



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

HEIDI HERBST PAAKONEN
Executive Director

Regular Session Minutes

January 10, 2020 - 8:30 a.m.
1740 W. Adams St.
Boardroom A (1st Floor)
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Madame Chair Shreeve at 8:32 a.m. on January 10, 2020. One Executive Session was held.

2. ROLL CALL

Board Members Present

Tamara Shreeve, MPA – Chair
Diana Davis-Wilson, DBH, BCBA, Ph.D. – Vice-Chair (*arrived at 10:32 a.m.*)
Lynn L. Flowers, Ph.D. – Secretary
Bob Bohanske, Ph.D., FNAP
Bryan Davey, Ph.D., BCBA-D
Stephen Gill, Ph.D.
Ramona N. Mellott, Ph.D.

Board Members Absent

Aditya Dynar, Esq.
Matthew A. Meier, Psy.D.

Staff Present

Heidi Herbst Paakkonen, Executive Director
Jennifer Michaelsen, Deputy Director
Kathy Fowkes, Licensing Specialist
Krishna Poe, Administrative Assistant

Attorney General

Carrie Smith, Esq.

3. REMARKS/ANNOUNCEMENTS – Ms. Shreeve

- **Welcome to New Board Members**
Dr. Gill introduced himself to the Board, summarized his professional background, and expressed his appreciation for the opportunity to serve on the Board.
- **CE Documentation for Licensee Attendance at Board meetings**
Madame Chair Shreeve announced that licensees could receive CE credits in Ethics for attendance at

Board meetings and advised to see staff for instructions on how to obtain credit.

- **Board Surveys**

Madame Chair Shreeve encouraged members of the audience to complete a Board Meeting Assessment Survey and place them in the survey box.

- **Board Member and Staff Appreciation**

Madame Chair Shreeve thanked Board members and staff for their dedication and preparation for this meeting, acknowledging that new Board members are working hard to come up to speed in their new roles.

4. CALL TO THE PUBLIC

No members of the public requested to speak.

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

Any item under consent may be removed by a board member for independent discussion and action.

A. APPROVAL OF MINUTES

- December 12, 2019 Regular Session Minutes
- December 12, 2019 Executive Session Minutes – 9:03 a.m. to 9:12 a.m.
- December 12, 2019 Executive Session Minutes - 10:44 a.m. to 11:21 a.m.

B. EXECUTIVE DIRECTOR'S REPORT

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

Requesting Approval to Sit for Examination (EPPP) Only

- 1) Kim Anh Bui, Psy.D.
- 2) Lisa D. Loree, Ph.D.

Requesting Approval to Sit for Examination (EPPP) & Licensure

- 1) Cheryl Lynn Jones, Psy.D.
- 2) Jacqueline N. Fulcher, Ph.D.
- 3) Sara Lynn Cole, Psy.D.

Requesting Approval for Licensure by Waiver

- 1) Christina Marie Figuera, Ph.D.
- 2) Ciara Hansen, Ph.D.
- 3) Kelsey Trapschuh, Psy.D.
- 4) Ruchi Jayesh Patel, Psy.D. (Dr. Bohanske recused from this item)

Requesting Approval of Temporary Licensure and to Sit for EPPP

- 1) Timothy Paul Franklin, Psy.D.

Requesting Approval for Licensure by Universal Recognition

- 1) Dawn Marie Brock, Psy.D.
- 2) Martin Joseph Clarke, Ph.D.
- 3) Rebekah Fuller Fricke, Psy.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Allan Robert Smith, M.Ed.
- 2) Ashley E. Ramirez, M.A.
- 3) Christina Angelica Osberg, M.S.
- 4) Courtney Hilgart, M.S., M.Ed.
- 5) Emily Piper Orn, M.A.
- 6) Gabriela Rothleutner, M.S.
- 7) Jonathan Ruchlin, M.S.
- 8) Sarah L. Limon, M.S.

E. DISCUSSION, CONSIDERATION AND ACTION REGARDING REQUEST TO SIT FOR THE EPPP FROM DEIDRA W. ANGULO, PSY.D., TEMPORARY LICENSE NO. TL-16.

F. DISCUSSION, CONSIDERATION AND ACTION REGARDING REQUEST FOR EXTENSION OF TIME TO SIT FOR THE EPPP FROM DANA DALGLEISH, PH.D.

G. DISCUSSION, CONSIDERATION AND ACTION REGARDING REQUEST TO RE-TAKE THE EPPP FROM BENIUS BEARD, PSY.D., TEMPORARY LICENSE HOLDER NO. TL-27

MOTION: Dr. Davey moved to approve the items on the consent agenda. Dr. Flowers seconded the motion.

VOTE: The motion carried by a vote of 6-0.

Applicant Ruchi Jayesh Patel, Psy.D. was removed from the Consent Agenda for separate consideration due to a temporary lack of a quorum of members.

MOTION: Subsequent to the arrival of Dr. Davis-Wilson, at which time a quorum of members was present, Dr. Mellott moved to grant licensure by waiver to Ruchi Jayesh Patel, Psy.D. Dr. Flowers seconded the motion.

VOTE: The motion carried by a vote of 6-0.

TIMED ITEM – 9:00 a.m.

6. 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 COMPLAINT

a) Complaint No. 20-12 Eric Frey, M.A. (Dr. Davey)

Dr. Davey summarized the complaint filed by K.B. who alleged that in an October 8, 2019 electronic mail message issued to Manzanita Elementary School personnel regarding his former client, M.W., Mr. Frey made statements that were unprofessional. The complaint further alleged that during an October 14, 2019 in-person meeting with school personnel and M.W.'s father and mother, Mr. Frey made additional unprofessional statements concerning M.W. The complaint also raised concerns whether Mr. Frey failed to maintain confidentiality when discussing the conditions of certain students at Manzanita Elementary School. Mr. Frey was present and relayed to the Board that he did not need to offer a formal statement, but was willing to answer questions and to learn from this experience. He stated to the Board that his responsibility to the school his former client attends includes problem-solving his client's behaviors, and reconciling behavior reports with school personnel. In response to the Board's questions, he acknowledged that communications could have been improved in order to better assess the problems, support the child and the child's family, and to bridge between the family and the school staff. Mr. Frey admitted he has learned a great deal from the experience.

The Board members discussed the challenges involved in working with children in school settings, including competing interests and lack of resources and communications. Dr. Davey noted the CBA voted to dismiss the complaint and to address the licensee's conduct with a Letter of Concern.

MOTION: Dr. Davey moved to accept the CBA recommendation to dismiss the complaint and to issue a Letter of Concern relative to Mr. Frey's communications to the personnel at his client's school. Dr. Bohanske seconded the motion. Dr. Mellott offered a friendly motion consisting of issuing a non-disciplinary order for continuation education to include 3 hours of ethics and 3 hours of professional conduct above which that is required for license renewal; these hours must be completed within 90 days of the effective date of the order. Dr. Davey accepted the friendly amendment, and Dr. Bohanske seconded the modified motion

DISCUSSION: The discussion reflected that the investigation did not reveal any violations of the statutes, but the licensee's communications were of concern.

VOTE: The motion carried by a vote of 6-0.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING COMPLAINT NO. 20-16 FOR COLTEN OLIVER, M.A., AND ON PENDING BEHAVIOR ANALYST APPLICATION FROM COLTEN OLIVER, INCLUDING POSSIBLE DENIAL OF THE SAME

Dr. Davey summarized the matter before the Board, noting that a complaint was filed with the Board, and shortly thereafter Mr. Oliver filing an application for licensure. The complaint alleged that between May and September of 2019, while working for Aspen Behavioral Consulting, Mr. Oliver included non-billable time in his submitted client reports, documented service end times that were not accurate, and forged a caregiver's signature.

The complainant D.W. was present and summarized the concerns she filed with the Board and explained the ramifications of Mr. Oliver's actions to her company including the fiscal impact, and her staff members' and clients' reactions. She reported that while she and her team were able to mitigate much of the adverse impact to most of their clients, those who abruptly lost their analyst had concerns which she has had to manage. D.W. further stated they are in the process of making restitution of fees paid for services not delivered to the clients. The Board questioned D.W. how Mr. Oliver responded to the communications concerning the preliminary findings of billing discrepancies. She indicated that when asked to speak to the issues, he stated he regretted the situation but that he needed to take care of his own.

Mr. Oliver was present by telephone and stated to the Board that since his termination he has engaged in self-reflection and self-evaluation. He apologized to the complainant for his actions. He stated his conduct wasn't egregious or malicious, and often just consisted of taking a quick lunch break. He described himself as a novice and having some ignorance, and stated that he is grateful that care is being taken to ensure the families' concerns and needs are being addressed. Mr. Oliver professed his commitment to his chosen profession, and stated he is learning from his mistakes.

When asked if he forged someone's signature, Mr. Oliver admitted to forging one of the four in the investigative report. When asked whether honesty is important to this profession, he stated yes and mentioned how introspection has led him to better understand this. He admitted that his clients did not receive the full benefit of the care he provided relative to what they were charged. He stated he fully cooperated with the company's investigation, took some time away from the profession, reflected on whether to continue, and has decided to continue pursuing his behavior analyst license. Mr. Oliver indicated he has sought out continuing education in ethics and plans to engage in counseling and emotional development to grow from this experience. When questioned by the Board he stated he has taken one credit in ethics through his new employer.

When asked how he expects his conduct to be different next time, Mr. Oliver explained that as a result of his mistakes and learning from them, he is now in a humbler place with a different perspective. He indicated he has

not provided the details of this matter to his current employer. He stated is still working to build trust and rapport with his new supervisor and therefore has not disclosed information concerning the background of this complaint because he wasn't asked about it. He advised the Board that he has informed his supervisor that he is not yet licensed and advised that acquiring the license would require some time.

In response to the Board's questions concerning the time discrepancies he submitted for which services were billed but not provided by him, he reiterated that he wasn't seeking financial gain and that he only wanted to have time to eat lunch between appointments – decisions he now admits were a mistake.

Ms. Shreeve reviewed the options available to the Board relative to resolving the complaint and rendering a decision on the application. Dr. Davey summarized the rationale behind the CBA's recommendation to deny the application for licensure. He noted the Committee concluded that there is an expectation that the applicant to do more than merely self-reflect and complete continuing education to right his moral compass.

MOTION: Dr. Flowers moved to meet in Executive Session to obtain legal advice. The motion failed for a lack of a second.

Board discussion noted there is evidence in the investigative report of Mr. Oliver having committed fraud and forgery.

MOTION: Dr. Bohanske moved to deny licensure to Mr. Oliver. Ms. Shreeve seconded the motion. Ms. Smith questioned whether the bases for denial would include A.R.S. §32-2091.02, specifically (3) which requires that an applicant be of good moral character and (6) which requires that an applicant for licensure shall not have committed any act or engaged in any conduct that constitutes grounds for disciplinary action. The members concurred that the facts support violations of these sections of the statute.

DISCUSSION: The Board discussed the fact that the more specific the feedback that Mr. Oliver receives relative to this matter, the more likely he might come back in the future and present as an applicant meeting the qualifications for license and having successfully implemented corrective action.

VOTE:

Ms. Shreeve – yes
Dr. Bohanske – yes
Dr. Davey – yes
Dr. Gill – yes
Dr. Mellott – yes
Dr. Flowers – abstained

The motion carried by a vote of 5-0 with one abstention.

TIMED ITEM – 10:00 a.m.

8. INFORMAL INTERVIEW – NEAL OLSHAN, PH.D. – Complaint No. 20-03

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

Ms. Michaelsen summarized the matter advising the Board that the complaint filed by S.L. alleges Dr. Olshan told him his treatment would be accomplished by providing him with dynamic autogenic audio tapes. S.L. states that on February 13, 2019 Dr. Olshan emailed S.L. a sample tape and assured S.L. he would also email a full

tape. S.L. alleges that Dr. Olshan never provided him with psychotherapy that S.L. paid for, and that the entire treatment consisted of the tapes that he only received after multiple requests sent via electronic mail that went unanswered by Dr. Olshan. The complaint investigation also raise issues concerning Olshan's failure to comply with two Board issued subpoenas: one for submission of a copy of S.L.'s clinical record, and another for failure to comply with a Board issued subpoena for his personal appearance today to provide testimony concerning this complaint.

Board counsel advised that due to the respondent's failure to appear and to comply with the subpoena, the Board may vote to forward the case to a formal hearing. Board discussion reflected that Dr. Olshan has on multiple occasion evaded the Board, and has claimed medical problems without supplying adequate evidence to support this claim. The Board noted that if Dr. Olshan is too ill to comply with the Board's requests and the subpoena, this might also indicate he is incapable of practicing psychology safely.

MOTION: Dr. Mellot moved to offer Dr. Olshan a consent agreement for the voluntary surrender of his license, and if not signed, proceed to a formal hearing. Dr. Bohanske seconded the motion.

VOTE: The motion carried by a vote of 6-0.

TIMED ITEM – 11:00 a.m.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEW OF THE FOLLOWING COMPLAINTS AND POSSIBLE CONSOLIDATION WITH DR. JOHN DENBOER'S CURRENT CONSENT AGREEMENT FOR CASE NOS. 16-39, 16-53, AND 17-23.

Prior to the review of this item the Board opened the meeting for a call to the public. Dr. Jesse Haggard appeared and made a statement concerning John DenBoer, Ph.D.

a) Complaint No. 18-25 John DenBoer, Ph.D.

Dr. Bohanske summarized the complaint noting the allegations are that Dr. DenBoer was unprofessional and inaccurate in his evaluation of her that he completed in 2015 at the Banner Concussion Center in Phoenix. K.C. further alleged his patient documentation contained many "factual errors and inconsistencies" and alluded to non-existent documents. The complainant K.C. was present and reported to the Board that she was referred to DenBoer for a psychological evaluation based on a physician referral. She found his report to contain inconsistencies, factual errors and omissions. She reported that he collected an incomplete and inaccurate patient history from her. She also reported a follow-up report contained some psychological findings, but stated he had never conducted a follow-up evaluation to arrive at the inaccurate findings. She further stated that he failed to follow his own recommendations he documented. When she confronted him about the inaccuracies he called into question her integrity in supplying him with her information. She concluded by stating that his conclusions were incorrect and unsubstantiated.

b) Complaint No. 18-26 John DenBoer, Ph.D.

Ms. Shreeve acknowledged the participation of expert witness Dr. Peter Lichtenberg was available to the Board only until 12:00 p.m. Dr. Flowers summarized the allegations of the complaint filed by E.T. with Blue Cross Blue Shield and based on additional information obtained from the insurer through a Board-issued subpoena. The allegations include that Dr. DenBoer presents his SMART Brain Aging program at assisted living facilities and promotes his program as free or covered under insurance, however he actually bills Medicare for his SMART neuropsychology services under his private practice, Mental Edge Neuropsychology, LLC. Additionally, the complaint alleges Dr. DenBoer enrolls individuals in the SMART program who have no history of cognitive dysfunction. Finally the complaint alleges Dr. DenBoer permits unqualified personnel to

render services, his patient documentation does not support the services billed and do not support time-based codes billed to plan, and there is a lack of medical records to support the services he billed. Staff affirmed the complainant was noticed of the meeting but was not present for the review of this complaint.

Dr. Lichtenberg summarized his professional credentials and experience. He stated profound concerns relative to how the benefits of Dr. DenBoer's dementia prevention program are being represented. He stated that Dr. DenBoer's reports were wholly inadequate in that they omitted key findings from the patient evaluations. He further stated that the evaluations did not meaningfully and comprehensively evaluate the patients. He cited the patient testing as overly frequent and repetitive to a fault in some instances. Dr. Lichtenberg determined there were a number of instances where Dr. DenBoer failed to adapt the treatment plan based on patients' testing results, noting the testing appeared to be for maximizing billing and not for patient benefit. Dr. Lichtenberg further highlighted the instances where time billed to Medicare significantly exceed that which was represented in the patient's charts. In response to Board questioning, Dr. Lichtenberg stated nearly all of the patient records contained problems and that he found the quality of Dr. DenBoer's work to be less than that of a graduate level of education. He also noted that repeat testing of patients was also found by him to be inadequate. In response to Board questioning Dr. Lichtenberg stated that he found technicians did testing and scoring, and he also noted patient clinical history was consistently missing which is essential information for treatment of dementia patients.

Dr. DenBoer was present and was represented by his attorney, Artie Eaves, Esq. Mr. Eaves advised that he has never seen a complaint where such vast disagreement between expert evaluators exists. He advised that Dr. John Toma, Dr. DenBoer's practice monitor, has stated the respondent's records are in compliance with the law. Mr. Eaves further stated that other experts will soon weigh in on the quality of Dr. DenBoer's practice and documentation. He mentioned there is a financial and emotional toll on his client due to the investigations, and his client wants swift resolution to these matters. Dr. DenBoer addressed the Board, explaining that there is a larger context of events occurring that are motivating certain individuals to file allegations against him. He described his personal and financial investments into building his program that has been adopted by a number of prestigious institutions of higher education. He stated he never billed incorrectly for any patient. He urged the Board to focus on the evidence. Dr. DenBoer stated that Dr. Lichtenberg is unfamiliar with the "gold standard" concerning dementia patient testing. In response to Board questioning, he answered in the affirmative that Blue Cross Blue Shield terminated his participation due to billing problems and demanded a refund of approximately \$47,000. He confirmed he is not Board certified as a neuropsychologist. In response to Board questioning he denied having prepared neuropsychological reports requiring 8 hours of time.

Dr. Toma was invited to address the Board. He explained his insight into Dr. DenBoer replacing his billing personnel which he believes addressed the issues he understood to exist. He stated Dr. DenBoer was receptive to accepting his feedback to improving his reports, and that he has seen vast differences in reports prepared by professionals in the same field. He stated his opinion that Dr. DenBoer's reports meet the minimum standards. Dr. Toma opined that Dr. DenBoer's practice grew too quickly and too large for him to effectively manage. Dr. Toma affirmed to the Board he monitored Dr. DenBoer to ascertain whether he presented a risk to the public.

In response to Board questions whether the treatment Dr. DenBoer provided was evidence-based, Dr. Toma stated the interventions were appropriate to the program that is developing across the country.

MOTION: Dr. Bohanske moved to meet in Executive Session for legal advice. Dr. Davis Wilson seconded the motion.

VOTE: The motion carried by a vote of 8-0.

The Board met in Executive Session from 12:41 p.m. to 12:50 p.m.

Upon resuming the meeting in public session the Board discussed whether combining the 4 complaints on the

agenda constitute the preferable method to resolve them with potentially a single disposition.

Complainant L.M. and K.C. had been present and submitted requests to speak but were not present when called.

c) Complaint No. 19-02 John DenBoer, Ph.D.

Dr. Flowers reported that L.M. filed the complaint alleging she received substandard care from Dr. DenBoer – specifically that he failed to obtain her complete history, his testing was deficient, he failed to obtain her informed consent for treatment, she had no face-to-face contact with him, he failed to perform a clinical interview, he made several errors and omissions in her report, and he inappropriately used unlicensed personnel. L.M. further alleged his advertising was misleading and potentially false. Ultimately the complainant stated she is concerned that due to his errors and omissions his findings were not accurate nor appropriate.

d) Complaint No. 19-04 John DenBoer, Ph.D.

Dr. Bohanske summarized the complaint filed by S.S, a former employee of Dr. DenBoer. She alleged many improprieties on the part of Dr. DenBoer including numerous instances of fraudulent billing, fabrication of treatment sessions, treatment delivered by unqualified personnel, and failure to ensure patient records confidentiality in accordance with HIPAA requirements. S.S. further alleges Dr. DenBoer’s treatment plan is flawed, unethical and not supported by research; additionally he misrepresents the program to prospective patients. S.S. supplied several additional instances of treatment and billing improprieties. It was noted during the summary that the facts suggest S.S. was working for a competitor of Dr. DenBoer when she filed the complaint, but her allegations are consistent with those raised in other complaints concerning him.

Dr. DenBoer offered some statements to the Board relative to complaints 18-25, 18-26 and 19-04. He stated he appreciates the learning opportunity this complaint had created, but in the future he will not allow a client to “bully his staff” to perform an evaluation in his absence which is what occurred with K.C. He stated he has never intentionally omitted or changed data in a report, although he admitted to making some errors in the report. He further stated he met the required standard of care and disputes her version of the facts. Dr. DenBoer noted that he takes the accusations of the complaints very seriously. Mr. Eaves noted that three of the complaints under consideration today occurred prior to Dr. DenBoer being subject to his current practice monitoring arrangement, and also reiterated the fourth complaint was filed by a former employee who likely had help from one of Dr. DenBoer’s professional competitors. He concluded that this series of complaints was filed prior to Dr. DenBoer reforming several components of his practice in accordance with the terms of his Consent Agreement and while under a practice monitoring arrangement.

MOTION: Dr. Mellott moved to send all 4 complaints to an informal interview hearing under the jurisdiction of the statutes cited in the reports. Dr. Flowers seconded the motion.

DISCUSSION: The Board members agreed there are too many allegations to consider to attempt to address them in through a Consent Agreement, and that an informal interview is necessary to determine any findings of fact and conclusions of law.

VOTE: The motion carried by a vote of 6-0.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATED TO POSSIBLY OPENING A COMPLAINT FOR POSSIBLE NON-COMPLIANCE REGARDING DR. JOHN DENBOER’S CONSENT AGREEMENT FOR CASE NOS. 16-39, 16-53 AND 17-23.

Ms. Michaelsen advised the Board that Dr. DenBoer’s Consent Agreement stipulates his license to practice psychology is on probation for a minimum of 1 year from the effective date of October 9, 2018 unless otherwise ordered by the Board. The Agreement further stipulates that at the end of 1 year, unless otherwise ordered by the

Board, Dr. DenBoer may petition the Board in writing and request termination of probation after 6 months and with the Practice Monitor's recommendation. She noted that Dr. John Toma serves as that monitor to provide professional guidance and input with respect to Dr. DenBoer's practice in performing evaluations, informed consent, record keeping and billing practices. Ms. Michalesen further stated the Agreement requires Dr. DenBoer to complete an additional 18 hours of continuation education – above that which is required for renewal of licensure – to consist of 6 hours of recordkeeping and/or maintaining business records, 6 hours in informed consent, and 6 hours in ethics/billing practices. She noted that Dr. DenBoer had not submitted any certificates of completion for continuing education, although an unreviewed fax sent early this morning appears to include at least some evidence Dr. DenBoer has completed some continuing education. Finally Ms. Michaelson reported that Dr. Toma submitted to the Board a report titled "Final Report", dated October 25, 2019 suggesting the practice monitoring has ceased – contrary to the Consent Agreement terms that states that the practice monitoring shall occur while Dr. DenBoer is on probation. Ms. Michaelson advised the Board that if it determines that Dr. DenBoer has not complied with the requirements of the Consent Agreement, the Board may either continue the probation or institute proceedings for noncompliance.

On behalf of his client, Mr. Eaves stated to the Board that it would not be fair to say that the supervision has concluded as communications between his client and Dr. Toma continue. He noted that Dr. DenBoer's practice is closed and due to the transfer of the business, Dr. DenBoer has no access to the patient or business records.

MOTION: Dr. Bohanske moved to table this matter to the next meeting agenda. Dr. Flowers seconded the motion.

VOTE: The motion carried by a vote of 7-0.

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

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING SELF-REPORT SUBMITTED BY LYNN THULL, PH.D.

Ms. Michaelson summarized this matter for the Board, stating that on November 29, 2019 Dr. Thull, an Arizona licensed psychologist residing in California, reported a charge of impaired driving that occurred in February of 2018. She further noted Dr. Thull's blood alcohol content was documented to be 0.07%, and that while the licensee is appealing her conviction of Driving Under the Influence (DUI), she is completing the sentence terms to demonstrate she is willing to comply with them. Ms. Michaelson advised the Board that Dr. Thull did not report the charge within 10 days in accordance with A.R.S. §32-3208 as the disclosure was submitted approximately 18 months after the event. She also noted that Dr. Thull did not disclose the charge as required on her application for license renewal.

Dr. Thull was present and stated to the Board that the reason she failed to comply was because she was in denial of the charge and was incorrectly advised by her attorney that the charge would be dismissed. She advised the Board that she is appealing the conviction. She also noted the state boards of Idaho and California reviewed this matter and took no action, and that the matter is pending review by the Hawaii Board. Dr. Thull stated that this matter has created a great deal of personal discomfort to her. She explained she mostly works in the area of policy and rarely treats patients; in the past she worked with low income children and eventually became a psychologist to work on public health issues. She also travels to impoverished countries working pro bono to provide grief counseling and other services. She maintains her Arizona license out of love for her former home state. She explained that the impaired driving event was primarily a function of experiencing fatigue due to overextending herself professionally and with her volunteer work. When questioned about her familiarity with Arizona statutes, Dr. Thull admitted she is less familiar than those in California and that she didn't research the

law following the charges. She also stated her attorney gave her incorrect advice in that the matter would be dropped. She noted that she properly notified the California board in accordance with their law. In response to Board questions she stated she has learned from this experience that she needs to maintain knowledge about how to comply with legal requirements in all states in which she is licensed. She admitted to not calling the Board office to ask about compliance with the Arizona reporting requirements. She also admitted to now understanding and appreciating the gravity of this matter.

The Board deliberated the matter; the discussion reflected that while there was a violation of the reporting statute A.R.S. §32-3208, Dr. Thull ultimately complied and provided assurance she has taken corrective action on her own.

MOTION: Dr. Flowers moved to issue a Letter of Concern to Dr. Thull for her failure to timely report the charge and to properly disclose the charge on her renewal application, and also to issue a non-disciplinary order in the form of prescribing completion of a minimum of 3 hours of continuing education in ethics. Dr. Bohanske seconded the motion.

DISCUSSION: Board staff explained that with respect to procedure, a complaint will be opened concerning Dr. Thull with the disposition of the complaint to be the Letter of Concern and the non-disciplinary order for continuing education.

VOTE: The motion carried by a vote of 6-0.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING DRAFT BILLS SB 1054 AND HB WITH TEMPORARY TITLE FOLDER 1275 PSYCHOLOGY BOARD; LICENSURE; FINGERPRINTING

Ms. Herbst Paakkonen reported Arizona Legislative Council staff is currently drafting the bill comprising the statute revisions requested by the Board to be considered during the 2020 Fifty-fourth Legislature, Second Regular Session. She summarized the draft fingerprint clearance card language included in HB2224 noting that it is one of many similar bills impacting health professions boards this session. She also called to the Board's attention SB1054 – the agency continuation bill.

The members agreed by consensus that the drafts accurately reflect the Board's requested changes to their respective statutes.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST TO TERMINATE PROBATION FOR CASE NO. 16-15 FOR DEBRA GOLDFINE, PH.D.

Ms. Michaelsen summarized the request from Dr. Goldfine in which she requests to be released from the Board's Order and for the Board to terminate her probation. Ms. Michaelsen reviewed the terms of the Order and the documentation supplied by Dr. Goldfine, and reported that staff finds Dr. Goldfine has completed the requirements. She advised that it is up to the Board to determine whether she has done so to the Board's satisfaction.

MOTION: Dr. Bohanske moved to find Dr. Goldfine as having complied with the terms of her Order and to terminate her probation. Dr. Flowers seconded the motion.

VOTE: The motion carried by a vote of 6-0.

14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LICENSE RENEWAL AND REINSTATEMENT REQUEST FROM LESLIE BARRARA DORANTES, M.S.

Ms. Poe summarized the matter, noting that the Committee of Behavioral Analysts (CBA) reviewed the documentation reflecting that Ms. Barrara Dorantes did not renew her license by the deadline of October 31, 2019 and practiced as a Behavior Analyst until December 4, 2019 at which time she realized her mistake, filed an application for reinstatement of her license, and submitted evidence of having completed the required continuing education requirements. Ms. Poe stated that Ms. Barrara Dorantes was present for the CBA discussion of this matter and advised the Committee that she has learned from her mistake and is taking precautions to ensure she does not repeat this mistake. Dr. Davey summarized the CBA's recommendation to forward the application to the Board with a recommendation to approve the reinstatement, and to issue a Letter of Concern addressing the conduct under the auspices of opening a complaint.

MOTION: Dr. Davey moved to accept the Committee's recommendation. Dr. Flowers seconded the motion.

VOTE: The motion carried by a vote of 6-0.

15. DISCUSSION, CONSIDERATION AND ACTION REGARDING APPLICATION TO SIT FOR EPPP FROM JENNA SIMONE RUDO-STERN, PH.D.

Dr. Mellott summarized the content of the application, noting it was on the agenda due to a lack of quorum at the Application Review Committee. She stated the file was complete and that she found that the application content established she has met the requirements to sit for the EPPP.

MOTION: Dr. Mellott moved to grant the applicant approval to sit for the EPPP. Dr. Bohanske seconded the motion.

VOTE: The motion carried by a vote of 6-0.

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PRESENTATION AND INFORMATION FROM REPRESENTATIVE FROM THE PSYCHOLOGICAL CLINICAL SCIENCE ACCREDITATION SYSTEM (PCSAS) ON PROPOSED LEGISLATION FOR THE UPCOMING LEGISLATIVE SESSION

Ms. Herbst Paakkonen reported that Sabrina Vazquez, representing the PCSAS coalition, had requested time on the agenda to update the Board on this matter and to provide written materials. Ms. Vazquez was not present and Ms. Herbst Paakkonen advised that no written materials were submitted. The Board noted that previous interactions concerning this group reflect that they elect to introduce a bill that would insert PCSAS as an accepted program accreditor without first advising the Board of that fact.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING ASPPB INVITATION TO FUND EXECUTIVE DIRECTOR'S PARTICIPATION IN THE MIDYEAR MEETING

Ms. Herbst Paakkonen advised the Board that the Association of State and Provincial Psychology Boards has extended an invitation to fund her attendance and participation in the Midyear Meeting to be held April 23-26, 2020. This event includes a meeting and programming specific to members of the Board Administrators/Registrars Committee (BARC). She noted that participation in the meeting will be useful to her as a new administrator in terms improving her understanding of psychology regulatory issues. She asked that the Board consider and take action on this request as the meeting will be hosted outside of the United States in Montreal, Quebec.

MOTION: Dr. Bohanske moved to approve Ms. Herbst Paakkonen's attendance at the meeting. Dr. Mellott seconded the motion.

VOTE: The motion carried by a vote of 6-0.

The discussion noted that ASPPB provides a new board member orientation at the meeting which would be beneficial to the new member, Dr. Gill. The Board directed staff to place this matter on the February meeting agenda for discussion, consideration and possible action.

18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON TOPIC OF INFORMED CONSENT

Ms. Shreeve advised she requested this agenda item in an effort to ensure consistency when reviewing complaints. She explained that when complaints are presented to the Complaint Screening Committee, in some instances it seems there isn't consistency relative to whether consent agreement is obtained and documented. Dr. Bohanske cited the requirements in law and those requirements imposed under the APA Code of Ethics. The members discussed what might not constitute satisfactory documentation reflecting informed consent.

19. NEW AGENDA ITEMS FOR FUTURE MEETINGS

The Board requested staff add Discussion, Consideration and Possible Action on ASPPB Mid-Year Meeting Attendance on the February meeting agenda.

20. ADJOURNMENT

MOTION: Dr. Mellott moved to adjourn the meeting. Dr. Flowers seconded the motion.

VOTE: The motion was approved by a vote of 6-0. The meeting adjourned at 1:27 p.m.

Respectfully submitted,

Lynn L. Flowers, Ph.D.