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## Committee on Behavior Analysts

### REGULAR SESSION MINUTES

July 30, 2021 - 9:30 a.m.

Held via Zoom

#### 1. CALL TO ORDER

The meeting was called to order by Dr. Stenhoff, Committee Chair, at 9:35 a.m.

#### 2. ROLL CALL

##### Committee Members Present

Donald Stenhoff, Ph.D., BCBA-D – Chair

Diana Davis-Wilson, DBH, BCBA – *joined the meeting at 9:55 a.m.*

Tisha Denton, M.Ed., BCBA

Bryan Davey, Ph.D., BCBA-D – *departed the meeting at 10:21 a.m.*

Paige Raetz, Ph.D., BCBA-D

##### Staff Present

Heidi Herbst Paakkonen, Executive Director

Jennifer Michaelsen, Deputy Director

Zakiya Mallas, Licensing Specialist

Kathy Fowkes, Licensing Specialist

##### Attorney General's Office

Jeanne Galvin, Assistant Attorney General

A quorum of the Committee was confirmed.

#### 3. REMARKS/ANNOUNCEMENTS

- **General Committee Remarks, Announcements and Updates**

Dr. Stenhoff welcomed the public to the meeting and acknowledged the efforts of staff to bring very recently certified applicants' files to the Committee.

- **Introduction: Zakiya Mallas, Licensing Specialist**

Ms. Paakkonen informed the Committee that Ms. Mallas' long-anticipated arrival to the team occurred a few weeks ago and already she is coming up to speed on the behavior analyst licensure requirements. Ms. Mallas introduced herself to the Committee, noting that she worked previously for another licensing board for about

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six years. She indicated that she is looking forward to processing applications more efficiently going forward. The Committee members welcomed her and commented that her arrival has been highly anticipated.

<p>4.</p>	<p><b>APPROVAL OF MINUTES</b></p>
	<ul style="list-style-type: none"> <li>● <b>May 28, 2021 Executive Session Minutes Part 1</b> (<i>Drs. Davis-Wilson and Stenhoff recused</i>)</li> </ul> <p><b>MOTION:</b> Ms. Denton moved to approve the minutes as drafted. Dr. Raetz seconded the motion.</p> <p><b>VOTE:</b> The motion was approved 3-0.</p> <ul style="list-style-type: none"> <li>● <b>May 28, 2021 Executive Session Minutes Part 2</b> (<i>Dr. Davis-Wilson and Ms. Denton recused</i>)</li> </ul> <p><b>MOTION:</b> Dr. Raetz moved to approve the minutes as drafted. Dr. Stenhoff seconded the motion.</p> <p><b>VOTE:</b> The motion was approved 3-0.</p> <ul style="list-style-type: none"> <li>● <b>May 28, 2021 Executive Session Minutes Parts 3 and 4</b> (<i>no recusals</i>)</li> </ul> <p><b>MOTION:</b> Dr. Raetz moved to approve the minutes as drafted. Ms. Denton seconded the motion.</p> <p><b>VOTE:</b> The motion was approved 5-0.</p> <ul style="list-style-type: none"> <li>● July 1, 2021 Regular Session Minutes</li> <li>● July 1, 2021 Executive Session Minutes</li> </ul> <p><b>MOTION:</b> Dr. Davis-Wilson moved to approve the minutes as drafted. Ms. Denton seconded the motion.</p> <p><b>DISCUSSION:</b> Dr. Raetz indicated she was not present for this meeting.</p> <p><b>VOTE:</b> The motion was approved 3-0.</p>
<p>5.</p>	<p><b>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING COMPLAINTS AND RECOMMENDATIONS TO THE BOARD</b></p> <p><b>A. Complaint No. 21-13, Brian van Meerten</b></p> <p>Dr. Stenhoff announced that he is recused from the consideration of this agenda item. Dr. Davis-Wilson also registered her recusal from this matter.</p> <p>Dr. Davey presided as Chair for this agenda item. He acknowledged that the complainant DD was present, as was Mr. van Meerten and his attorney, and noted that all parties were informed of the possibility the case would be forwarded to the full board given the quorum challenges the Committee has experienced. He stated in the in the interest of moving this case through the adjudication process, the Committee might consider a motion to move the case to the Board.</p> <p><b>MOTION:</b> Dr. Davey moved to forward the case to the full Board for its review. Dr. Raetz seconded the motion.</p> <p><b>VOTE:</b> The motion was approved 3-0.</p> <p>Dr. Davey informed the parties that Board staff will contact them with the scheduling of the initial review of the complaint.</p>

6.	<b>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR ANALYST APPLICATIONS</b>	
<b>A. Behavior Analyst Applications for Licensure</b>		
<b>1) Brittany Messina, M.Ed. (SAIR**)</b>		
<p>Ms. Denton noted that she is recused from the review and vote on this application. Dr. Davis-Wilson has also registered her recusal from this matter. The review of the application reflected that while the file is complete, Ms. Messina had disclosed two driving impairment convictions with one in 2017 and the other in 2018. Additionally those events may intersect with one or two terminations from employment that Ms. Messina did not initially disclose on her application which later came to light. The application review noted that given these facts, additional information has been requested from the applicant.</p> <p>Board staff notified the members that Ms. Messina is currently not in Arizona and is unable to attend the review of her application. The discussion reflected that there are concerns about the application, including some omissions of information, that necessitate Ms. Messina be present to answer questions.</p> <p><b>MOTION:</b> Dr. Davey moved to table the review and action on the application until such time that Ms. Messina can attend a meeting of the CBA to address the members’ questions. Dr. Raetz seconded the motion.</p> <p><b>DISCUSSION:</b> The CBA members concurred that a subpoena to compel Ms. Messina’s is not required. The members also directed staff to attempt to obtain information from the Arizona Department of Public Safety relative to whether Ms. Messina is eligible to obtain a renewal of her fingerprint clearance card.</p> <p><b>VOTE:</b> The motion was approved 3-0.</p>		
<b>2) Nicole Steele, M.S. (FAIR*)</b>		
<p>Ms. Denton indicated that upon further review she recalls having interviewed the application for an employment position, but she is able to review and vote on the matter without bias.</p> <p><b>MOTION:</b> Dr. Stenhoff moved to meet in Executive Session for purposes of receiving legal advice. Dr. Davis-Wilson seconded the motion.</p> <p><b>VOTE:</b> The motion was approved 5-0.</p> <p>Upon resuming the meeting in public session, the discussion reflected the fact that in spite of having issued the FAIR letter to Ms. Steele, the Committee is no closer to obtaining the information that is necessary to ascertain whether the applicant meets the qualification for licensure. The members noted that signing supervisor for the BACB final verification form appears to not have been licensed as required in Missouri for some period of time (about two months from June to August of 2019), rendering an unknown number of supervised hours as non-qualifying for meeting licensure requirements in Arizona. Additionally, the supervision contract does not list all of the supervisors identified by Ms. Steele, and lacks their signatures.</p> <p><b>MOTION:</b> Dr. Stenhoff moved to issue a second request for the additional information originally requested in the form of a subpoena to the former supervisor who signed the supervision contract to appear before the Committee to answer questions concerning the contract and to also speak to Ms. Steele’s performance under the contract. Dr. Davis-Wilson seconded the motion.</p> <p><b>DISCUSSION:</b> The Committee discussion reflected that Ms. Steele should be present to hear the discussion concerning her application, however she advised Board staff that she was unable to attend today due to a scheduling conflict.</p> <p><b>VOTE:</b> The motion was approved 5-0.</p>		

	<p><b>3) Madison V. Williams, M.Ed.</b></p>	
<p>The applicant was present for the review of her application. The Committee proceeded with a substantive review of the application. The applicant made a disclosure concerning an event that had occurred more than ten years prior, and it has been resolved with no subsequent issues. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules, however her supervision documentation reflects that her supervisor was unlicensed during a portion of those hours. That supervisor, Cheyenne Cody Da Rosa, contacted Board staff and requested her submitted documentation be rescinded which was denied by Board staff. Lauren Nemer-Kaiser signed off on documentation of supervision of Ms. Williams, but appears to have not supplied any direct supervision to her. The discussion indicated that it appears that a majority of the supervision that was supplied to Ms. Williams while she was in Arizona was provided by a person not licensed in Arizona.</p> <p>Ms. Williams explained that the majority of her supervision was provided virtually from March to October of 2020 by Kristen Jones who is licensed in Tennessee, but not in Arizona. She explained that Ms. Da Rosa signed off on her final documentation in error. Ms. Williams informed the Committee that all of her supervision was supplied through Hoom House which is a company that exists to provide BCBA candidates with virtual supervision. In response to questioning she estimated that only 120 hours of her supervision occurred under and Arizona licensed behavior analyst. The Committee advised Ms. Williams that the entirety of her supervision must be provided by licensed behavior analysts in states that require licensure. The applicant asked whether any of her non-client contact hours might be accepted toward meeting the 1,500 hour requirement including any that were exceptions as deemed by the BACB. In response to questioning Ms. Williams affirmed that she can supply documentation of hours that were accrued that did not involve any client contact.</p> <p>The Committee discussion some options to include issuing a FAIR to request submission of her monthly verification forms and spreadsheet, and also a narrative of her activities for purposes of determining whether some of her hours could be deemed as qualifying to meet licensure requirements. The discussion also involved some potential options to allow Ms. Williams to either keep her application open (while being mindful of the time frames) and also to potentially withdraw the application in order to complete the deficient hours and then reapply once accomplished. Ms. Fowkes advised the Committee that the time frames established in the administrative rule appear to allow Ms. Williams sufficient time with which to complete the deficient hours of supervision. The Committee discussed the fact that the time frames appear to allow the applicant to gather and submit additional information, but a withdrawal option is on the table should that process not yield Ms. Williams the required number of hours.</p> <p><b>MOTION:</b> Dr. Davis-Wilson moved to issue a FAIR letter to Ms. Williams specific to documentation that may provide clarity to the deficient hours of supervision. The motion included the provision that Ms. Nemer-Kaiser and Ms. Jones be invited to appear before the Committee to address questions concerning the supervision they provided to Ms. Williams while not licensed in Arizona. Dr. Raetz seconded the motion.</p> <p>The Committee thanked Ms. Williams for attending the meeting and for answering questions and supplying information in a professional manner.</p> <p><b>VOTE:</b> The motion was approved 4-0.</p>		
	<p><b>4) Allison Marques, M.Ed.</b></p>	
<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The applicant left questions 7 and 8 on the application blank, however, and Board staff was directed to obtain completion of those fields along with a passport-quality photograph. Assuming the applicant follows through appropriately, the Committee determined the application can be forwarded to the Board with a recommendation for approval.</p>		

	<b>5) Breelyn Petty, M.S.</b>	
<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.</p>		
	<b>6) Jeanette Birk, M.Ed.</b>	
<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules with the exception of the fact that she will need to supply a passport-quality photo. The Committee determined the application can be forwarded to the Board with a recommendation for approval once the photo is received.</p>		
	<b>7) Julia Cross, M.A.</b>	
<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules with the exception of the fact that the applicant left question 5 incomplete. The Committee determined the application can be forwarded to the Board with a recommendation for approval once that correction is made.</p>		
	<b>8) Marisela Salas, M.A.</b>	
<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules with the exception of the fact that the supervision termination date for Jane Toma appears to be an error. The Committee determined the application can be forwarded to the Board with a recommendation for approval once that correction is made.</p>		
	<b>9) Michael Vivens Jr., M.A.</b>	
<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules with the exception of the fact that he must submit a copy of a passport-quality photograph. The Committee determined that the application can be forwarded to the Board with a recommendation for approval once that item is received.</p>		
	<b>10) Pauline Brown, M.A.</b>	
<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.</p>		
	<b>11) Summer Abdeh, M.S.</b>	
<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.</p>		
	<b>12) Sarah Roughley, M.Ed.</b>	
<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.</p>		

	<b>13) Elena Rivera, Psy.D.</b>	
<p>The applicant was present for the review and discussion of her application. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.</p> <p><b>MOTION:</b> Dr. Raetz moved the applications for Allison Marques, M.Ed.; Breelyn Petty, M.S.; Jeanette Birk, M.Ed.; Julia Cross, M.A.; Marisela Salas, M.A.; Michael Vivens Jr., M.A.; Pauline Brown, M.A.; Summer Abdeh, M.S.; Sarah Roughley, M.Ed.; and Elena Rivera, Psy.D. be forwarded to the Board with a recommendation to grant licensure provided that the corrections noted be addressed. Dr. Davis-Wilson seconded the motion.</p> <p><b>DISCUSSION:</b> The committee noted that several applicants are on this agenda who very recently achieved their BCBA certification including some in July.</p> <p><b>VOTE:</b> The motion was approved 4-0.</p> <p><b>MOTION:</b> Dr. Davis-Wilson moved to meet in Executive Session for purposes of obtaining legal advice for the application at 6.A.2. Dr. Stenhoff seconded the motion.</p> <p><b>VOTE:</b> The motion was approved 4-0.</p>		

*\*First Additional Information Request*

*\*\*Second Additional Information Request*

## **B. Behavior Analyst Applications for Licensure by Universal Recognition**

### **1) Emily Patten, M.Ed.**

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

**MOTION:** Ms. Denton moved to forward the application of Emily Patten, M.Ed. to the Board with a recommendation to grant her licensure. Dr. Raetz seconded the motion.

**VOTE:** The motion was approved 4-0.

## **7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECENT UPDATES FROM, AND PRESENTATION BY, THE BEHAVIOR ANALYST CERTIFICATION BOARD (BACB)**

Ms. Paakkonen summarized for the Committee the recent communications issued by the BACB consisting of modifications to the webpage specific to where licensure is required, and also a reminder of the certification requirement changes coming January 1, 2022. She indicated that Misty Bloom, Esq., Director or Regulatory Affairs and Chief Legal Counsel of the BACB, is also here by invitation to share information concerning the BACB's ethics investigation processes.

Ms. Bloom thanked the Committee for the invitation, and disclosed for the record that she is not providing legal advice, nor is she establishing an attorney-client relationship with the CBA with her presentation. She explained her role as helping regulatory boards by providing centralized regulatory resources and engaging with the boards to support their regulatory efforts. Ms. Bloom reviewed the progression of regulation of behavior analysts state-by-state since 2009. She emphasized that the BACB has a responsibility to discipline behavior analysts who violate the ethical code of conduct, and to take action against behavior analyst

imposters. Additionally she explained the various resources supplied to regulators including the listserv, website content, and the searchable registry.

Ms. Bloom provided an overview of the investigative procedures of the BACB. She emphasized that the complaint reporting system does not allow for submission of the allegations without indicating that the matter has first been reported to the licensing board. In response to questions concerning independent behavior analyst regulatory boards, Ms. Bloom indicated she would share some contact with the Committee.

In response to Ms. Bloom asking how she might assist the CBA, the Committee noted that sometimes challenges occur with respect to the time restrictions to report allegations of unprofessional conduct to the BACB. Ms. Bloom indicated that some jurisdictions have been able to make inquiries to the BACB compelling the organization to look into the matter. The Committee also explained that remote cross-jurisdiction supervision is an ongoing issue in that too many certificants mistakenly believe that they can provide supervision in this fashion without having to meet the licensure requirements in the state where the services are occurred; this has unfortunate implications for some applicants. Ms. Bloom responded that while the Association for Behavior Analysis International (ABAI) is working to promote better awareness of licensure requirements where supervision is concerned, there is more work to do on this topic. She further indicated that she will bring the questions and concerns of this Committee back to the BACB's Chief Executive Officer for possible action.

The Committee asked Ms. Bloom to comment on whether state regulators might have immunity from investigation when complaints are made against them while acting within their regulatory roles. She responded that while this situation has not yet emerged, it would not seem appropriate for the organization to issue discipline in these instances (in the absence of egregious conduct on the part of the regulator). She pledged to take the question back to the organization for consideration.

The Committee members expressed appreciation to Ms. Bloom for sharing information from the BACB and for the discussions that ensued.

#### **8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING THE OUT-OF-STATE TELEHEALTH PRACTICE REGISTRY ESTABLISHED AT A.R.S. §36-3606**

Ms. Paakkonen reported that the Registry implementation is progressing slowly while several intake strategies are assessed. She indicated that she is collaborating on one possible effort with other boards' Executive Directors, but she has not ruled out other possibilities. Ms. Paakkonen advised the Committee that the rulemaking establishing the Registry fee and the application time frames has been published with an effective date of September 1, 2021. She noted that there has been no interest expressed in the Registry given that the opportunity to apply for a temporary emergency license remains in place. Finally she advised the Committee that she will attend a webinar on August 4, 2021 hosted by the group promoting telehealth practice in Arizona; the presentation will discuss the practice changes made possible by HB2454 Telehealth; health care providers; requirements.

#### **9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION EFFICIENCIES WORKGROUP**

Ms. Paakkonen summarized outcome of the organizational meeting of the group and indicated another meeting will be scheduled prior to the next meeting of the CBA. She noted that this issue is rapidly changing with the addition of a Licensing Specialist dedicated to behavior analyst applications.

**10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PRACTICE MONITOR DEVELOPMENT PLAN**

Ms. Michaelsen indicated this matter is on the agenda for purposes of continuing to foster the development of a list of behavior analyst practice monitors. She reported that Board staff shared a presentation with AzABA leaders on this topic, and the ensuing questions and discussion was encouraging with respect to potentially interested individuals agreeing to serve in this capacity in the future. Jessica Belokas of AzABA was present for this discussion of this topic and provided positive feedback to that information. She indicated that there will be some additional follow-up questions from those interested, and that she will soon arrange a meeting for the conversation on this topic to continue.

**11. DISCUSSION CONSIDERATION AND POSSIBLE ACTION ON PROMOTING AWARENESS OF THE REHABILITATION AND MONITORING PROGRAM (RAMP)**

This item was tabled and will be addressed at a future meeting.

**12. NEW AGENDA ITEMS FOR FUTURE MEETINGS**

It was noted that the RAMP discussion will be scheduled for next month's agenda. Additionally Board staff will bring the topic of the two unlicensed supervisors previously discussed in this meeting to a future meeting agenda.

**13. ADJOURNMENT**

**MOTION: Dr. Raetz moved to adjourn the meeting. Ms. Denton seconded the motion.**

**VOTE:** The motion was approved 3-0. The meeting concluded at 11:45 a.m.