



Arizona Board of Psychologist Examiners

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Governor
Douglas A. Ducey

Board Members

Janice K. Brundage, Ph.D. Chair
Tamara Shreeve, MPA., Vice-Chair
Lynn L. Flowers, Ph.D. Secretary
Bob Bohanske, Ph.D., FNAP
Bryan Davey, Ph.D., BCBA-D
Diana Davis-Wilson, DBH, BCBA
Joseph Donaldson
Ramona N. Mellott, Ph.D.

Executive Director

Jenna Jones

REGULAR SESSION MINUTES

August 3 & 4, 2018

8:30 a.m. (August 3, 2018)

8:00 a.m. (August 4, 2018)

1740 W. Adams St.
Conference Room A (1st Floor)
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Madam Chair Brundage at 8:37 a.m. on August 3, 2018.

2. ROLL CALL

Board Members Present

Janice K. Brundage, Ph.D. – Chair
Tamara Shreeve, MPA – Vice-Chair
Lynn L. Flowers, Ph.D. – Secretary
Bobb Bohanske, Ph.D., FNAP
Bryan Davey, Ph.D., BCBA-D
Diana Davis-Wilson, DBH, BCBA
Joseph Donaldson
Ramona N. Mellott, Ph.D.

Staff Present

Jenna Jones, Executive Director
Heather Broaddus, Deputy Director
Kathy Fowkes, Licensing Specialist
Krishna Poe, Administrative Assistant

Board Members Absent

Ramona N. Mellott, Ph.D. – August 4, 2018

Attorney General's Office

Jeanne Galvin, Esq.

3. REMARKS/ANNOUNCEMENTS

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

Board Assessment Forms – Dr. Brundage 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. Brundage thanked Board members and staff for their dedication and hard work and welcomed new staff member, Kathy Fowkes.

Service appreciation for previous Board member, Frederick S. Wechsler, Ph.D., Psy.D., ABPP (cl) -
Dr. Brundage expressed gratitude for the years of service Dr. Wechsler provided to the Board and announced his retirement from the Board.

4. CALL TO THE PUBLIC

There was one request to speak. Complainant, O.I., was present and addressed the Board regarding Complaint No. 16-40. O.I. gave a brief summary of his complaint and the psychologist's role. O.I. detailed his concerns in the case.

5. COUNSEL UPDATE

Ms. Galvin stated that the cases involving Dr. Gray and Dr. DenBoer are still pending with the Superior Court and there were no further updates on the cases at this time. Ms. Galvin will keep the Board apprised as the cases progress.

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

Ms. Shreeve made a motion, seconded by Dr. Flowers to approve the items on the Consent Agenda. The motion carried 8-0

(a) APPROVAL OF MINUTES

- May 4, 2018, Regular Session
- June 8, 2018, Regular Session
- July 13, 2018, Regular Session

(b) EXECUTIVE DIRECTOR'S REPORT

(c) INVESTIGATIONS REPORT

(d) LICENSING REPORT

(e) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL TO SIT FOR EPPP AND LICENSURE

- Deborah J. Mercier, Ph.D.
- Nicoleta Baila, Psy.D.
- Shana Burgos-DeStephanis, Ph.D.
- Tiffany Nicole (Long) Godwin, Ph.D.
- Vitae Felix, Ph.D.

ii. REQUESTING APPROVAL OF LICENSURE BY WAIVER

- Erika Geiggar-Schad, Psy.D.
- Kenneth L. Dodge, Ph.D.
- Kimberly Painter, Psy.D.
- Kristin Crocfer, Psy.D.
- Jo Vogeli, Ph.D.
- Olivia Marks, Psy.D.
- Pamela Yellin, Ph.D.
- Rae Mazzei, Psy.D.

- Rielly Cole Boyd, Ph.D.

iii. REQUESTING APPROVAL OF SUPERVISED WORK EXPERIENCE AND LICENSURE

- Emma H. Ross, Ph.D.

iv. REQUESTING APPROVAL TO SIT FOR EXAMINATION (EPPP) & TEMPORARY LICENSURE

- Elena Marie Rivera, Ph.D.
- Michelle Lynn Romero, Psy.D.

(f) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYSIS APPLICATIONS

- Ashley Meyer, M.Ed.
- Elizabeth Welch, M.Ed.
- Sara Carrasco, M.Ed.

(g) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR EXTENSION OF TIME TO SIT FOR THE EPPP FROM AMY PROSSER, PH.D.

(h) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST TO RETAKE THE EPPP FROM SHELLY MARSH, PSY.D.

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

a) Carol Mellen-Sysel, Ph.D. Complaint No. 17-14.

Dr. Flowers provided a summary to the Board stating that the Complaint Screening Committee meeting forwarded this Complaint to the Board for further review. The Licensee and her attorney, Steve Beeghley, Esq., were present, made statements, and answered Board members' questions. The Complainant was not present. Board members expressed concern with the representation of paralegal fees and the lack of paralegal fees on the Informed Consent. After deliberation, Dr. Mellott made a motion, seconded by Dr. Bohanske, to dismiss the complaint as there was no violation of rule or statute. The motion carried 8-0.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED CONSENT AGREEMENT SUBMITTED BY JOHN DENBOER, PH.D. IN RESOLUTION OF COMPLAINT NO.'S 16-39, 16-53 & 17-23

Ms. Broaddus provided a summary to the Board outlining the stipulations of the proposed Consent Agreement submitted by Dr. DenBoer and his attorney, J. Arthur Eaves, Esq. Dr. DenBoer and Mr. Eaves were present, made statements, and answered Board members' questions. Board Members discussed the terms of the proposed Consent Agreement. After deliberation, Dr. Bohanske made a motion, seconded by Dr. Mellott, to modify the proposed Consent Agreement to include one-year of probation, 18 hours of continuing education, specifically 6 hours each in Ethics, Records and Billing, and Informed Consent, and changes to the practice monitoring and reporting requirements. The modified proposed Consent Agreement will be reviewed by the Board at a future meeting. The motion carried 8-0 on a roll call vote. Mr. Donaldson made a motion to vacate the initial case review of Complaint No.'s 16-39, 16-53, 17-23. Ms. Shreeve seconded the motion. The motion carried 8-0.

Dr. Davey left the meeting at 10:03 a.m.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED CONSENT AGREEMENT SUBMITTED BY CONNIE PYBURN, PH.D. IN RESOLUTION OF COMPLAINT NO.'S 16-40 & 17-29

Ms. Broaddus provided a summary to the Board outlining the stipulations of the proposed Consent Agreement submitted by Dr. Pyburn and her attorney, J. Arthur Eaves, Esq. Dr. Pyburn and Mr. Eaves were present, made statements, and answered Board members' questions. Board Members discussed the terms of the proposed Consent Agreement. After deliberation, Dr. Flowers made a motion, seconded by Dr. Mellott to reject the proposed consent agreement, including modifications requested by Dr. Pyburn and Mr. Eaves. The motion failed 3-4 on a Roll call vote with Dr. Bohanske, Dr. Brundage, Dr. Davis-Wilson and Ms. Shreeve voting no.

Dr. Bohanske made a motion to modify the proposed Consent Agreement to include one-year of probation, 12 hours of continuing education and changes to the practice monitoring and reporting requirements. The modified proposed Consent Agreement will be reviewed by the Board at a future meeting. Dr. Brundage seconded the motion with the amendment that Dr. Pyburn discontinue providing any Court related services.

At 10:25 a.m. Dr. Mellott made a motion, seconded by Ms. Shreeve, to go into Executive Session to obtain confidential legal advice from the Board's attorney. Open session reconvened at 10:30 a.m.

Dr. Brundage withdrew her amendment to the motion.

The Complainant, O.I., was present and made a statement to the Board.

The motion carried 7-0-1 on a roll call vote with Dr. Davey abstained.

Dr. Davey re-joined the meeting at 10:30 a.m.

Dr. Bohanske made a motion, seconded by Mr. Donaldson, to vacate the initial case review of Complaint No.'s 16-40 and 17-29. The motion carried 8-0.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEWS OF THE FOLLOWING INVESTIGATIONS (Continued)

b) Rebecca Loftis, Psy.D. Complaint No. 17-24.

Ms. Shreeve provided a summary to the Board stating that the Complaint Screening Committee meeting forwarded this Complaint to the Board for further review regarding concerns with Dr. Loftis' failure to report her Driving Under the Influence (DUI) charge within the mandatory time-frame, for her failure to report the DUI on her April 2017, psychologist renewal application, for possibly failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient, for possibly using fraud, misrepresentation or deception to obtain a psychology license and for possibly violating an ethical standard. The Licensee and her attorney, Daniel Gregory, Esq., were present, made statements, and answered Board members' questions. Mr. Gregory stated that Dr. Loftis consulted with an attorney prior to completing the renewal application. Board members' questioned Dr. Loftis regarding her employment at the Department of Corrections and Dr. Loftis answered. After deliberation, Dr. Bohanske made a motion, seconded by Dr.

Mellott, to issue Dr. Loftis a Letter of Concern for failure to report her DUI charge within the mandatory reporting time-frame. The motion carried 8-0.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING UPDATE ON THE SUNSET AUDIT FROM THE AUDITOR GENERAL’S OFFICE

Dale Chapman and Paul Bergelin from the Auditor General’s Office were present. Mr. Bergelin and Mr. Chapman introduced themselves to the Board.

At 11:14 a.m. Ms. Shreeve made a motion, seconded by Dr. Davis-Wilson, to go into Executive Session to discuss the confidential update pertaining to the sunset audit. The motion carried 8-0. Open session reconvened 11:46 a.m.

12. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING BEHAVIOR ANALYST APPLICATION FROM STEVEN HAROLD TROYER, M.A.

Dr. Davis-Wilson provided a summary stating that the Committee on Behavior Analysts (Committee) reviewed Mr. Troyer’s application and noted that the supervision form was completed incorrectly. Additionally, the Committee noted that he answered “yes” to question #11 of the application. The Committee requested that Mr. Troyer’s supervisor correct the form, submit her resume and unofficial transcript and submit it prior to the Board meeting for review. The Committee also requested that Mr. Troyer submit the official letter from the Department of Health in Washington that pertains to his “yes” answer to question #11. After deliberation, Dr. Davey made a motion, seconded by Dr. Davis-Wilson, to approve Mr. Troyer’s application for licensure as a behavior analyst upon payment of the prorated license fee. The motion carried 8-0.

13. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUIRING A SIGNATURE FOR MINUTES

Ms. Jones provided a summary stating that it is not required that approved Committee minutes be signed by the Committee Chair. Ms. Jones recommended that the Board no longer require a signature on approved Committee minutes. Board minutes will still require a signature upon approval. After deliberation, Dr. Mellott made a motion, seconded by Mr. Donaldson, to no longer require a signature on approved Committee minutes. The motion carried 8-0.

14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS (ASPPB) 2018 ANNUAL MEETING IN SALT LAKE CITY, OCTOBER 17-21, 2018

Ms. Jones provided a summary stating that the ASPPB 2018 annual meeting is this October and registration for the meeting will be due soon. Ms. Jones asked the Board if any of its members’ would like to attend the meeting. After deliberation, it was the consensus of the Board to send Ms. Jones, Dr. Bohanske, Dr. Mellott and Ms. Galvin to ASPPB’s 2018 annual meeting.

15. DISCUSSION, CONSIDERATION, AND UPDATE ON ASPPB’S PLUS APPLICATION –

Ms. Jones provided a summary stating the Board’s new e-licensing system may not be compatible with ASPPB’s PLUS application. Ms. Jones recommended that implementation of the PLUS application be considered in FY 2020 to allow Board staff to research whether the e-licensing system will be compatible with the PLUS application. Board members’ deliberated stating that the PLUS application will streamline

the application process. It was the consensus of the Board to direct Board staff to continue working on implementing the PLUS application.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON SB1436

Ms. Jones provided a summary stating that SB1436 became effective on August 3, 2018. SB1436 allows an individual to petition a Board, prior to submitting an application for licensure, to request that the Board determine whether their criminal history would prevent them from gaining licensure. There is an appeal process and Ms. Galvin clarified that expunged records will no longer be grounds for denial of an application.

17. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON PROPOSED RESPONSE TO AUDITOR GENERAL'S FINANCIAL AUDIT RESULTS

Ms. Jones provided a summary stating that the preliminary audit findings have been amended and there are no findings. The audit report will be available soon.

18. INFORMAL INTERVIEW – Luz Mogrovejo, Ph.D. – Complaint No. 17-16 DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO ALLEGATIONS OF UNPROFESSIONAL CONDUCT, PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, POSSIBLE DISCIPLINE AND/OR OFFER OF A CONSENT AGREEMENT OR REFERRAL TO A FORMAL HEARING

Dr. Flowers recused from reviewing this agenda item.

Dr. Mogrovejo and her legal counsel, J. Arthur Eaves, Esq., were present. Board members and staff introduced themselves. Dr. Brundage explained Informal Interview procedures and provided a summary of the allegations. Dr. Brundage swore in Dr. Mogrovejo.

Mr. Eaves clarified for the Board that Dr. Mogrovejo evaluated a minor for a disposition hearing. The minor engaged in inappropriate texting and was being sentenced for two incidents. Additionally, prior to Dr. Mogrovejo's involvement, the minor had already plead guilty to a felony. Mr. Eaves provided the Board background information pertaining to the case. Dr. Mogrovejo clarified her utilization and validation of the tests she used for the minor's evaluation.

The Complainant, M.M., was present, did not have a statement but was available for questions.

Board members deliberated and expressed concern that this is a new area of psychology and that there are no specific tests for the behavior the minor engaged in. After deliberation, Dr. Brundage made a motion, seconded by Ms. Shreeve, to dismiss Complaint No. 17-16 as there are no violations of statute or rule. The motion carried 7-0-1 with Dr. Flowers recused.

19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATIONS AND POSSIBLE DENIAL OF THE SAME

Tyler Whitney, Ph.D.

Dr. Mellott provided a summary stating that the Application Review Committee (Committee) reviewed Dr. Whitney's application and noted that he previously applied in Arizona and withdrew his application due to action being taken on his license in other jurisdictions. Dr. Whitney holds a license in Georgia

and the final decision from Georgia was included in his application. The Committee forwarded his application to the Board for further review.

Dr. Whitney was present, requested to speak, made a statement and answered Board members' questions. Dr. Whitney summarized how he is in compliance with Georgia's Order. Board members deliberated and noted that Dr. Whitney has, or does hold, a license in three other jurisdictions. Board members noted that Dr. Whitney's EPPP score does not meet Arizona's requirements. Additionally, Board members expressed concern with Dr. Whitney's conduct that led to Georgia's final action. Board members determined that Dr. Whitney may need supervision upon gaining licensure in Arizona. After deliberation, Ms. Shreeve made a motion, seconded by Dr. Bohanske, to approve Dr. Whitney to sit for the EPPP only. Upon a passing score Dr. Whitney will be required to come before the Board to determine whether supervision is necessary upon licensure in Arizona. The motion carried 8-0.

Lawrence Henry, Ed.D.

Dr. Flowers recused from reviewing this agenda item.

Dr. Mellott provided a summary to the Board stating that the Application Review Committee (Committee) reviewed Dr. Henry's application and noted that he allowed his Arizona license to expire. Additionally, the Committee noted that Dr. Henry indicated that he has not been in practice since 2010. The Committee forwarded Dr. Henry's application to the Board for further review.

The Board deliberated and noted that Dr. Henry was licensed as a psychologist in Arizona from 2001 – 2017. Additionally, the Board noted that Dr. Henry submitted documentation of continuing education that he recently obtained. After deliberation, Dr. Bohanske made a motion, seconded by Mr. Donaldson, to approve Dr. Henry's application for licensure upon payment of the prorated license fee. The motion carried 7-0-1 with Dr. Flowers recused.

20. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUIRING CRIMINAL BACKGROUND CHECKS OR FINGERPRINT CLEARANCE CARDS FOR INITIAL LICENSURE

Ms. Jones provided a summary stating that the auditors noted that the Board does not require background checks. Ms. Jones provided a brief summary of the different background checks that are offered. It was the consensus of the Board to direct Board staff to compile comprehensive information regarding what background checks entail and to bring it to a future Board meeting.

The Board recessed at 3:27 p.m. on Friday August 3, 2018, and reconvened on Saturday, August 4, 2018, at 8:03 a.m. Dr. Mellott was not present at the August 4, 2018, meeting. All other Board members were present.

TIMED ITEM – 8:00 a.m., August 4, 2018

21. DISCUSSION, CONSIDERATION, AND PARTICIPATION IN BOARD MEMBER TRAINING INSTRUCTED BY ALEX SIEGEL, DIRECTOR OF PROFESSIONAL AFFAIRS WITH THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS

Alex Siegel was present to provide the Board with Board member training. Mr. Siegel introduced himself and went over his background. Mr. Siegel briefly provided information on ASPPB's role including the Certificate of Professional Qualification, PsyPact, model legislation acts and code of conduct.

Mr. Siegel presented the following training:

- Board member appointments
- Rules and Statutes
- Guidelines and Substantive Policy Statements
- Conflicts
- Function of the Board
- Appearance of Conflict of Interest
- Open Meeting Laws
- Quorums
- Courtesy Notices
- Voting
- Executive Session
- Audio Recordings/Minutes
- Recusal/Abstentions
- Public Records
- Emergency Meetings
- Board Member Responsibilities
- Fingerprinting

22. NEW AGENDA ITEMS FOR FUTURE MEETINGS

There were no new items for future meetings

23. ADJOURN

There being no further business to come before the Board, Ms. Shreeve made a motion, seconded by Dr. Davis-Wilson, to adjourn the meeting. The motion carried 7-0. The meeting adjourned at 11:55 a.m.

Respectfully submitted,

Lynn L. Flowers, Ph.D.
Secretary