframe, Dr. Olshan was able to reportedly handle around 300 cases successfully. Dr. Flowers questioned how Dr. Olshan was available to work at the same time that he was not able to respond to multiple Board subpoenas. Mr. Agra stated this was Dr. Olshan's first complaint before the Board in his 45 years of practice. Dr. Flowers also questioned whether the Board had received the original patient notes given Dr. Olshan's email and the typewritten notes that were subsequently provided. Mr. Agra stated that Dr. Olshan's medical issue did not involve his mental health nor did it affect his competency. He stated that the licensee was not asked to provide evidence of his medical issues, and that despite his pain and the physical challenges, Dr. Olshan prioritized his patients and his contract with the County. Mr. Agra stated that once Dr. Olshan addressed the patient's concerns and provided the tapes, he believed that the matter would eventually "die off," especially having never before been involved in these types of proceedings.

Dr. Meier questioned again whether the Board had the original patient notes relating to the complaint. Mr. Agra explained that because Dr. Olshan's handwriting is difficult to read, he reduced his notes to typewritten form and sent them to the Board. Dr. Mellott noted that the complaint involved allegations that Dr. Olshan failed to respond the patient's requests for the tapes. Dr. Mellott requested the licensee submit

the original patient notes to the Board to ensure that the Board's investigative file is complete. Chairwoman Shreeve stated that there appeared to be similarities between the client's complaint to the Board and the Board's attempts to engage with Dr. Olshan during the investigation in terms of lack of a response by the licensee. Dr. Meier stated that he agreed with the Chair's comments and that he too noted a connection between the licensee's conduct with the Board and the conduct alleged by the complainant. Deputy Director Michaelsen stated that she confirmed with the complainant via email that he did ultimately receive the tapes from Dr. Olshan.

Dr. Flowers spoke in favor of proceeding to Formal Hearing in this case with the recommendation for license revocation.

MOTION: Dr. Bohanske moved for the Board to proceed to Formal Hearing in this matter.

SECOND: Dr. Davey

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

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

MOTION PASSED.

AAG Galvin clarified that the Formal Hearing will be held at the Office of Administrative Hearings.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATED TO THE RESULTS OF THE FITNESS FOR DUTY EVALUATION COMPLETED BY DR. RACHELE "BARRIE" WAGNER IN ACCORDANCE WITH HER 12/13/2020 INTERIM CONSENT AGREEMENT FOR COMPLAINT NO. 20-09.

This item was introduced around 3:38 p.m.

Dr. Wagner did not participate in the virtual meeting during the Board's consideration of this matter. Deputy Director Michaelsen summarized that on October 23, 2019, the Board summarily suspended Dr. Wagner's license. On December 21, 2019, Dr. Wagner entered into an Interim Consent Agreement for license suspension with requirements to complete a fitness for duty evaluation within 90 days. Dr. Wagner completed the evaluation within the prescribed timeframe, and the results of the evaluation were received by the Board in February of 2020. Dr. Wagner's evaluator found that the licensee was not fit to return to practice at this time and recommended further testing. After receiving the evaluator's findings and recommendations, Dr. Wagner requested the ability to voluntarily surrender her license as she did not wish to proceed with this process. Board staff provided Dr. Wagner with a proposed Consent Agreement for surrender of licensure, and she responded that she changed her mind and wished to retain her Arizona license. The Board granted continuances in March and April of 2020 per Dr. Wagner's requests as she had indicated that she could not participate at those times due to illness. Deputy Director Michaelsen informed the Board that she received email correspondence from Dr. Wagner at 7:33 a.m. on the morning of today's proceedings, indicating that she has decided to retire. The Board noted that due to the pending investigation, Dr. Wagner does not have the ability to retire her license at this time.

The Board discussed options to proceed, including directing staff to work with the licensee to negotiate a Consent Agreement for voluntary surrender of licensure versus accepting the evaluator's recommendations for further testing and issuing an Interim Order for the licensee to comply. If the licensee does not comply with the additional testing pursuant to the terms of the Interim Order, the matter would automatically proceed to Formal Hearing for license revocation.

MOTION: Dr. Bohanske moved for the Board to accept the evaluator's findings, issue an Interim Order for the licensee to comply with the additional examinations. If not completed with timely, the matter shall automatically proceed to Formal Hearing for license revocation.

SECOND: Dr. Flowers

Chairwoman Shreeve spoke in support of the motion, noting that proceeding in this fashion would allow the licensee an opportunity to comply with the evaluator's recommendations.

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

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

MOTION PASSED.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO RECONCILE LANGUAGE DIFFERENCES BETWEEN A.A.C. R4-26-110 PROVIDING PSYCHOLOGICAL SERVICE BY TELEPRACTICE, AND A.A.C. R4-26-111 PROVIDING SUPERVISION THROUGH TELEPRACTICE.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO A.R.S. § 23-1026 ADDRESSING REGULATION OF INDEPENDENT MEDICAL EVALUATIONS AS PERFORMED BY PSYCHOLOGISTS.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING REQUEST FROM THE ARIZONA PSYCHOLOGICAL ASSOCIATION FOR CONTINUING EDUCATION (CE) EXTENSIONS.

This item was introduced around 8:58 a.m.

Melissa Flint, Ph.D., Chair of the CE Committee of the Arizona Psychological Association (AzPA) participated in the virtual meeting during the Board's consideration of this matter. Executive Director Herbst-Paakkonen summarized that the AzPA has requested a six-month extension of time for licensees to comply with CE requirements for licenses that expire in 2020. Executive Director Herbst-Paakkonen stated that the Board previously approved a waiver permitting the Executive Director to approve CE extension requests for up to three months from the date the declared emergency is rescinded. She clarified that the AzPA was requesting a broader extension than what the Board had originally granted.

Dr. Flint stated that due to the current circumstances, two big CE events that typically occur in the Fall are at a minimum going to be held virtually and/or postponed, and will affect a number of licensees who rely on those conferences to obtain the CE credits required for license renewal. She stated that the APA's CE Committee found that allowing psychologists more time to complete the required CE credits is a prudent and productive approach given the current circumstances. Dr. Bohanske commented that this is an incredibly challenging period and spoke in support of granting the APA's request. Dr. Flint clarified that the APA's request related to license renewal applicants requesting deferment to complete the required CE if they have had difficulty obtaining the total CE hours required to renew prior to the renewal period, and that the six-month extension would take effect at the time that licensees apply for renewal. Dr. Meier questioned whether granting such a request would burden the staff. Executive Director Herbst-Paakkonen reported that the system can be modified to allow for manual use by staff and if the Board were to grant the request, the staff will implement the necessary modifications.

MOTION: Dr. Bohanske moved for the Board to approve the request to extend the CE requirements for six months.

SECOND: Dr. Gill

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

13. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION CONCERNING FORMAL PETITION FOR REVIEW OF A RULE PURSUANT TO A.R.S. § 41-1033: A.A.C. R4-26-207 SUBMITTED BY BRADLEY BOIVIN, PSY.D.

This item was introduced around 8:35 a.m.

Executive Director Herbst-Paakkonen summarized that A.R.S. § 41-1033 permits any person to petition a State Agency to make, amend, or repeal a Rule. She stated that Dr. Boivin has submitted such a petition requesting the Rule be considered for CE; specifically, subsection C that addresses the prorated CE requirements for initial licensure. In his petition, Dr. Boivin stated that the Rule disregards CE hours completed previously for licensure in another jurisdiction, and has asked the Board to revise the Rule to allow applicants by universal recognition to use CE obtained within two years of their first renewal date.

Dr. Bohanske spoke in support of proceeding with reviewing this issue more in-depth for universal recognition applicants. Dr. Flowers agreed with Dr. Bohanske's comments and stated that the discussion should be expanded to include other types of licensure for applicants licensed in another jurisdiction.

MOTION: Dr. Bohanske moved for the Board to review and discuss this matter more in depth at a future meeting.

SECOND: Dr. Flowers

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

AAG Galvin clarified that while the Board has voted to look into this issue more in depth, the applicant is required to comply with the Rule as it currently reads.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RALPH EARLE, PH.D. AUDIT MATERIALS FOR 2015-2017 CONTINUING EDUCATION (CE) AUDIT.

This item was introduced around 8:40 a.m.

Ms. Poe summarized that this agenda item relates to the CE Committee's review of the licensee's CE documentation submitted for the 2015-2017 renewal cycle CE audit. At its May 8, 2020 meeting, the Board reviewed Dr. Earle's supplemental CE materials and determined that he was short 9.75 CE credits. The matter was tabled at that time to allow Dr. Earle the time to complete new CE to remedy the deficiency. On May 18, 2020, the Board received additional CE materials completed by the licensee. Dr. Flowers observed that Dr. Earle has completed an additional 11 CE hours to satisfy the CE audit, and stated that 1.25 of the hours completed could apply to the current renewal cycle as it exceeded the deficient hours from the prior renewal cycle.

MOTION: Dr. Flowers moved for the Board to find that the licensee is in compliance with the required CEs and has remedied the deficiency.

SECOND: Dr. Bohanske

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION SUBMITTED BY ROBIN KURTZ, ED.D.

This item was introduced around 8:48 a.m.

Dr. Kurtz did not participate in the virtual meeting during the Board's consideration of this matter. Ms. Poe summarized that on May 6, 2020, the Board received Dr. Kurtz's renewal application wherein she requested that her license be placed on inactive status. Board staff noted that Dr. Kurtz provided affirmative responses to application questions 9 and 11 with regarding to investigations and past discipline. The Board noted that Dr. Kurtz's Alabama license is currently subject to probation. Ms. Poe clarified that there was no specified timeframe relating to the Alabama probation, and that the licensee is required to complete CE and pay a civil fine.

The Board discussed its options to either grant or deny the request for inactive status. AAG Galvin reported that the Board would retain jurisdiction over the licensee as long as she continues to renew her license if inactive status is granted. Dr. Flowers stated that based on his review of the information provided by the licensee, she appeared to minimize the Alabama situation and that she did not acknowledge that she was found to have provided outdated testing. The Board recognized that transitioning to inactive status would prohibit the licensee from practicing in Arizona until applying to the Board and receiving permission to do so. Dr. Mellott stated that granting the request for inactive status does not place the citizens of Arizona at risk since the licensee would not be able to practice during that time. Dr. Mellott also pointed out that the licensee is subject to the terms and conditions of the Alabama Board's probationary order.

MOTION: Dr. Mellott moved for the Board to grant the request for license inactivation. Should the licensee fail to renew her inactive license and seek reapplication in the future, this matter will be further addressed at that time.

SECOND: Dr. Bohanske

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

16. DISCUSSION AND POSSIBLE ACTION REGARDING APPLICANT TYLER WHITNEY, PSY.D. PROPOSED SETTLEMENT OF LICENSE DENIAL ACTION.

This item was introduced around 3:08 p.m.

Dr. Whitney participated in the virtual meeting with Attorneys Mark Harrison and Travis Hunt during the Board's consideration of this matter. AAG Harris participated to provide the Board with independent legal advice. Executive Director Herbst-Paakkonen reported that on October 4, 2019, the Board voted to deny Dr. Whitney's license application given his disciplinary history in two other states, the surrendering of his Idaho license while under investigation for patient billing irregularities, and failure to report discipline to the Georgia Board resulting in disciplinary action. Following notification of the denial to the applicant, Dr. Whitney filed an appeal of the decision and the parties agreed to waive the sixty-day requirement to conduct a hearing. Executive Director Herbst-Paakkonen stated that Dr. Whitney has been residing in Georgia and has indicated that he is in no immediate need to pursue this matter while his counsel prepared for this case. On April 14, 2020, Executive Director Herbst-Paakkonen and AAG Galvin met with the applicant to discuss whether the Board would entertain possible settlement conference in lieu of proceeding to formal hearing. Executive Director Herbst-Paakkonen reported that on May 28, 2020, Board staff received their proposed settlement terms.

Mr. Hunt stated that based on bad advice of prior counsel, Dr. Whitney surrendered his Idaho license and did not consider it an action against his license as he did not agree or admit to any alleged wrongdoing. He explained that the billing issues identified in Idaho related to practitioners within Dr. Whitney's office and involved audits conducted by Blue Cross/Blue Shield. Dr. Whitney ultimately entered into a settlement

with Blue Cross/Blue Shield and paid back the money owed. Thereafter, Dr. Whitney relocated to Georgia and later became aware that the Idaho Board was considering imposing disciplinary action against his Idaho license. Dr. Whitney surrendered his Idaho license on the advice of previous counsel, and was not aware of the requirement to report the information to the Georgia and Utah boards. Dr. Whitney was disciplined by the Georgia Board for failure to report, in the form of 90 days suspension, one year probation, and requirement to complete additional CE. The Utah Board issued Dr. Whitney a public reprimand for the same issue. Mr. Hunt stated that Dr. Whitney resolved and satisfied the requirements of both boards. He reported that Dr. Whitney currently practices with an unrestricted license in Georgia.

Mr. Hunt summarized that Dr. Whitney first applied for Arizona licensure in 2017 and was advised to reapply after passing the EPPP. Dr. Whitney completed and passed the EPPP exam when his license was cleared in Georgia, he reapplied for Arizona licensure and was denied. Mr. Hunt stated that the license denial was not clear as it did not provide any measures the Board would accept as satisfactory to show that the license has resolved the issues in Georgia and Utah. He stated that Dr. Whitney would be willing to enter into an agreement for a probationary license requiring a practice monitor for six months to one year to review his billing records or to complete any additional CE as the Board deemed appropriate. Mr. Hunt reported that Dr. Whitney has completed an ethics course and has maintained the CE hours required for his Georgia license. He reiterated that the issues in Georgia and Utah have been resolved, and Dr. Whitney has since been practicing in Georgia. Mr. Hunt stated that Dr. Whitney has learned a lot about reporting requirements through this whole process, and is willing to do whatever the Board finds necessary to resolve this matter, within a reasonable realm.

Chairwoman Shreeve questioned the applicant as to what he has learned through all of these situations. Dr. Whitney stated that the one thing that stands out to him is dealing with your license is a very serious matter. He stated that he has taken the time to align himself with state and federal guidelines for his practice, and believes that he is a much better administrator and understands billing issues very well. Chairwoman Shreeve also questioned how the applicant can assure that these issues do not reoccur going forward. Dr. Whitney stated he would be willing to have someone monitor his current practice and is confident that no issues would be found. Dr. Whitney stated that he recognized he needed to have oversight of the billing, assured the Board that he now processes his own billing and no longer relies on other staff to do so, and that he is much more competent in that area.

Dr. Mellott proposed granting probationary licensure to require a practice monitor for a period of time. Dr. Flowers stated that he was impressed by the applicant's persistence in seeking Arizona licensure, and noted that Dr. Whitney currently holds unrestricted licenses in both jurisdictions that previously issued disciplinary sanctions against his licenses. Dr. Flowers spoke in support of granting licensure.

MOTION: Dr. Mellott moved for the Board to offer the applicant a Consent Agreement for probationary licensure requiring a Board-approved practice monitor for a period of one year to meet with Dr. Whitney and discuss billing records as well as other professional issues. The matter shall return to the Board after six months of monitoring for a progress update.

SECOND: Dr. Meier

Dr. Bohanske stated given the applicant's demonstration of consistency and willingness to be supervised, it is the Board's responsibility to license qualified individuals and not to start them off under supervision requirements. Upon further discussion regarding reporting requirements for probationary licensure, Dr. Meier and Dr. Mellott withdrew their motion.

MOTION: Dr. Bohanske moved for the Board to grant licensure.

SECOND: Dr. Flowers

AAG Harris advised the Board to address whether to rescind the prior decision to deny the license. Dr. Bohanske and Dr. Flowers withdrew their motion.

MOTION: Chairwoman Shreeve moved for the Board to rescind its prior decision to deny the license.

SECOND: Dr. Flowers

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

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

MOTION PASSED.

MOTION: Chairwoman Shreeve moved for the Board to grant licensure and issue a Letter of Concern for the concerns raised regarding the applicant's past history.

SECOND: Dr. Flowers

Board members discussed requiring the applicant to complete non-disciplinary CE to make himself more familiar with Arizona statutes and rules applicable to the field of psychology, and noted that Dr. Whitney will be required to maintain CE credit hours pursuant to license renewal requirements for Arizona licensure.

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

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

MOTION PASSED.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION SUBMITTED BY HEATHER DE SOLER, PSY.D.

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

Dr. Soler and Attorney Sitar Bhatt participated in the virtual meeting during the Board's consideration of this matter. Ms. Poe summarized that on May 27, 2020, the Board received the licensee's 2020 renewal application wherein she answered in the affirmative to application question #15 relating to having been sued or prosecuted in relation to the practice of psychology. Dr. Soler stated that the pending litigation involved a court-ordered case and that prior to her involvement, therapeutic sessions were attempted by two previous therapeutic intervention specialists that were court-appointed, and both had deemed the visits inappropriate due to the mother's behavior with the daughter. The visits between mother and daughter were terminated thereafter, and there was to be no contact between the two. Dr. Soler stated that through the Department of Child Services, she was appointed by the Court to provide psychotherapy to the mother. She stated that the claimants in the pending litigation filed suit against all parties involved with allegations of negligence. Dr. Soler stated that she did not believe she acted in a negligent manner.

MOTION: Dr. Bohanske moved for the Board to approve the renewal application and requested the licensee to inform the Board regarding the pending litigation as updates become available.

SECOND: Dr. Davey

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

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

19. NEW AGENDA ITEMS FOR FUTURE MEETINGS

All items not considered during today's proceedings will be placed on a future meeting agenda for discussion and possible action. Items 10, 11 and 18 on the agenda were not addressed during the meeting.

20. ADJOURNMENT

MOTION: Dr. Flowers moved for adjournment.

SECOND: Vice-Chairwoman Davis-Wilson

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

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

MOTION PASSED.

The Board's meeting adjourned at 3:47 p.m.