



Board Members

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**State of Arizona
Board of Psychologist Examiners**

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Dr. Cindy Olvey
Executive Director

Lynanne Chapman
Deputy Director

Heather Broaddus
Licensing Coordinator

Krishna Poe
Administrative Assistant

REGULAR SESSION MINUTES

August 12, 2016
8:30 a.m.
Capitol Center
15 S. 15th Ave.
Basement Conference Room
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman Wechsler at 8:30 a.m. on August 12, 2016.

2. ROLL CALL

Board Members Present

Frederick S. Wechsler, Ph.D., Psy.D., ABPP – Chair
Tamara Shreeve, MPA – Vice Chair
Janice K. Brundage, Ph.D.
Joseph C. Donaldson
Lynn L. Flowers, Ph.D.
Ramona N. Mellott, Ph.D
Rob Robichaud, M.A. CJ, SHRM-CP, PHR

Board Staff

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

Attorney General’s Office

Jeanne Galvin, Esq.

Board Members Absent

Paul Beljan, Psy.D., ABPdN, ABN - Secretary
Bob Bohanske, Ph.D.

3. REMARKS/ANNOUNCEMENTS

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

Board Assessment Forms – Dr. Wechsler encouraged members of the audience to complete a Board meeting Assessment Survey and place them in the survey box.

Board Member and Staff Appreciation –Dr. Wechsler thanked Board members and Staff for their dedication and hard work.

4. CALL TO THE PUBLIC

There were no requests to speak at this time.

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

Dr. Wechsler abstained from the July 8, 2016, Regular Session Minutes. Dr. Robichaud made a motion, seconded by Dr. Brundage to approve the items on the Consent Agenda. The motion carried 7-0.

(a) APPROVAL OF MINUTES

- April 29, 2016, Regular Session
- July 8, 2016, Regular Session (Dr. Wechsler abstained)

(b) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL FOR EXAM AND/OR LICENSURE

- Gertha Sicobo, Psy.D.
- Jennifer Planck, Ph.D.
- Katherine Brazaitis, Ph.D.

ii. REQUESTING APPROVAL FOR LICENSURE BY WAIVER

- Amanda Courvoisier, Psy.D.
- Christopher Awosika, Psy.D.
- Heather Pedersen, Ph.D.

iii. REQUESTING APPROVAL FOR LICENSURE BY CREDENTIAL

- Anthony Iazzo, Ph.D.
- Philip Takakjian, Ph.D.

iv. REQUESTING APPROVAL OF SUPERVISED PROFESSIONAL EXPERIENCE HOURS AND LICENSURE

- Suzanne Botello, Ph.D.

(c) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- Staci Rybacki, M.Ed.

(d) DISCUSSION/DECISION REGARDING REQUEST FOR ACCOMMODATIONS FOR THE EPPP FROM EVELYN FARREL, PH.D.

(e) EXECUTIVE DIRECTOR'S REPORT

(f) INVESTIGATIONS REPORT

(g) LICENSING REPORT

6. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO CORRESPONDENCE RECEIVED FROM ATTORNEY FLYNN CAREY REGARDING JURISDICTION OF RFI 16-23 PERTAINING TO BARRIE WAGNER, PSY.D.

Ms. Chapman provided a summary stating that the Board office received a Request for Investigation pertaining to Dr. Wagner. Subsequently, the Board office received correspondence from Dr. Wagner's legal counsel, Flynn Carey, requesting that the Board dismiss RFI 16-23 as he claims the case arises from a service provided pursuant to a Court Order. Dr. Wagner and Mr. Carey were present and Mr. Carey requested to speak, made a statement and answered Board members' questions. Mr. Carey stated that in the instance that the Board denies the request for dismissal of RFI

16-23, he is requesting that the Board grant a 60 day continuance of time to file Dr. Wagner's response with the Board. After deliberation the Board determined that there was no Court Order for the services that Dr. Wagner provided in this matter. Dr. Flowers made a motion, seconded by Dr. Brundage, to deny the request to dismiss RFI 16-23 and to grant the request for a continuance of time to submit Dr. Wagner's response to the RFI. The motion carried 7-0.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO CONSIDERATION OF REPORTS AND EVALUATIONS AND POSSIBLE ADJUDICATION OF RFI 16-10 PERTAINING TO BARRIE WAGNER, PSY.D. INCLUDING, BUT NOT LIMITED TO, REFERRAL FOR FORMAL HEARING OR ISSUANCE OF A CONSENT AGREEMENT

At 9:01 a.m. Mr. Robichaud made a motion, seconded by Ms. Shreeve, to go into Executive Session to review confidential medical records. The motion carried 7-0. Open session reconvened at 9:29 a.m.

Following deliberation, Ms. Shreeve made a motion, seconded by Mr. Donaldson to amend the Interim Consent Agreement as was discussed in Executive Session. The motion carried 7-0 on a roll call vote.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO COMPLAINT FOR SPECIAL ACTION FILED BY STEVEN GRAY, ED.D. (CV 2016-012091) INCLUDING THE BOARD'S POSITION ON THE REQUEST FOR STAY

Ms. Galvin summarized stating that RFI 16-15 pertaining to Dr. Gray was reviewed by the Board's Complaint Screening Committee. Subsequent to the meeting Dr. Gray's legal counsel, Michael Wolver, filed a petition with the Court to Stay the Board proceedings as he asserts that the Board does not have jurisdiction because RFI 16-15 was filed anonymously. Board members asked for Ms. Galvin to elaborate on the Board's options. Ms. Galvin stated that, if the Board stipulates to the Stay, the Board will not proceed with an investigation until the Court matter is resolved. Board members asked Ms. Galvin if the Board has jurisdiction over complaints that are filed anonymously. Ms. Galvin stated that Board statute allows for the submission of anonymous complaints.

At 9:47 a.m. Ms. Shreeve made a motion, seconded by Mr. Robichaud, to go into Executive Session to obtain confidential legal advice from the Board's legal counsel. The Motion carried 7-0. Open session reconvened at 9:53 a.m.

Following deliberation, Mr. Robichaud made a motion, seconded by Ms. Shreeve, to not oppose the Stay. The motion carried 7-0.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING UPCOMING ANNUAL MEETING OF THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS AND POSSIBLE ATTENDANCE AT THE MEETING

Dr. Olvey provided a summary to the Board stating that the Association of State and Provincial Psychology Boards annual meeting is October 19, 2016, - October 23, 2016. Dr. Olvey stated that elections will be held at the meeting and Board member, Bob Bohanske, Ph.D., has been nominated for Member-at-Large on the ASPPB Board of Directors and is running for office. Dr. Olvey requested that the Board allow expenditure of funds to send Dr. Bohanske, an additional Board member and the Executive Director to the meeting. After deliberation, Dr. Wechsler made a motion, seconded by Mr. Robichaud, to allow the expenditure of funds to send Dr. Bohanske, Dr. Olvey and another Board member to go to ASPPB's annual meeting. The motion carried 7-0.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION PERTAINING TO STIPULATED INJUNCTION PROPOSED BY BETH GIOIA, PH.D. FOR RFI T-15-48

Ms. Chapman provided a summary stating that on May 11, 2016, the Complaint Screening Committee heard RFI T-15-48 and forwarded it to the Board for review. Subsequently, Dr. Gioia's legal counsel, Cal Raup, contacted the Board's Assistant Attorney General, Jeanne Galvin. After discussion with Ms. Galvin, Mr. Raup submitted a proposed stipulated injunction for consideration by the Board. If the Board accepts the stipulated injunction it can

vacate the initial interview of RFI T-15-48. After deliberation, Mr. Robichaud made a motion, seconded by Dr. Mellott, to accept the stipulated injunction and to vacate the scheduled initial review of RFI T-15-48. The motion carried 7-0.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION CONCERNING JOANNA WOODS, PSY.D., AND HER REQUEST FOR THE ACCEPTANCE OF A PROPOSED CONSENT AGREEMENT IN RESOLUTION OF RFI 16-03

Ms. Chapman provided a summary stating that on July 13, 2016, the Board's Complaint Screening Committee heard RFI 16-03 pertaining to Dr. Woods and voted to forward the matter to the Board for possible violations of A.R.S. §§32-2061(15)(o),(r), and (dd). Subsequently, Dr. Woods' legal counsel, J. Arthur Eaves and Sean Quinn, submitted a proposed Consent Agreement. The proposed Consent Agreement includes conclusions of law consistent with the Complaint Screening Committee's recommendations as well as probation for six months, a Practice Monitor, submission of bimonthly reports to the Board, meetings with the Practice Monitor on a weekly basis, and that the Practice Monitor will address topics including records and Informed Consent.

The Complainant, A.D., was present and requested to speak and made a statement. Dr. Wechsler clarified that the proposed Consent Agreement is considered a disciplinary action taken by the Board and is reportable to the National Practitioners Data Bank.

Dr. Woods and her legal counsel, Mr. Eaves, were present. Mr. Eaves stated that the proposed Consent Agreement was drafted with the intent to address the Board's concern and requested that the Board accept the proposed Consent Agreement.

The Board deliberated and determined that the language in the proposed Consent Agreement should be changed to reflect proposed Practice Monitors that are Board approved for this matter. After deliberation, Dr. Wechsler made a motion, seconded by Ms. Shreeve, to accept the proposed Consent Agreement with the amendment discussed by the Board. The motion carried 5-1-1 on a roll call vote with Mr. Donaldson voting no and Mr. Robichaud abstained. Dr. Mellott made a motion, seconded by Dr. Brundage, to vacate the initial interview pertaining to RFI 16-03. The motion carried 7-0.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEWS OF THE FOLLOWING INVESTIGATIONS

RFI 16-12 Donald Durham, Ph.D.

Mr. Robichaud provided a summary to the Board stating that this complaint was filed by the Arizona Board of Nursing (Nursing Board). The complaint alleged that Dr. Durham provided treatment services to a Nursing Board licensee, which were required as a term of the nurse's consent agreement with the Nursing Board. Dr. Durham failed to submit records in a timely manner, did not respond to a subpoena, and did not abide by the reporting requirements specified in the Nursing Board consent agreement.

Dr. Durham was present and his legal counsel, Faren Akins, was present telephonically. Dr. Durham requested to speak, made a statement and answered Board members' questions. Dr. Durham stated that he is embarrassed by what occurred and explained that health issues were a contributing factor. Dr. Durham attested that he is currently addressing the health issues. Dr. Durham attested that he did not see many private patients at the time that he was treating the Nursing Board licensee, as he was, and still is, employed fulltime by an agency. Dr. Durham stated that he is no longer seeing private practice clients and is willing to notify the Board before he returns to any private practice. Additionally he stated that all monies have been returned to the Nursing Board licensee he treated. Board members asked why he did not respond to the Nursing Board's subpoena. Dr. Durham identified what he believed to be the causes of his inaction with respect to responding to the subpoena and other Nursing Board efforts to obtain the needed records.

Board members deliberated and acknowledged the corrective action Dr. Durham has taken, but expressed concern about his lack of self-awareness during the time period addressed in the complaint. Additionally, Board members expressed concern with Dr. Durham's record keeping. After deliberation, Mr. Robichaud made a motion, seconded by Ms. Shreeve, to forward RFI 16-12 to an Informal Interview for further investigation and possible violation of A.R.S. §§32-2061(15)(s)(h) and (l). Board members agreed to allow time for Dr. Durham's legal counsel and the Board's Assistant Attorney General to draft a proposed consent agreement for the Board's consideration in lieu of an Informal Interview. Board members elaborated that any proposed consent agreement should include a term requiring 24 hours of additional continuing education addressing professional ethics and record retention/record keeping, as well as a term requiring Dr. Durham to notify the Board prior to any decision to resume providing services to private practice clients. The motion carried 7-0.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO AN OVERVIEW OF THE RULEMAKING PROCESS IN ARIZONA

Ms. Galvin presented information to the Board regarding the State of Arizona's rulemaking process including the purpose of rules, public notice requirements, documentation or the rulemaking process, and soliciting/considering public comment regarding proposed rules. Ms. Galvin explained which rules are typically approved by the Office of the Attorney General and which are approved by the Governor's Regulatory Review Council. Once approved, the rules go to the Secretary of State's office and are effective 60 days after approval. Board members thanked Ms. Galvin for her presentation.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO INFORMAL COMMENTS RECEIVED REGARDING BEHAVIOR ANALYSIS DRAFT RULES AND POSSIBLE APPROVAL OF PROPOSED RULES FOR SUBMISSION TO SECRETARY OF STATE

Dr. Mellott provided a summary to the Board stating that the Rules Committee has been working on rules for behavior analysts and that the draft rules were posted on the Board's website for informal comment and the comments were reviewed. Dr. Mellott reviewed the changes made based on public comment, which included the number of classroom hours required and continuing education requirements. She stated that it is requested that the Board finalize the draft rules. After deliberation, Dr. Brundage made a motion, seconded by Ms. Shreeve, to approve the rules as Proposed Rules for submission to the Secretary of State. The motion carried 7-0.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING COMMENTS RECEIVED PERTAINING TO PSYCHOLOGY RULES AND POSSIBLE APPROVAL OF FINAL RULES FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL

Dr. Mellott provided a summary stating that an Oral Proceeding was held for psychology rules. No comments were received. In addition, the Governor's Regulatory Review Council (GRRC) staff reviewed the psychology rules as part of a courtesy review. GRRC staff recommended defining "supervisor" and "practice monitor" in rule. Dr. Olvey stated that the Economic Impact Statement is included in the rules. Dr. Mellott said that it is requested that the Board approve the rules as final. After deliberation, Dr. Mellott made a motion, seconded by Dr. Brundage, to finalize psychology rules and submit them to GRRC. The motion carried 7-0.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING WHETHER THE BOARD WISHES TO DEVELOP LEGISLATION FOR THE 2017 LEGISLATIVE SESSION

Dr. Olvey provided a summary to the Board stating that the American Psychological Association presented a certificate to the Board for being the first state to pass legislation for PSYPACT. Dr. Olvey stated that the Board will not have a lobbyist for the 2017 legislative session. The Board directed Board staff to contact the Arizona Psychological Association to inquire whether the Board can coordinate with their legislative efforts. Dr. Olvey asked the Board if it would like to run legislation during the 2017 legislative session. It was the consensus of the Board to not run legislation for 2017.

17. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING WHETHER THE BOARD WILL OPEN A COMPLAINT REGARDING CHARGES SELF-REPORTED BY EMILY RODRIGUEZ, M.ED.

Ms. Chapman provided a summary stating that Ms. Rodriguez was charged with animal neglect and self-reported the charges within the required time-frame. Ms. Rodriguez entered into a diversion program and, if she completes the diversion program, the charges will be dismissed. The Board is asked to determine whether to open a complaint against Ms. Rodriguez. After deliberation, Mr. Robichaud made a motion, seconded by Ms. Shreeve, to table this matter for no longer than six months to allow Ms. Rodriguez to complete the diversion program and to bring this matter to a future meeting of the Board for an update and further review. The motion carried 6-1, with Dr. Mellott voting no.

18. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATIONS FOR LICENSURE AND POSSIBLE DENIAL FO THE SAME

Debra Goldfine, Ph.D.

Dr. Wechsler provided a summary to the Board stating that the Application Review Committee (Committee) reviewed Dr. Goldfine's application and determined that she did not report her criminal history as she answered "no" to question #20 of the application. Dr. Goldfine's criminal history was discovered after she submitted her application, when the Board office received information that Dr. Goldfine had been charged with two DUI's and a traffic violation. Dr. Wechsler stated the Committee voted to forward her application to the full Board for further review.

Dr. Goldfine was present, requested to speak, made a statement and answered Board member's questions. Dr. Goldfine stated that her application was complete and ready for mailing and that she was arrested for DUI the day prior. She stated that she did not check the application before sending it and she did not remember a question asking about criminal history being on the application. Board members asked Dr. Goldfine to elaborate on the timeline of her criminal history. She provided the timeline. Board members asked Dr. Goldfine about her licensure status in Idaho. Dr. Goldfine stated that she allowed her license to expire in 2004. Board members asked Dr. Goldfine to describe the events that led to her arrest in January. Dr. Goldfine elaborated on the events and the stipulations of her extreme DUI charge. Board members asked how she has kept current with her knowledge in the field of psychology. Dr. Goldfine stated that she has been taking continuing education and reading books.

Board members deliberated and expressed concern that Dr. Goldfine did not disclose her criminal history, has a matter pending before the court and does not have recent references. Additionally, The Board noted that the Director of the University of Missouri – Columbia, Counseling Center, David Wallace, Ph.D., indicated that her total amount of preinternship experience hours is the same as her total amount of direct client contact hours. The Board noted that if her direct client contact is the same as her total number of experience hours, she would not have had time for individual/group supervision and administrative tasks such as report writing. Furthermore, the Board noted that a written training plan for her preinternship experiences was not submitted pursuant to A.R.S. §32-2071(E)(2)(5).

Following deliberation, Dr. Wechsler made a motion, seconded by Mr. Donaldson, to request the total number of preinternship experience hours and total number of direct client contact hours, written training plan for preinternship experience, current references, any and all documentation related to her court cases, and proof of the continuing education she has completed. The Board voted to Order Fitness for Duty Examinations including a substance abuse evaluation, a comprehensive psychological evaluation, and a complete physical evaluation. The substance abuse evaluator and comprehensive psychological evaluator will be Board approved, and the complete physical evaluation will be completed by her primary care physician. All reports will be submitted to the Board office directly by the evaluators, and Dr. Goldfine's complete physical evaluation report should include a list of all medications she is currently taking and being prescribed. Additionally, the substance abuse evaluation report must be submitted to the evaluator performing the comprehensive psychological evaluation prior to that evaluation. The motion carried 7-0 on a roll call vote.

Duane Lakin, Ph.D.

Dr. Wechsler provided a summary to the Board stating that the Application Review Committee (Committee) reviewed Dr. Lakin's application and the Committee determined that his application meets the requirements of statutes and rules, but noted that Dr. Lakin intends to practice industrial and organizational psychology. Additionally, the Committee noted that Dr. Lakin has not been licensed as a psychologist for 13 years. The Committee voted to forward his application to the Board for further review.

Dr. Lakin was not present. Board members deliberated and expressed concern that Dr. Lakin has never practiced in health care delivery. Additionally, there are no references from licensed psychologists who are in health care delivery.

After deliberation, Dr. Brundage made a motion, seconded by Mr. Robichaud, to allow Dr. Lakin to withdraw his application. If he does not withdraw his application within seven days his application will be denied. Dr. Brundage rescinded her motion and Mr. Robichaud rescinded his second.

At 2:47 p.m. Mr. Donaldson made a motion, seconded by Ms. Shreeve to go into Executive Session to receive confidential legal advice from the Board's attorney. Open session reconvened at 2:56 p.m.

After deliberation, Dr. Brundage made a motion, seconded by Mr. Robichaud, to ask Dr. Lakin to substantiate his application of clinical work and competency in clinical psychology within the last 13 years and to provide two references who can attest to his clinical skills. The motion carried 5-1-1 on a roll call vote with Dr. Flowers voting no and Dr. Wechsler abstained.

19. NEW AGENDA ITEMS FOR FUTURE MEETINGS

It was requested that an item pertaining to sub-specialties in psychology be placed on a future agenda of the Board.

20. ADJOURN

There being no further business to come before the Board, Dr. Mellott made a motion, seconded by Mr. Robichaud, to adjourn the meeting at 2:59 p.m. The motion carried 7-0.

Respectfully submitted,

Tamara Shreeve, MPA
Vice-Chair