



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 August 14-15, 2020

Board Members

Tamara Shreeve, MPA – Chair
Diana Davis-Wilson, DBH, BCBA, PH.D. – Vice-Chair
Ramona N. Mellott, Ph.D. – Secretary
Bob Bohanske, Ph.D., FNAP
Linda C. Caterino, Ph.D., ABPP
Bryan Davey, Ph.D., BCBA-D
Aditya Dynar, Esq.
Stephen Gill, Ph.D.
Melanie Laboy, Esq.
Mathew A. Meier, Psy.D.

1. CALL TO ORDER

Vice-Chairwoman Davis-Wilson called the Board's meeting to order at 8:31 a.m. on August 14, 2020, and at 8:31 a.m. on August 15, 2020.

2. ROLL CALL

The following Board members participated in the virtual meeting on both days: Vice-Chairwoman Wilson, Dr. Bohanske, Dr. Caterino, Dr. Davey, Mr. Dynar (joined at 9:25 a.m.), Dr. Gill, Dr. Meier, and Dr. Mellott. The following Board members were absent on both days: Chairwoman Shreeve, and Ms. Laboy.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Heidi Herbst Paakkonen, Executive Director; Jennifer Michaelsen, Deputy Director; Jeanne Galvin, Assistant Attorney General (AAG); and Andrea Cisneros, Minutes Administrator.

3. REMARKS/ANNOUNCEMENTS

- **Welcome to New Board Member – Linda C. Caterino, Ph.D., ABPP**

Vice-Chairwoman Davis-Wilson welcomed Dr. Caterino to the Board. Dr. Caterino stated that she has been practicing psychology since 1977 and specializes in school psychology. She stated that she previously brought students to Board meetings for learning experiences, and that she believed the Board performed an important service and was pleased to be a part of it.

- **Board Surveys**

Vice-Chairwoman Davis-Wilson encouraged meeting attendees to contact Board staff to obtain and complete a Board Meeting Assessment Survey.

- **Board Member and Staff Appreciation**

Vice-Chairwoman Davis-Wilson acknowledged and thanked Board members and staff for their hard work and efforts in facilitating the Board's meeting.

4. CALL TO THE PUBLIC

This item was considered around 8:35 a.m. No individuals addressed the Board during the Call to the Public.

5. COUNSEL UPDATE

This item was considered around 8:37 a.m. AAG Galvin reported that the two recent matters pending various levels of appeal have both been adjudicated in the Board's favor.

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

The Consent Agenda items were considered around 8:38 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: Vice-Chairwoman Wilson, Dr. Bohanske, Dr. Caterino, Dr. Davey, Dr. Gill, Dr. Meier, and Dr. Mellott. The following Board members were absent on both days of the virtual meeting: Chairwoman Shreeve, Mr. Dynar, and Ms. Laboy.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recusal (one recusal noted in item number D.6.), 3-absent.

MOTION PASSED.

A. APPROVAL OF MINUTES

- July 9, 2020 Regular Session Minutes
- July 9, 2020 Executive Session Minutes

B. EXECUTIVE DIRECTOR'S REPORT

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

Requesting Approval to Sit for Examination (EPPP) Only

- 1) Brittany Joy Kendall, Psy.D.

Requesting Approval to Sit for Examination (EPPP) & Licensure

- 1) Eileen M. Conway, Psy.D.
- 2) Kristen Ferrara, Psy.D. (REAPP)
- 3) Nicoleta Baila, Psy.D. (Applying Anew)

Requesting Approval for Licensure by Waiver

- 1) Jamie Katz, Psy.D.
- 2) Tatiana Fedotova-Klinger, Psy.D.

Requesting Approval of Supervised Hours for Licensure (Re-Opened Application)

- 1) Danielle McGraw, Ph.D.

Requesting Approval of Temporary Licensure and to Sit for EPPP

- 1) Sherry A. Craft, Ph.D.

Requesting Approval for Licensure by Credential

- 1) Brad Beebe, Ph.D.

Requesting Approval for Licensure by Universal Recognition

- 1) Barbara C. Burt, Psy.D.
- 2) Rina S. Fox, Ph.D.
- 3) Stewart Cooper, Ph.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Brittany LaShay Jones, M.S.
- 2) Carol Bell, M.A.
- 3) Carol A. Rodrigues, M.S.
- 4) Jenna Lundquist, M.Ed.
- 5) Jennifer Hawley, M.Ed.
- 6) Nicole L. Deopere, M.Ed.

Vice-Chairwoman Davis-Wilson was recused from this item.

- 7) Rachel Fulciniti, M.Ed.
- 8) Kayla Ziolkko, M.S.Ed.

E. DISCUSSION, CONSIDERATION AND ACTION REGARDING FOURTH RE-TAKE REQUEST FROM ARVIELA VIEIRA, PSY.D., TEMPORARY LICENSE HOLDER TL-24.

TIMED ITEM – 8:45 a.m. on August 14, 2020

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO THE INITIAL REVIEW OF COMPLAINT NO. 20-47 AND THE RESULTS OF THE EVALUATION COMPLETED BY AUSTIN MCCALL, PSY.D., IN ACCORDANCE WITH HER 5/8/2020 CONSENT AGREEMENT AND ORDER FOR COMPLAINT NO. 20-47.

This item was considered around 8:45 a.m. Dr. McCall and Attorney Tammy Thibodeau participated in the virtual meeting during the Board's consideration of this matter.

Dr. Meier summarized the case, noting that months after the psychologist was issued a psychology license, the Board received a complaint and an investigation was initiated. During the Board's investigation, Dr. McCall entered into a Interm Consent Agreement and Order to complete an evaluation to determine her fitness to continue practicing psychology. The licensee complied and the evaluation report was received by the Board on June 22, 2020. The Board noted that Dr. McCall's license is currently suspended pending further Board review.

MOTION: Vice-Chairwoman Davis-Wilson moved for the Board to enter into Executive Session to review confidential health information and to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(2) and (3).

SECOND: Dr. Mellott

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board entered into Executive Session at 8:52 a.m.

The Board returned to Open Session at 10:19 a.m.

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

Mr. Dynar joined the virtual meeting around 9:25 a.m. and was recused from this agenda item.

Ms. Thibodeau stated that Dr. McCall has timely complied with all Board requests. Dr. Meier stated that while the licensee appears to have made a lot of progress, there continues to be concerns relating to her perception of the lack of impact of these problems on her professional practice. Dr. Meier spoke in favor of requiring supervision as well as ongoing treatment. Dr. Meier also stated his concerns regarding the

licensee's transition to private practice where there would be no support or ongoing supervision and consultation. Dr. Mellott suggested requiring a practice monitor and random drug screens.

AAG Galvin stated that the Board's options included continuing the suspension, modifying the Interim Order, or offering a new Consent Agreement with a period of probation to include the terms per the Board's discussion. Dr. Meier stated that he struggled with whether to continue the suspension versus termination. Dr. Bohanske stated that he recognized the earliest phases of recovery are the most difficult and challenging for any individual. He commented that any action taken by the Board should be in support of the licensee's recovery. Dr. Bohanske spoke in favor of terminating the suspension and offering a Consent Agreement for probation with terms including continued testing and practice monitoring. Dr. Bohanske questioned whether the Board should limit the areas in which the licensee could practice during the course of the probationary period. Vice-Chairwoman Davis-Wilson referred the Board members to the evaluator's report with recommendations, and stated that she echoed Dr. Bohanske's comments.

MOTION: Dr. Meier moved for the Board to terminate the suspension.

SECOND: Dr. Bohanske

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

VOTE: 7-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.

MOTION PASSED.

The Board discussed how to proceed to ensure that the licensee is safely practicing while also ensuring that the public is protected. Dr. Meier spoke in favor of placing the license on probation for five years, with stipulations to include weekly sessions of individual therapy, monthly visits with an addiction psychiatrist, random drug screens, ongoing peer support, a practice monitor, and scope of practice restriction to exclude psychotherapy for the first six months. Dr. Meier suggested the matter return to the Board in six months for a progress update. Dr. Mellott spoke in favor of the practice monitor requirement, and spoke against limiting the licensee's scope of practice. Dr. Caterino spoke in support of Dr. Meier's proposal and stated that the scope of practice should be limited until the matter returns to the Board in six months for a progress update. Dr. Bohanske suggested requiring the practice monitor submit a report after the licensee has returned to full scope of practice. Dr. Meier stated his concerns regarding the licensee practicing any form of psychology without a practice monitor. He spoke in favor of requiring the practice monitor at the start of Probation without limiting the licensee's scope of practice.

MOTION: Dr. Meier moved for the Board to offer the licensee a Consent Agreement establishing a term of probation for five years that involves monitoring as recommended by the evaluator including random urine drug screens, peer support meetings as required, and monthly meetings with an addiction psychiatrist. The licensee shall obtain a practice monitor to meet with at least two hours every two weeks. The licensee shall be subject to re-evaluation by an addictionologist in twelve months and the matter shall return to the Board in six months for a progress update. If not signed, the Board shall initiate proceedings for summary suspension of licensure.

SECOND: Dr. Mellott

Dr. Gill emphasized that the practice monitor shall specialize in substance abuse. The Board discussed initiating proceedings for summary suspension of licensure in the event that the licensee declines to sign the proposed Consent Agreement. Ms. Thibodeau stated that she did not anticipate any objection to the Consent Agreement as discussed in today's proceedings.

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

**VOTE: 7-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.
MOTION PASSED.**

AAG Galvin asked counsel if Dr. McCall would agree to submit to the Board staff the testing results that are issued every two weeks until the Consent Agreement is written and finalized. Ms. Thibodeau agreed and was instructed to submit the information directly to Board staff.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING THE INITIAL REVIEW OF COMPLAINT NO. 20-49 FOR AUSTIN MCCALL, PSY.D.

This item was considered around 10:43 a.m. Dr. McCall and Attorney Tammy Thibodeau participated in the virtual meeting during the Board's consideration of this matter. The Complainant was not present.

Dr. Meier summarized that Dr. McCall's ex-partner alleged that the licensee obtained prescriptions from a nurse practitioner and that the prescriptions were under the ex-partner's name and insurance coverage. The complainant alleged that he never saw the nurse practitioner, and the Board noted that records from the nurse practitioner demonstrated that she provided treatment to the ex-partner.

Ms. Thibodeau stated that the claims in this complaint are unsubstantiated and that the complaint was filed as a form of retaliation against Dr. McCall. In response to the Vice-Chair's questioning, Dr. McCall stated that she does not have access to the prescription bottles at this time. Dr. Meier stated he did not find that further investigation was warranted in this case and spoke in favor of dismissal.

MOTION: Dr. Meier moved to dismiss the complaint.

SECOND: Dr. Gill

VOTE: The following Board members voted in favor of the motion: Vice-Chairwoman Wilson, Dr. Bohanske, Dr. Caterino, Dr. Davey, Mr. Dynar, Dr. Gill, Dr. Meier, and Dr. Mellott. The following Board members were absent on both days of the virtual meeting: Chairwoman Shreeve, and Ms. Laboy.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

TIMED ITEM – 10:00 a.m. on August 14, 2020

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEW OF THE FOLLOWING COMPLAINTS

a) Complaint No. 20-42 John DenBoer, Ph.D.

This item was considered around 11:03 a.m.

Dr. DenBoer and Attorney Jeffery Hunter participated in the virtual meeting during the Board's consideration of this case. Complainant LB also participated in the virtual meeting during this matter.

Dr. Gill summarized that Complainant LB was a patient of Dr. DenBoer from August 2017 to April of 2018, during which time LB also received treatment from other staff members. Following treatment, LB was hired by Dr. DenBoer as a part-time customer advocate for approximately eight months. Additionally, from May to June 2019, LB worked as the social media representative for Dr. DenBoer's practice. LB subsequently filed a complaint to the Board regarding Dr. DenBoer, alleging ethical issues regarding her prior treatment, as well as concerns that were raised during her employment with Dr. DenBoer's practice. LB questioned whether the diagnosis she received from Dr. DenBoer was valid, and that she believed Dr. DenBoer used her to boost credibility of his treatment program. LB accused Dr. DenBoer of repeated mental and emotional abuse, and that she had a psychiatric hospitalization from February to March of 2020 due to her most recent interactions with Dr. DenBoer resulting in

her loss of employment. LB further claimed that Dr. DenBoer reassured her that she did not have a psychotic disorder, and she reported that she was very ill until the end of 2017 or early 2018 due to her medications and side effects. LB also requested her records from the licensee's office in March 2020 and has not received her chart.

LB read a quote from Maya Angelou regarding courage, and thanked the Board for allowing her to participate in today's proceedings. LB claimed that she was a victim of Dr. DenBoer, and that he was repeatedly deliberate with intentional disregard for her while under his care. LB alleged that Dr. DenBoer continuously manipulated her, lied, and took advantage of her. She stated that he crossed multiple boundaries and was inappropriate with her on numerous occasions. Dr. Gill questioned LB as to whether she recalled the date for when she became Facebook friends with Dr. DenBoer. LB reported that she was not able to obtain that information and that the licensee has been blocked on her social media account. LB stated she believed they were already Facebook friends by the time she began employment with his company around May of 2018.

Mr. Hunter stated that it would be in the Board's best interest to grant a continuance of this hearing. He explained that the chart they received from the Board was incomplete based on the page numbering of the two files transmitted by Board staff. Mr. Hunter stated that he believed the documentation provided by the licensee's former company were not complete, and stated that by his count, there were at least 12 pages missing from the records contained in the Board's investigative file. Mr. Hunter stated that the Board should continue this hearing until a complete and total record can be obtained.

Deputy Director Michaelsen reported that a subpoena was issued for LB's complete clinical record from the company, and that the information was submitted to the Board electronically. When the case was reviewed by the Complaint Screening Committee, Mr. Hunter stated his position that he believed the Board did not have the complete records. Following that meeting, Board staff requested the licensee and counsel provide a list of the specific items that they believe were missing from the records, and Board staff also followed up with the company to confirm that the entire record was submitted to the Board and included all progress notes. A representative from the company indicated that all records in their possession relating to LB were transmitted to the Board.

Dr. Bohanske stated that if there is evidence that pages from the record were withheld in some fashion, the page number(s) should be identified and further pursued. He noted that there has been a serious question raised regarding the licensee not providing adequate documentation or that the documentation in some way suggests less than adequate treatment. AAG Galvin requested Mr. Hunter provide Board staff with an itemized list of what documents that were not produced that they believe should exist. AAG Galvin recognized that the company representative who responded to the Board's subpoena was participating the Board's meeting, and Vice-Chairwoman Davis-Wilson approved her involvement in this discussion.

Emily Fager stated that she responded to the Board's subpoena on behalf of the company by electronically submitting all records in their possession relating to LB's treatment by Dr. DenBoer. Board staff confirmed that the investigative file was transmitted to the licensee and counsel two weeks prior to today's proceedings.

MOTION: Dr. Meier moved for the Board to deny the request for continuance in this matter.

SECOND: Dr. Gill

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

Ms. Laboy.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

Mr. Hunter continued with his opening comments. He pointed out that the diagnosis questioned by LB as being valid was also diagnosed by a different individual other than Dr. DenBoer, and that collateral evidence from another provider supports that the diagnosis was valid. Mr. Hunter stated that LB's February-March 2020 hospitalization records do not establish that any of the patient's conditions were caused or contributed by Dr. DenBoer. He referred the Board members to the text messages between the licensee and LB, and pointed out that the messages produced were almost all initiated by LB and not Dr. DenBoer. He stated that the licensee's responses to those messages were professional and supportive in nature.

The Board granted Dr. DenBoer's request for a brief recess to consult with counsel. The Board reconvened around 11:48 a.m.

Mr. Hunter noted the allegation of an ethical issue concerning dual relationships, and stated that this did not occur by LB's own admission. He stated that LB was offered employment subsequent to treatment for which she stayed for a period of time until she was furloughed. Mr. Hunter stated that there was no dual relationship whatsoever, and that LB's allegations of boundary violations were not supported by the evidence gathered in this case. Additionally, Mr. Hunter stated his objections to the Board allowing Ms. Fager to participate in this discussion without the opportunity for cross-examination or further inquiry. He stated it is clear that not all records were produced. Vice-Chairwoman Davis-Wilson reminded the Board and parties that this matter was agendaized for an initial review discussion.

Dr. DenBoer addressed the Board and stated that he too did not have the complete file. He pointed out that Ms. Fager commented that he did not write psychotherapy notes on his clients, and that he has confirmed consistently that he did write notes on LB and that they were contained in LB's paper chart. Dr. DenBoer reported that his paper charts were taken from his possession when his company was taken over. Ms. Fager interjected and stated that LB's entire paper chart was scanned and electronically transmitted to the Board. Dr. DenBoer stated his concerns regarding his due process rights relating to the Board allowing Ms. Fager to make comments in addition to responding to the Board's question. He requested the Board afford him the opportunity to also have individuals speak in such a fashion to his defense during the Board's proceedings.

AAG Galvin clarified that Ms. Fager was responding to inquiries raised by the licensee's counsel regarding irregularities in the documents provided and suggested that some documentation was missing. She stated that Ms. Fager was not a fact witness, and was simply responding to an inquiry as to the company's response to the Board's subpoena. Mr. Hunter stated that relying on Ms. Fager's comments made her a fact witness. Dr. DenBoer stated that he was not concerned regarding the question and answer between the Board and Ms. Fager, but rather, his concerns regarded Ms. Fager's response in that it was more than a simple confirmation that all records were produced. Vice-Chairwoman Davis-Wilson stated that the Board is aware that there were documentation concerns raised, and had instructed staff to work with the parties to clarify what records they believe were missing from the file. She also reminded the meeting attendees that the Board holds an open Call to the Public at the start of each meeting, and that members from the public have an opportunity to address the Board at that time. AAG Galvin reiterated that Ms. Fager was not a fact witness in this matter.

Dr. DenBoer continued with his opening comments, and stated that he treated LB for a substantial period of time and that she was undoubtedly one of his favorite clients. He stated that he had not just a good relationship with LB, but a great one. He reiterated what he stated

in his initial response to the complaint, that he had nothing but very positive things to say about her, and that LB had nothing but positive things to say about him until recently when he instructed her to contact the company to request records that he believes were stolen from his office and relate to LB's care. Dr. DenBoer stated his concerns that he believed LB was manipulated and persuaded by the company to file a complaint against him, and that there were significant factual inaccuracies stated by Ms. Fager as well as LB.

Board members attempted to question Dr. DenBoer regarding his treatment of LB, and the licensee reiterated that the facts in this case were not accurate and requested to have an opportunity to review the records before providing definitive responses to the Board's questions. Based on his recollection, Dr. DenBoer reported that his treatment of LB ended in November or December of 2017. Dr. Gill questioned the licensee as to whether he thought it was wise to enter into an employment relationship with LB subsequent to treating her, given her challenges and lengthy history of issues. Dr. DenBoer stated that it turned out to be an amazing decision. He stated that LB was marvelous, and was by far the best employee. He stated that everyone raved about LB, and that he believed that the treating relationship had ended prior to becoming Facebook friends with her. Dr. DenBoer also reported that he has waived zero co-pays in his professional lifetime.

Dr. Caterino noted that the ethics code of the APA referenced multiple relationships as concerning, and also covered the promise of a future relationship that is considered unethical. Dr. DenBoer stated that there was never any promise of a future professional relationship when he was treating LB in therapy. He stated that he called LB about four months after treatment ended and offered her the position, at which point they made it clear that there was no therapeutic relationship. In response to further questioning by Dr. Caterino, Dr. DenBoer explained that he performed subtests on LB at four months and that LB's deficits were not neuropsychological in nature. Dr. DenBoer stated that he typically does not document details that he views may be damaging to the client. He explained that he felt some of LB's history that she reported was untrue and personally revealing in a way that would not be helpful. Dr. Caterino stated her concerns regarding the limited history documented in LB's records. Dr. DenBoer stated that he does not write extensive medical histories since he is not a physician, and that he believed his history taking was being mischaracterized. He again asked to have the ability to review the actual chart in order to answer the Board's questions.

Dr. Meier recalled Dr. DenBoer's statements that he last treated LB in November or December of 2017, and noted an evaluation report dated February 2018. Dr. DenBoer reiterated his request to review the records. Dr. Meier stated his concerns regarding Dr. DenBoer's inability to review the records that were provided to him by Board staff, and questioned the licensee regarding when he reached out to LB for an employment opportunity. Dr. DenBoer stated that he did not recall, and that he did not see his relationship with LB as having the potential to be an exploitive relationship. He stated that he had known LB for an extended period of time and that there was a fairly lengthy discussion about her employment prior to her being hired. Dr. Meier questioned the licensee as to whether he felt like he has always had an objective professional relationship with LB. Dr. DenBoer stated that he never had a personal relationship with LB and that they did not communicate outside of work hours. Dr. Meier commented that the licensee did not sound objective in his prior statements of praising LB. Dr. Meier stated his concerns regarding a dual relationship, and stated that he was not convinced that there was no exploitation and no loss of objectivity.

The Board recessed for lunch to allow for staff to remedy the meeting platform technological difficulties encountered during the morning session, and to allow for Dr. DenBoer and his counsel to gather their information and review the records in order to respond to Board member questioning.

The Board reconvened at 1:31 p.m.

Dr. DenBoer and counsel confirmed that they have accessed the investigative file in this matter. Dr. Meier questioned the licensee regarding the different diagnoses included in the 2017 and 2018 assessment reports, as well as the recommendation for LB to participate in Dr. DenBoer's program and undergo speech and language therapies. Dr. Meier stated his concerns regarding how that intervention applied to either diagnosis in that there was no evidence of a cognitive disorder or neuropsychological impairment according to the licensee. Dr. DenBoer stated that LB had cognitive issues subsequent to her psychiatric disorder, and that he documented that she had cognitive deficiencies. He stated that speech and language therapists provide extensive cognitive rehabilitation and intervention, and this is considered standard practice.

Dr. Caterino observed that Dr. DenBoer's report for LB often referred to another client throughout the report and questioned whether the licensee proofread his work. Dr. DenBoer stated that he does typically proofread his reports, and that he could not recall if he proofread that particular report on LB. He acknowledged that the report contained significant errors by including the wrong client's name. He stated that he works from templates and that he regretted the mistake. Dr. Caterino questioned whether the report pertained to LB's care as it contained different scores when compared to a prior evaluation report. Dr. DenBoer assured the Board that the report reflects LB's evaluation.

Dr. Mellott stated she found that there was substantial evidence to move this matter forward to informal interview. Dr. Mellott stated her concerns regarding the dual relationship and sloppiness in some of the licensee's report writing. She noted that this matter also involved concerns of using outdated tests, and that this concern was previously identified in other cases against the licensee.

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

SECOND: Dr. Caterino

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

VOTE: 5-yay, 2-nay, 0-abstain, 1-recuse, 2-absent.

MOTION PASSED.

The Board entered into Executive Session at 1:49 p.m.

The Board returned to Open Session at 1:57 p.m.

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

Dr. Bohanske questioned the licensee as to whether he copied and pasted notes from one client's report to another. Dr. DenBoer reported that he uses templates and occasionally uses reports of clients with a similar diagnosis to help him formulate the background in his reports, but does not cut and paste notes. Dr. DenBoer further reported that he is currently not practicing.

Dr. Gill spoke in favor of proceeding to informal interview with potential violations as recommended by the Complaint Screening Committee.

MOTION: Dr. Gill moved for the Board to proceed to Informal Interview in this matter with potential violations of A.R.S. § 32-2601.16(E), (H), (O), and (DD) as it pertains to

6.04 of the APA ethical code.

SECOND: Dr. Meier

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO THE RESCHEDULING OF THE FOLLOWING MATTERS CONCERNING JOHN DENBOER, PH.D.

- | | |
|------------------------|---------------------|
| a) Complaint No. 19-04 | John DenBoer, Ph.D. |
| b) Complaint No. 20-11 | John DenBoer, Ph.D. |
| c) Complaint No. 20-17 | John DenBoer, Ph.D. |

Agenda item numbers 10.A., 10.B., and 10.C. were introduced around 2:01 p.m. and were considered together.

Dr. DenBoer and Attorney Jeffery Hunter participated in the virtual meeting during the Board's consideration of these matters.

The Board observed that a continuance has been granted, and discussed the scheduling a special session for the Board dedicated to only these matters and will include case number 20-42 as well. The Board members considered holding the special session on Friday, September 18th; Friday, October 9th; or, Thursday, October 22nd.

Mr. Hunter informed the Board that he was not available for the proposed September 18th meeting date, and reported that October 22nd would work best with his schedule. Dr. DenBoer also confirmed his availability on October 22nd. Board members discussed their availability for the proposed October 22nd meeting date. Dr. Meier informed the Board that he would not be available from 10:30 a.m. to 11:45 a.m. on October 22nd due to a scheduling conflict. Vice-Chairwoman Davis-Wilson stated that she could not guarantee her availability for the October 22nd meeting date, and instructed staff to confirm with the Board Chair regarding her availability for the special session.

MOTION: Dr. Meier moved for the Board to reschedule the informal hearing in these matters for a special session to be held on October 22, 2020.

SECOND: Dr. Mellott

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

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

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING A SIGNED CONSENT AGREEMENT FOR SURRENDER OF LICENSE FOR DR. RACHELE "BARRIE" WAGNER, PSY.D., IN CASE NO. 20-09.

This item was considered around 8:39 a.m.

Dr. Wagner did not participate in the virtual meeting during the Board's consideration of this matter.

Deputy Director Michaelson summarized that this case was considered by the Board at its October 2019 special meeting, at which time the Board voted to summarily suspend the license and proceed to the Office of Administrative Hearings for a Formal Hearing. In December of 2019, Dr. Wagner entered into an Interim Consent Agreement for voluntary suspension of licensure in lieu of proceeding to Formal Hearing, and was required to complete a fitness for duty evaluation. In June 2020, the Board reviewed the evaluation results, which indicated that the licensee was not fit to practice with recommendations for further testing.

Board staff subsequently received an email from Dr. Wagner indicating her desire to retire and no longer practice. Thereafter, the Board issued an Interim Order requiring the licensee to complete the additional testing recommended by the evaluator, and to proceed to Formal Hearing if not completed within the prescribed timeframe. The Board also directed staff to enter into negotiation discussions for the licensee to voluntarily surrender her license. Dr. Wagner was sent the draft Consent Agreement for Surrender of Licensure on July 10, 2020, and subsequently received the signed agreement. If approved, the Consent Agreement would serve as the final disposition of this matter.

MOTION: Dr. Mellot moved for the Board to accept the proposed Consent Agreement for Surrender of Licensure for Dr. Wagner.

SECOND: Dr. Bohanske

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON LICENSING PLATFORM RECOMMENDATIONS

This item was considered around 2:37 p.m.

Executive Director Herbst Paakkonen stated that there were no updates to report at this time. She stated that recommendations were made to modify the platform that were thoughtfully developed by the vendor, MST Solutions, and have been submitted to the ADOA-ASET Office, who manages the Board's e-licensing system. She reported that she has not yet received the requested outlined development plan and deadlines with clear and deliverable service that will function to meet the Board's needs. Executive Director Herbst Paakkonen stated that she will continue to follow up with her request, and will seek further guidance from the Board if there are no developments, to determine an alternative course of action to improve the Board's e-licensing system.

13. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO REGULATION OF INDEPENDENT MEDICAL EVALUATIONS AS PERFORMED BY PSYCHOLOGISTS

This item was introduced around 2:39 p.m.

Executive Director Herbst Paakkonen stated that after discussion with the AAG, a necessary interim step was identified relating to notifying the Governor's Office of the Board's perspective on this issue with identified stakeholders, and request the Governor's Office take a position on this matter. She stated that this matter will be discussed further at the Legislative Committee meeting scheduled for later this month.

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

This item was considered around 2:42 p.m.

Executive Director Herbst Paakkonen stated that this agenda item will be included in the Board's meetings for general discussion of COVID-19 concerns in terms of licensure and regulatory issues. The Board discussed the timeframe and restrictions relating to returning to in person meetings. Executive Director Herbst Paakkonen stated that the Agency is following the directives issued by the Governor's Office, and that one challenge will be the uncertainty as to the number of meeting attendees to any regular session given the restrictions in place for group assemblies. The Board noted that a small number of other boards have been meeting in person.

Dr. Mellott pointed out that according to current CDC guidelines, no more than 50 individuals for a group assembly with use of safe social distancing practices. The Board discussed the possibility of holding a hybrid meeting, where meeting attendees would have the option to appear in person or via videoconferencing. Vice-Chairwoman Davis-Wilson noted that Board staff has been monitoring the situation and will continue to do so.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CONTINUATION OF TELEHEALTH SERVICES FOLLOWING THE EXPIRATION OF THE GOVERNOR'S EMERGENCY ORDERS

This item was considered around 2:50 p.m.

Executive Director Herbst Paakkonen stated that this discussion item was agendized per the request of at least one Board member at a previous meeting. She stated that telehealth has expanded vastly in the context of the current pandemic. She stated that the Board has some statutory language relative to the provision of telehealth and telepractice services, as well as Executive Orders that have been issued by the Governor's Office since the declaration of emergency became effective. Dr. Meier questioned whether the expiration of the emergency order would impact those students whose residency has been affected. The Board noted that it previously crafted a waiver with language to allow for a period of time beyond the lifting of the declared emergency. Executive Director Herbst Paakkonen reported that there is a standing list of items that constitute justification to proceed with the rule writing process.

MOTION: Dr. Meier moved for the Board to include the audio/video discrepancy revision in the next rulemaking.

SECOND: Dr. Bohanske

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

Executive Director Herbst Paakkonen clarified that the waiver previously crafted by the Board related to psychology program graduates with degree completion dates before March 31, 2021, and that the door closes for those students seeking licensure unless the Board is successful with a legislative solution. Dr. Bohanske pointed out that the Board's proposed legislation was not defeated in the last legislative session, but rather, the session adjourned before it could be considered. Dr. Mellott questioned whether the Board had the ability to extend the date of the waiver if the legislative process takes longer than expected. Executive Director Herbst Paakkonen stated that such a request would need to be submitted to the AZDHS for approval. The Board also discussed the pathway of temporary licensure, noting that almost 200 temporary licenses have been issued since this process was created, and that the Board previously elected to waive fees associated with the temporary license applications.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PETITION FILED BY DAMON VASILIW UNDER A.R.S. § 41-1093.04 OCCUPATIONAL LICENSE, PERMIT OR CERTIFICATE OR OTHER STATE RECOGNITION RIGHTS; PETITION FOR REVIEW OF CRIMINAL RECORD; ANNUAL REPORT

This item was introduced around 2:11 p.m.

Mr. Vasiliw participated in the virtual meeting during the Board's consideration of this matter.

Executive Director Herbst Paakkonen explained that this was the first petition of this kind received by the Board. She explained the statute that permits individuals who have a criminal record to request a formal determination from an agency as to whether their criminal record establishes preclusion to obtaining a license.

Mr. Vasiliw explained that in 2017, he was charged with possession of marijuana and was placed on probation. He stated that he complied with all terms of probation and that it resulted in early termination. He added that he felt very devoted to the path of becoming a psychologist and wanted to know whether his criminal record would prevent him from obtaining licensure in the future. Mr. Vasiliw reported that he recently completed his associate degree and is at the point where he needs to elect a major at the university. Dr. Mellott noted that Mr. Vasiliw has nearly 7-10 years before he would earn his degree that would qualify him for a psychology license in Arizona based on current statutes. Dr. Mellott stated that the Board would consider what has transpired since the time of the conviction when reviewing the application.

AAG Galvin clarified that the petition requires the Board to commit to whether the applicant's criminal history would impact their ability to obtain a license, notwithstanding education qualifications or intervening facts between the present and the time of application or whether the individual has engaged in similar or additional criminal conduct during that period of time. Dr. Bohanske stated his concerns regarding the statute requiring the Board to bind a future Board to the acceptance of a license application or to the consideration of an application. Dr. Bohanske questioned the petitioner as to the nature of the charges. Mr. Vasiliw explained that he was charged with selling up to 2 pounds of marijuana to an undercover officer over the course of 8 or 9 transactions. Dr. Mellott questioned whether the Board had the ability to obtain the documentation relating to the criminal matter to review prior to rendering a decision in this matter. Mr. Vasiliw confirmed that he could provide the Board with that information.

AAG Galvin stated the Board had the option to table the matter until receiving the police report with subsequent closure information and documentation relating to termination of probation. She informed the Board that she queried the court's website and while the petition to release from probation was submitted, there were no minute entries to support that Mr. Vasiliw has been released from probation.

MOTION: Dr. Bohanske moved for the Board to table this matter to obtain additional information from Mr. Vasiliw within 90 days, including the police and pre-sentencing reports, orders regarding release from probation, petition seeking early release from probation, indictment or charging documents as well as a narrative from the petitioner.

SECOND: Dr. Meier

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING DRAFT SUBSTANTIVE POLICY STATEMENT CONCERNING DOCUMENTATION REQUIREMENTS OF WRITTEN TRAINING PLANS FOR SUPERVISED POSTDOCTORAL EXPERIENCES

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

Executive Director Herbst Paakkonen summarized that the Application Review Committee identified that some of the training plans submitted for review contained deficits or did not describe an appropriate training program. Board staff worked with the AAG and drafted the proposed Substantive Policy Statement regarding documentation requirements of written training plans for supervised postdoctoral experiences.

Executive Director Herbst Paakkonen stated that the draft policy was crafted in such a way so as to outline the same requirements that are established in rule for postdoctoral supervised professional experiences when an individual applies for Arizona licensure.

Dr. Meier noted that a number of postdoctoral residencies in Arizona that were not documenting complete training plans for their trainees. Executive Director Herbst Paakkonen clarified that if approved, the SPS will be filed with the Arizona Administrative Register for official publication. Dr. Bohanske spoke in favor of adopting the draft SPS as proposed.

Dr. Gill requested modifications to the draft SPS, including adding ethics training as well as APA guidelines related to specialty training. Dr. Mellott pointed out that such requirements are not included in statute and cannot be added. Dr. Meier commented that he did not find the benefit of adding specialty training language to the draft. Dr. Bohanske stated that specialty training should not be included as the Board does not issue specialty credentials.

MOTION: Dr. Bohanske moved for the Board to adopt the proposed draft SPS concerning documentation requirements of written training plans for supervised postdoctoral experiences.

SECOND: Dr. Caterino

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RE-APPLICATION FOR APPROVAL TO SIT FOR THE EPPP FROM DHWANI KOTHARI, PH.D.

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

Dr. Meier was recused from this matter. Dr. Mellott summarized that Dr. Kothari has graduated from a clinical psychology program, completed a predoctoral internship, and needs to retake the EPPP.

MOTION: Dr. Mellott moved for the Board to grant the re-application for approval to sit for the EPPP from Dr. Kothari.

SECOND: Dr. Bohanske

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION FOR LICENSURE BY WAIVER FROM JERI GENTRY, PSY.D. – Dr. Meier

This item was considered around 10:52 a.m.

Dr. Meier summarized that this matter was considered by the Board At its July 9, 2020 meeting at which time it was returned to obtain additional information relating to the applicant's hours of supervision per week of internship. Dr. Gentry produced her supervision and practice logs that were signed by her supervisor, and her supervisor clarified that she made a mistake by checking the wrong box on the form. A new verification form was provided and there were no other issues of concern.

MOTION: Dr. Meier moved for the Board to approve the application for licensure by waiver from Dr. Gentry.

SECOND: Dr. Mellott

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

20. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RE-OPENED APPLICATION FOR APPROVAL OF SUPERVISED EXPERIENCE FOR LICENSURE FROM SUNNY JUNDT, PH.D.

This item was introduced around 3:16 p.m.

Dr. Meier summarized that Dr. Jundt submitted an application to the Board that was missing the training plan for her post-doctoral position. Dr. Meier clarified that the Board had the information all along, but was not able to locate it previously. The Board observed that Dr. Jundt graduated from an APA accredited program in Tennessee, and has completed the hours required for licensure.

MOTION: Dr. Meier moved for the Board to reopen the application and approve the license.

SECOND: Dr. Mellott

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

21. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO BOARD MEMBER PARTICIPATION IN THE ANNUAL MEETING OF DELEGATES OF THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS (“ASPPB”) TO BE HELD VIRTUALLY OCTOBER 16-17, 2020

This item was considered around 3:18 p.m.

Executive Director Herbst Paakkonen reported that the ASPPB Annual Meeting of Delegates will be held virtually on October 16-17, 2020 with a registration fee of \$50 for each attendee. She encouraged all members of the Board as well as staff to register for and attend the meeting, and requested the Board identify a delegate to represent Arizona. Dr. Mellott nominated Dr. Bohanske to serve as the Arizona delegate. Dr. Bohanske confirmed that he planned to attend the meeting.

MOTION: Dr. Mellot moved for the Board to identify Dr. Bohanske as the Arizona delegate for the ASPPB’s Annual Meeting of Delegates.

SECOND: Dr. Meier

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

Vice-Chairwoman recommended the Board members and staff attend the ASPPB’s meeting, and stated that she recalled her first time attending the meeting was very informational.

TIMED ITEM – 8:30 a.m. on August 15, 2020

22. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEW OF THE FOLLOWING COMPLAINTS

a) Complaint No. 20-39 Kenneth Goldberg, Ed.D.

This item was considered around 8:32 a.m. on August 15, 2020.

Dr. Goldberg and Attorney Flynn Carey participated in the virtual meeting during the Board's consideration of this matter. The complainant AR also participated in the virtual meeting.

Dr. Gill summarized that AR filed a complaint against Dr. Goldberg alleging that the licensee failed to provide treatment records from 2015-2016 despite a court order to do so, and that records provided in 2019 were incomplete. The Board observed that Dr. Goldberg submitted the 2015-2016 records to the judge involved in the family court matter, and that the records were destroyed pursuant to court order.

Dr. Goldberg explained that he was originally stipulated to provide reunification in 2015-2016. He stated that when that term ended in mid-2016, he had no further contact with the family until January of 2019. Dr. Goldberg informed the Board that he did not want to release the records due to allegations made by both parents against each other which would be severely psychologically damaging to the children if they became aware, and there were also allegations against others known to the children that would also be damaging. He stated that after consulting with his own counsel, he communicated to the parties that due to his concerns, he was willing to release the records to the court but not directly to the parties. Dr. Goldberg stated that he did not have the same concerns with regard to the 2019 records in that the circumstances had changed, and the court did not have the same concerns that existed in 2015-2016 regarding the children's safety.

With regard to the timeliness of the production of the 2019 records, Dr. Goldberg stated that his reunification report was lengthy, and he wanted to publish his report and the records simultaneously so that neither party would have an advantage and wanted to remain neutral. He reported that he was frequently in contact with the court and that his report was finalized on February 27, 2019 but was not received until March 2019 due to the size of the file that required technological assistance in order to send it electronically to the parties. In addition, Dr. Goldberg responded to the allegation that the 2019 records were not complete by asserting that the file was complete and that he had very little face-to-face contact with the parties and relied on a lot of digital communications. Dr. Goldberg informed the Board that since the prior meeting, he has drafted correspondence and a log that is included all client files when requests for records are submitted. He reported that he has received at least one request for records per week for various reasons, and feels as though the log has been helpful.

Mr. Flynn stated his concerns regarding the possible statutory violations, and stated that neither are substantiated in this case. He stated that there were ethical and legal bases for which Dr. Goldberg withheld records due to concerns of potential harm, and that the licensee resolved his conflict by providing those records to the judge responsible for determining what was in the best interest of the child. With regard to the alleged recordkeeping violation, Mr. Flynn stated that there is no evidence that Dr. Goldberg failed to maintain records in this case. He stated in response to the alleged ethical violation that Dr. Goldberg did resolve his conflict by going to the judge who was in the position of determine what to do with the records. Mr. Flynn pointed out that the court records establish that AR was the cause of the records not including his information, and that the court found that AR attempted to obstruct and frustrate Dr. Goldberg's work. Mr. Flynn stated that the licensee met the standard of care in this case, and asked the Board to consider dismissal or a non-disciplinary sanction.

Dr. Gill stated his concerns regarding the delays that were previously discussed. Dr. Goldberg clarified that the initial delay was only 60 days, not the alleged four months. He stated that the delay with the 2019 records was due to his extensive report that required more work than anticipated. Dr. Goldberg stated he tried to remedy this concern by using a log going forward so prevent a similar occurrence from happening in the future. Mr. Flynn stated that the delays identified did not cause any harm in this case, and that Dr. Goldberg was in contact with the family court throughout the report preparation process to keep them apprised that he needed more time. Dr. Mellott questioned the licensee regarding his communications with AR during the delay for report preparation. Dr. Goldberg stated that he put over 100 hours into preparing the report and that he did not charge either party for the report publication or the records.

Dr. Bohanske observed that Dr. Goldberg became involved in the court case on two occasions. Dr. Goldberg clarified that he was initially stipulated, and subsequently appointed by the court on the second occasion. He clarified that the court ordered the production and destruction of the 2015-2016 records in the same order. In response to Dr. Bohanske's questioning, Dr. Goldberg stated that he was not aware of any objection to his appointment in the case in 2018, and that he did not participate in the family court proceedings and received no further inquiries regarding this matter other than the Board's correspondences. Dr. Meier questioned the licensee regarding how he would address a similar records situation in the future. Dr. Goldberg stated that he will notify the Board that the court has requested destruction of records and request guidance, and that he would notify the court that he is obligated to maintain records and ask for guidance from the court as well.

Vice-Chairwoman Davis-Wilson clarified that the Board does not provide guidance on ethical dilemmas, and that the licensee would need to seek consultation with counsel, colleagues, and/or professional associations.

AR addressed the Board, and reiterated his allegations that Dr. Goldberg failed to comply with statute and court order to produce records. AR alleged that Dr. Goldberg's report from 2016 contained factual errors and that his children did not want to undergo reunification therapy with Dr. Goldberg. He added that Dr. Goldberg's statements regarding withholding the records to protect the children were false as the records were provided to the mother and her counsel. AR stated that he did object to Dr. Goldberg's appointment to the case in 2018, and that he acted unprofessionally and not in the best interest of the children.

During the Board's deliberations, Dr. Gill reiterated his concerns regarding the delays in releasing records. Dr. Bohanske noted the delays and recognized that the report exceeded fifty pages. Dr. Bohanske stated that the error he found in this case was the licensee's failure to keep people informed as to the progress towards completion of the report. He stated he did not find that this error rises to the level of a statutory or rule violation.

MOTION: Dr. Gill moved for the Board to issue a non-disciplinary Letter of Concern and Order for Non-Disciplinary Continuing Education (CE) for failing to timely release records, and failing to keep the parties informed on the status of his report. Within six months, the licensee shall complete no fewer than 6 CE hours in the standard of practice in forensics. The CE hours shall be in addition to the hours required for license renewal and may be obtained through distance learning.

SECOND: Dr. Bohanske

Dr. Meier recognized the allegations made by AR against Dr. Goldberg. He stated that the amount of money and time that it took for AR's counsel to attempt to obtain records from Dr. Goldberg, which was supported by a court order to release records, cost AR money and potentially caused other harm. Dr. Bohanske noted that AR was represented by counsel in all family court proceedings. Dr. Meier disagreed and stated that AR reported having to

discontinue with his counsel after he could no longer afford to pay for those services. Dr. Mellott spoke in favor of the motion. She stated it appeared that Dr. Goldberg used his best judgement and in his professional opinion provided information that he believed was in the best interest of the child.

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

b) Complaint No. 20-43 John Carlson, Ph.D.

This item was introduced around 9:47 a.m. on August 15, 2020.

The Board noted that a continuance was granted in this matter and would be reviewed at a future meeting date.

c) Complaint No. T-20-06 Cynthia Williams

This item was introduced around 9:57 a.m. on August 15, 2020.

Ms. Williams participated in the virtual meeting during the Board's consideration of this matter. The Complainant was not present. Dr. Mellott summarized that Ms. Williams is a school psychologist certified by the Arizona Department of Education (ADE). The Board received a complaint from RD, a doctoral-level psychologist, alleging that Ms. Williams provided services as an independent school psychologist for Mesa Public Schools (MPS) through her business independent from the school system without holding appropriate licensure to do so and without coordinating with a properly licensed psychologist. It was also alleged that Ms. Williams was violating A.R.S. § 32-2084 by misrepresenting her credentials. The Board observed that Ms. Williams is a certified school psychologist and has been an approved vendor with the MPS.

Ms. Williams stated that she made an inadvertent error on the invoice where it listed her as the consultant psychologist, and pointed out that her credentials as a school psychologist were included on the report. She stated that she did not misidentify herself and apologized for the error. Ms. Williams stated that she corresponded with the ADE and that it was clear from their response that she was working within the school district within the State and is allowed to work for another district as a contractor. In response to Dr. Caterino's questioning, Ms. Williams confirmed that she is part of the National Association of School Psychologists and is aware of their standards and certifications. Dr. Caterino pointed out that school psychologists are required to apply to the Arizona Board of Psychologist Examiners when practicing outside of the school system. Ms. Williams disagreed and stated that it is common for school psychologists to contract with other school districts. Ms. Williams explained that she is employed by MPS in that she provides contracted services that include independent evaluations.

In response to Dr. Bohanske's line of questioning, Ms. Williams explained that the parent requested an independent educational evaluation (IEE) from MPS and after receiving approval, the parent contacted Ms. Williams via email requesting the IEE. Ms. Williams stated that the evaluation was completed, and a report was submitted to MPS as well as an invoice for payment of the service provided. Dr. Mellott recognized that certified school psychologists contracting with different school districts is a very common practice, with the main requirements of ADE certification and fingerprint clearance. Dr. Meier questioned Ms. Williams as to whether she has a contract with the MPS to provide IEE services. Ms. Williams

explained that she did not, and that contract work does not always involve an actual contract. She reported that MPS places a purchase order when using her services and reiterated that she is an approved vendor for the MPS.

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

SECOND: Vice-Chairwoman Davis-Wilson

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board entered into Executive Session at 10:24 a.m.

The Board returned to Open Session at 10:39 a.m.

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

Vice-Chairwoman Davis-Wilson questioned Ms. Williams as to how the parent obtained her contact information. Ms. Williams stated that she did not know, and explained that she provided her credentials to MPS in order to become an approved vendor. She also confirmed that her business was simply an LLC set up by her accountant.

During the Board's deliberations, Dr. Mellott observed that MPS paid Ms. Williams for the IEE and that she is certified by the ADE. She also reiterated that it is a common practice of certified school psychologists to contract with different school districts. Dr. Meier stated his concerns regarding Ms. Williams working independent from the school district without holding a psychologist license. He noted that MPS approved the parent to obtain an independent educational evaluation for a second opinion, and stated that in order to provide such a service, even if the school is paying for it, it is not done under the employment of the school district. Dr. Meier also noted that the complaint was filed after the complainant became aware that Ms. Williams was not a licensed psychologist and alleged that she was performing independent evaluations while functioning independently and not within a contractual agreement with the school district. Dr. Caterino agreed with Dr. Meier's comments.

Vice-Chairwoman Davis-Wilson agreed with Dr. Meier's comments as well, and stated that from a public member's perspective and an individual who is a consumer of special education services, a parent moving forward with an IEE is requesting the evaluation because they disagree with the school district's findings. She stated her concerns that the independent evaluation should be separate from the district since it is being sought on the basis of a disagreement with the service provided by the school. Vice-Chairwoman Davis-Wilson stated that this issue will need to be further discussed by the Board at a higher level than just this one case.

Dr. Bohankse noted that MPS is the largest school district in the State and employs more school psychologists than any district in Arizona. He stated that the parent chose to proceed with an IEE performed by Ms. Williams and that MPS was obligated to pay for the evaluation pursuant to federal law. Dr. Davey stated that based on his extensive experience in working within the school districts for most of his career, he is an approved vendor and informs individuals seeking his services that he is not a licensed psychologist and does not perform IEEs. Dr. Davey stated that he found in this case that Ms. Williams was operating as a certified school psychologist, and he spoke in favor of dismissal.

MOTION: Dr. Davey moved to dismiss the complaint.
SECOND: Mr. Dynar

Dr. Meier reiterated his concerns regarding Ms. Williams not having a contractual agreement with MPS. He also stated that the Board's discussion has been helpful, and that without a contract, it appeared that Ms. Williams was functioning independently in this matter. Dr. Davey pointed out that school districts do not provide contracts and that individuals are placed on an approved vendor list after some vetting. Dr. Caterino stated her concerns regarding the Board potentially setting a precedence by allowing unlicensed individuals to perform independently. Vice-Chairwoman Davis-Wilson commented that based on her experience, the school districts utilize purchase orders in lieu of contracts for these services.

VOTE: The following Board members voted in favor of the motion: Vice-Chairwoman Davis-Wilson, Dr. Bohanske, Dr. Davey, Mr. Dynar, Dr. Gill, Dr. Meier, and Dr. Mellott. The following Board member voted against the motion: Dr. Caterino. The following Board members were absent: Chairwoman Shreeve, and Ms. Laboy.
VOTE: 7-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

23. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Vice-Chairwoman Davis-Wilson noted that Dr. Mellott requested potential revisions to the Board's waiver for students applying for licensure before March 2021, and instructed staff to place this topic on a future agenda for further discussion of possibly extending the waiver due to COVID.

Vice-Chairwoman Davis-Wilson requested agendaing a discussion topic related to whether the Board's rules allow for Continuing Education credit hours to be issued for remote attendance to the Board's virtual meetings.

On August 15, 2020, Vice-Chairwoman Davis Wilson instructed staff to agendaize for a future meeting a discussion topic related to A.R.S. § 32-2075 regarding exemptions and to further discussion independent evaluation versus employment, and potentially engage stakeholders for additional input.

24. ADJOURNMENT

MOTION: Mr. Dynar moved for the Board to recess on August 14, 2020 until the August 15, 2020 session.

SECOND: Dr. Mellott

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board recessed on August 14, 2020 at 3:29 p.m.

MOTION: Dr. Bohankse moved for adjournment on August 15, 2020.

SECOND: Dr. Meier

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board adjourned on August 15, 2020 at 11:08 a.m.