



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
(REVISED)***

Held virtually via Zoom on September 4, 2020

Board Members

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

1. CALL TO ORDER

Chairwoman Shreeve called the Board's meeting to order at 8:31 a.m.

2. ROLL CALL

The following Board members participated in the virtual meeting: Chairwoman Shreeve, Vice-Chairwoman Davis-Wilson, Dr. Mellott, Dr. Bohanske, Dr. Caterino, Dr. Davey, Dr. Gill, Ms. Laboy, and Dr. Meier. The following Board member was absent: Mr. Dynar.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Heidi Herbst Paakkonen, Executive Director; Jennifer Michaelson, Deputy Director; Jeanne Galvin, Assistant Attorney General (AAG); Kathy Fowkes, Licensing Specialist; Krishna Poe, Programs & Projects Specialist; and, Andrea Cisneros, Minutes Administrator.

3. REMARKS/ANNOUNCEMENTS

This item was considered around 8:32 a.m.

• **Board Surveys**

Chairwoman Shreeve encouraged meeting attendees to provide feedback by contacting Board staff and completing a Board Meeting Assessment Survey.

• **Board Member and Staff Appreciation**

Chairwoman Shreeve acknowledged and thanked Board members and staff for their efforts in facilitating the Board's meeting.

• **Continuing Education Credit for Board Meeting Attendance**

Chairwoman Shreeve announced that meeting attendees are eligible for education credit, and that code words would be provided throughout today's proceedings.

4. CALL TO THE PUBLIC

This item was considered around 8:34 a.m. No individuals addressed the Board during the Call to the Public.

5. COUNSEL UPDATE

This item was considered around 8:34 a.m. AAG Galvin stated that she had no update for the Board since its last meeting.

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

The Consent Agenda was considered around 8:35 a.m.

MOTION: Dr. Meier moved for the Board to approve the items as listed under the Consent Agenda.

SECOND: Vice-Chairwoman Davis-Wilson

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse (one recusal noted in item 6.A. as referenced herein), 1-absent. MOTION PASSED.

A. APPROVAL OF MINUTES

- August 14-15, 2020 Regular Session Minutes
 - August 14, 2020 Executive Session Minutes
 - August 14, 2020 Executive Session Minutes
 - August 14, 2020 Executive Session Minutes
 - August 15, 2020 Executive Session Minutes
- Chairwoman Shreeve was recused from this item.*

B. EXECUTIVE DIRECTOR'S REPORT

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

Requesting Approval to Sit for Examination (EPPP) & Licensure

- 1) Antonia Marie Garcia, Ph.D.
- 2) Lizette A. Soriano, Psy.D.
- 3) Nicole Kemper, Psy.D.

Requesting Approval for Licensure by Waiver

- 1) Heather C. Young, Psy.D.
- 2) Spring Johnson, Psy.D.
- 3) Tamara Fisher, Psy.D. (PSY-T-000017)
- 4) Maria Grazia McFarland, Psy.D.

Requesting Approval for Licensure by Universal Recognition

- 1) Karen Kattar, Psy.D.
- 2) Katrina Joy Castro, Psy.D.
- 3) Kristina L. Moore, Psy.D.
- 4) Theron Michael Liddell, Ph.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Ariana Leone, M.A.
- 2) Carolina Zavala, M.Ed.
- 3) Kelsee Mullen, M.A.
- 4) Ryon Sellers, M.Ed.

E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST FOR REACTIVATION OF INACTIVE LICENSE FROM LEILANI OANA, PH.D.

TIMED ITEM – 9:00 a.m.

**7. INFORMAL INTERVIEW – LISA GALPER, PSY.D. – COMPLAINT NO. 20-27
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**

This item was considered around 9:32 a.m.

Dr. Caterino was recused from this matter.

Dr. Galper and Attorney David Dericksen participated in the virtual meeting during the Board's consideration of this matter. Complainant HB also participated in the virtual meeting.

Dr. Meier summarized the complaint which alleges Dr. Galper provided individual and group therapy to HB between May and December of 2019. HB further alleged several unethical concerns including disclosure of confidential information without authorization or release, consumption of alcohol during a session, boundary violations, recordkeeping issues, and unprofessionalism. The Complaint Screening Committee found potential violations of A.R.S. § 32-2601.16(h), (o), and (dd) as it pertains to sections 3.04 and 3.10 of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct. Dr. Galper maintained that her interactions with HB were professional. Records submitted for the Board's review were found to include discrepancies between the billing, written notes, and the electronic health record (EHR) that pertained to the same sessions. Dr. Galper stated at the Board's prior meeting that her intentions were to focus on HB's behavior rather than a specific diagnosis. Dr. Galper also reported that she has since changed her consent forms to include telehealth services.

Dr. Meier stated his concerns regarding the licensee's statements that coaching calls were not considered therapeutic, and stated he was concerned that the licensee's clients may not understand the treatment she is providing. Dr. Meier commented that based on his experience with the dialectical behavioral therapy (DBT) treatment model, coaching calls are considered therapy. Dr. Galper explained that while coaching calls may be part of the therapeutic process, it is not for long-term process issues and is for the task at hand to ensure the client's safety until their next session. Dr. Galper reported that she has utilized a consultation team since 2016 and that they meet every Friday morning. In response to Dr. Meier's questions regarding having a safety plan for telepsychology services, Dr. Galper stated that she has completed a number of continuing education credits and that she did not recall hearing of a safety plan for telepsychology. In terms of recordkeeping, Dr. Galper stated that she no longer withheld information from the EHR that she did not believe would be helpful, and that she keeps her notes in the patients' files. Dr. Galper reported that this process has been a great learning experience for her and that she has employed an individual who specializes in DBT treatment to assist her in her practice.

Dr. Mellott questioned the licensee regarding her training and educational background, and commented that licensees are responsible for staying up to date with current treatment standards. Dr. Galper stated that the additional training in recordkeeping has been helpful, and that she has read the APA's telepsychology rules. Dr. Mellott emphasized the need for licensees to stay up to date regarding the statutes and rules that regard telepsychology in the State of Arizona. Dr. Gill stated that he appreciated Dr. Galper's completion of additional training, and questioned her with regard to supervision. Dr. Galper stated that effective August of 2020, she has been supervised to monitor and ensure that what she has learned from this experience is being applied to her practice.

Dr. Bohanske noted that Dr. Galper has been in practice for twenty years, and stated his concerns regarding her responses to Dr. Mellott's line of questioning. Dr. Bohanske stated it appeared that Dr. Galper has yet to review the Arizona rules governing the practice of telepsychology. Dr. Bohanske also expressed concern regarding Dr. Galper receiving training from her supervisor in basic relationship skills with clients after being in practice for twenty years. Dr. Galper stated that she has received training in this area for the entire time that she has been a therapist, and that she sought the services of a supervisor to help her stay on top of her own awareness of reactions that she might be having with her clients to make sure she is taking the proper precautions. Dr. Galper also stated that she believed she had a good alliance with HB during her therapy and that she was not aware that there were issues until receiving notification of the Board's investigation. HB addressed the Board, and stated that she now understands that what they were doing was not DBT treatment. HB read from her prepared statement, and outlined a number of her statutory concerns regarding Dr. Galper's behavior and choice of treatment. HB acknowledged that the Board's concerns include a lack of documentation, treatment planning, assessment, and overall failure to meet the standard of care. However, HB stated her concerns included misrepresentations made by Dr. Galper about her character and described the relationship as abusive. HB indicated she was blamed and shamed by the licensee, and that Dr. Galper fabricated a diagnosis for her. HB stated that Dr. Galper is not contrite and has not taken responsibility in this case, and that the experience cost her time, money and pain. HB added that issues continue to emerge in this matter, including the licensee's failure to provide the client with her complete file.

Dr. Galper stated that this has been the most painful experience of her life, and that she honestly believed she and HB had a very good relationship. She stated that she spent over a year with HB doing what she believed was really good therapy in retrospect. Dr. Galper stated it is clear that HB has a different perspective of the therapy, and stated that she has never received this type of feedback from any individual in her career as a psychologist. Mr. Dericksen stated that Dr. Galper treated HB for a long period of time with no apparent issues between therapist and client. He stated that they provided the Board with a number of statements of members from the community who support Dr. Galper continuing to serve as a therapist and support her work. Mr. Dericksen questioned HB regarding the therapy notes and asked with which notes was she in disagreement.

MOTION: Dr. Meier moved for the Board to enter into Executive Session to discuss confidential medical 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: Chairwoman Shreeve, Vice-Chairwoman Davis-Wilson, Dr. Mellott, Dr. Bohanske, Dr. Davey, Dr. Gill, Ms. Laboy, and Dr. Meier. The following Board member was recused: Dr. Caterino. The following Board member was absent: Mr. Dynar.

VOTE: 8-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 11:00 a.m.

The Board returned to Open Session at 11:25 a.m.

No legal action was taken during Executive Session.

In response to questioning by Dr. Meier regarding statements that HB felt as though she could not leave the relationship with Dr. Galper, HB stated that the way Dr. Galper framed it to her was the only way for her to work through her issues was to stay in the therapeutic relationship. Mr. Dericksen stated that his client's position is that HB's lack of truthfulness during the therapeutic relationship affected the manner in which Dr. Galper was expected to conduct her therapy part of the relationship. Mr. Dericksen pointed out that HB referred other individuals to Dr. Galper for therapy during the time that she was undergoing therapy. Mr. Dericksen reiterated that Dr. Galper has learned from this experience and has implemented the help of a consultant to proceed with a better documentation process. He stated that Dr. Galper has admitted that her behavior with the client towards the end of the therapeutic relationship was

not professional.

Dr. Meier stated his concerns based on his review of the case, including a lack of informed consent for treatment, lack of a competent perspective on what treatment is or the treatment that she is attempting to provide, and stated that the licensee's use of irreverence is unprofessional and not what is meant in the DBT treatment model. Dr. Meier spoke in favor of sustaining violations of A.R.S. § 32-2601.16(o) and (dd) as it pertains to 3.04 and 3.10 of the APA ethics code.

Dr. Bohanske stated that he appreciated the licensee reviewing the APA guidelines and undergoing additional continuing education; however, he stated that it appeared that Dr. Galper to this day had still not reviewed the Arizona rules governing the practice of psychology in this State. Dr. Bohanske stated his concerns regarding whether the licensee grasped the practice of psychotherapy, and stated that shifting from a psychodynamic mode of practice to the technique mode such as DBT, there is a tremendous gap in understanding some of the very basic relational issues. Dr. Bohanske stated that the violations he identified in this case included lack of reliable competent well understood consents for treatment, lack of a reasonable safety plan, inadequate documentation, and lack of familiarity with the rules under which the licensee practices in Arizona. Dr. Bohanske stated that psychologists often appear before the Board with reports of a good reputation, and yet the Board still finds at times that there are major holes in how they practice. He recognized Dr. Galper's efforts to address the Board's concerns. Dr. Bohanske stated he was also concerned regarding the irregularities in documentation and billing. Additionally, Dr. Bohanske stated his concerns regarding the client's claim that she still had not received her complete records from Dr. Galper. Dr. Bohanske agreed with Dr. Meier's comments regarding the sustained statutory violations. The Board clarified that a violation of A.R.S. § 32-2601.16(h) was also sustained in this case.

The Board considered whether this matter rises to the level of a disciplinary sanction. Dr. Meier commented that he believed the conduct identified in this case warrants discipline in the form of a practice monitor and further education. Dr. Meier stated that he was very concerned that Dr. Galper was not familiar with the requirements under which she had been practicing for twenty years, and stated that a substantial amount of education is needed. The Board discussed requiring Dr. Galper to complete CE in informed consent, billing, telepsychology, DBT therapy and recordkeeping. The Board clarified that the CE already completed by the licensee would not count towards the hours required under the Board's Order.

MOTION: Dr. Meier moved for the Board to issue an Order for a minimum of One Year Probation to require a Board-approved Practice Monitor. The frequency for which the licensee is to meet with the Practice Monitor shall be twice a month, two hours per session. The Practice Monitor shall address the areas of concerns regarding billing, informed consent, proper use of diagnosis, the licensee's counter transference issues, and review of Arizona statutes and rules pertaining to the practice of psychology. The Practice Monitor shall submit quarterly reports to the Board. The licensee shall complete 30 hours of Board-approved CE in the areas of recordkeeping, informed consent, DBT therapy, telepsychology, and billing, and the hours shall be in addition to the CE credits required for license renewal. The licensee shall be responsible for all costs associated with the terms of Probation.

SECOND: Dr. Gill

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

VOTE: 8-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

Chairwoman Shreeve thanked the parties for participating in today's proceedings and stated that they will be contacted by the Board's Office.

TIMED ITEM – 10:00 a.m.

**8. INFORMAL INTERVIEW – SARETTE ZECHARIA, PH.D. – COMPLAINT NO. 20-35
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**

This item was considered around 12:00 p.m.

Dr. Zecharia and Attorney John Ager participated in the virtual meeting during the Board's consideration of this matter. Complainants RJ and JW also participated in the virtual meeting.

Chairwoman Shreeve summarized the complaint alleging that Dr. Zecharia provided inadequate supervision to a psychologist intern who was pending Arizona licensure. The psychologist intern, MW, provided counseling services to RJ and his fiancé JW as well as the minor son. The complainants alleged that MW had a conflict of interest in counseling RJ's ex-wife at the time she was seeing his fiancé JW given that they all came from the same sorority. The complainants alleged that MW wore a coat that identified her as a clinical psychologist when she was not, and that RJ thought he was being seen by a clinical psychologist. Billing concerns were also raised in that Dr. Zecharia's NPI number was used to bill for services provided by MW. The issues identified in this case involved a lack of written supervision agreement between Dr. Zecharia and MW, uncertainty whether the clients were aware of Dr. Zecharia and MW's roles in their treatment, and billing concerns. Dr. Zecharia reported voluntary completion of continuing education in supervision, and reached out to the billing vendor and insurance carriers informing them of the inappropriate billing. The Complaint Screening Committee found potential violations of A.R.S. § 32-2601.16(h), (k) relating to R4-26-209, and (dd) as it pertains to 7.06 and 10.02.

In response to Dr. Caterino's line of questioning, Dr. Zecharia confirmed that MW was hired as a psychologist associate, that she was not responsible for the billing practices of her previous employer, and that consent forms provided clients with information regarding the different roles of the providers. Dr. Zecharia stated that she never met the complainants and did not see any concerns in MW's notes regarding the therapies. She stated that she was not aware that MW was treating multiple family members as they did not all have the same last name. Dr. Zecharia explained that she has since hired an individual for billing in her private practice, and that she continues to train and learn about appropriate billing practices. Chairwoman Shreeve questioned the licensee regarding whether she was aware of MW's behaviors alleged by the complainants. Dr. Zecharia stated that the only behavior she could speak on involved the white lab coat displaying the title of psychologist. She stated that she informed MW that it was a misrepresentation of her title as she was not yet a licensed psychologist. Dr. Zecharia stated that she no longer supervises other providers with the exception of psychologist interns, and that consent forms have been updated to include treatment involving other family members as well as telehealth services.

Dr. Meier questioned whether the licensee maintained a supervision contract with MW. Dr. Zecharia stated that she did not, and explained that this was the first instance where she supervised someone without a supervision contract in place. She stated that she now knows better and that it will not happen again in the future. Dr. Zecharia stated she believed there was a difference between general supervision and direct supervision, and admitted that she did not maintain adequate documentation of the discussions that occurred during her supervision meetings with MW. Dr. Gill noted that Dr. Zecharia testified that she has completed training courses in supervision, and that such training courses would have emphasized that documentation is key to the provision of supervision. Dr. Zecharia confirmed that documentation was a topic covered in the training courses she attended around the time she was providing supervision for MW.

RJ addressed the Board and stated that he found it unfortunate and extremely disheartening that the licensee has learned her lesson at his and his family's expense. RJ stated that MW saw him, his sons DJ and RJJ, his ex-wife TJ, his fiancé JW, and his ex-wife's fiancé HC. He stated that MW and the office staff never

mentioned Dr. Zecharia to him, and that he has never met or spoken to her. RJ stated that MW is a fraud and that Dr. Zecharia failed to provide adequate supervision. He stated that Dr. Zecharia needed to take responsibility for her negligence and the pain she has caused. Mr. Ager stated that all parties can agree that MW was a rogue individual. He stated that Dr. Zecharia has demonstrated that she has taken responsibility in this matter and recognized that she is responsible for MW's conduct as her supervisor. Mr. Ager stated that Dr. Zecharia has not only been contrite, she has taken steps to ensure that the issues brought to light in this case have been addressed and will not affect her practice going forward. He asked the Board to consider issuing a non-disciplinary Letter of Concern to resolve the case.

Chairwoman Shreeve noted that the Board previously reviewed the matter involving MW, and stated that it was not clear that Dr. Zecharia was meeting with MW or that information was being received. Chairwoman Shreeve stated that the documentation and billing could have been better, and recognized that Dr. Zecharia has made efforts to rectify the billing concerns. The Board discussed that the current statutory framework relating to supervision does not provide guidance for supervising individuals who have already acquired the hours needed for licensure but have yet to obtain a license to practice psychology. Dr. Meier noted that Dr. Zecharia indicated she was providing supervision of an unlicensed professional, and he stated that she has professional responsibility for the care provided in this case. Dr. Meier stated his concerns regarding the lack of oversight of MW, and stated that there is no evidence to support that Dr. Zecharia provided any type of appropriate professional supervision. Dr. Bohanske opined that the standard of care required the psychologist to continue supervising the individual in the same manner as if they were completing postdoctoral training. He stated that the licensee had the ethical responsibility of supervising MW on a weekly basis. AAG Galvin confirmed for the Board that there are statutes that address a licensed psychologist's obligation to provide services necessary and that are safe to engage in activities that are professional by current standards. Dr. Meier noted that Dr. Zecharia signed off on MW's progress notes and billed for MW's services.

The Board discussed whether a violation of A.R.S. § 32-2601.16(o) was sustained in this case, and whether the licensee was provided sufficient notice that the Board would be considering possible violation of this statute during today's proceedings.

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. Mellott

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 1:18 p.m.

The Board returned to Open Session at 1:34 p.m.

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

Dr. Meier commented that the evidence in this case has established that Dr. Zecharia provided supervision for MW including the signing off on progress notes and being listed as the billing provider. Dr. Meier stated he found that a violation of A.R.S. § 32-2601.16(o) is supported in that Dr. Zecharia established responsibility for the services provided by MW. The Board also discussed whether a violation of A.R.S. § 32-2601.16(q) occurred in this case. The Board took a brief five minute recess to allow the licensee time to discuss with her counsel whether she would waive the notice requirements versus tabling the case to re-notice the licensee and return to the Board at a future meeting date. Dr. Davey departed from the virtual meeting during the Board's brief recess.

Upon returning to this matter, Mr. Ager informed the Board that Dr. Zecharia was willing to waive the notice requirements and proceed with final disposition of the case.

The Board found that Dr. Zecharia engaged in unprofessional conduct in this case in violation of A.R.S. § 32-2601.16(h) for billing for MW's services under her NPI and lack of documentation regarding supervision provided, 16(q) for failure to provide oversight of the services provided under her license. Dr. Meier spoke in favor of requiring a Practice Monitor to provide oversight of Dr. Zecharia's supervision and to assist the licensee in developing appropriate practice policies. Dr. Mellott spoke in favor of a Practice Monitor to ensure that Dr. Zecharia is applying her recently obtained CEs to her current practice.

MOTION: Dr. Meier moved for the Board to issue an Order for Six Month Probation to require a Board-approved Practice Monitor to review professional and financial records to include all records relating to supervision and billing practices, and develop policies and procedures relating to supervision. The frequency for which the licensee is to meet with the Practice Monitor shall be twice a month, two hours per session. The Practice Monitor shall provide the Board with a status update after six months.

SECOND: Dr. Bohanske

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

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

MOTION PASSED.

TIMED ITEM – 11:00 a.m.

9. INFORMAL INTERVIEW – SCOTT PADILLA, PSY.D. – COMPLAINT NO. 20-41 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

This matter was considered around 1:59 p.m.

Dr. Padilla participated in the virtual meeting during the Board's consideration of this matter. He stated that the past cannot be undone, and that he was responsible for maintaining appropriate boundaries and ethical standards with LD. He stated he was not aware that LD had attached to him, and that he thought he was helping her by being so accommodating. Dr. Padilla stated that he never tried to exploit or bring harm to his client, and that he now understands that boundaries and standards exist in order to protect himself as well as clients. He stated that he has taken corrective measures to improve his practice and that he meets regularly with his Practice Monitor.

Dr. Meier summarized that prior to obtaining licensure in Arizona, Dr. Padilla practiced psychology in Virginia from 2013 to 2018. The Board noted that Dr. Padilla provided individual services to LD from July 2014 to 2017. LD filed a complaint alleging that Dr. Padilla engaged in an inappropriate dual relationship with her throughout treatment that continued until she ended it in November of 2018. LD stated that she came forward and filed the complaint after hearing of other allegations made against the licensee that caused her to realize that her relationship with him was inappropriate, unethical and harmful. LD indicated that she expressed to Dr. Padilla on numerous occasions that she felt the therapy made her increasingly more dependent on him for comfort and a sense of security. The Board observed that as a result of a previous case, Dr. Padilla is currently subject to practice monitoring. The Complaint Screening Committee found potential violations of A.R.S. § 32-2601.16(e), (h), (o), and (dd) as it pertains to 3.04, 3.05, and 3.08. The Board noted that the Practice Monitor has submitted positive reports, and has made the recommendation for the Board to extend the period of Probation and supervision.

In response to Dr. Gill's questions, Dr. Padilla stated that he allowed LD to become attached to their therapy to a very strong degree, and admitted that he failed to establish and maintain appropriate boundaries to prevent such an attachment from occurring. Dr. Meier questioned the licensee as to whether his contact

with LD was sexual in nature. Dr. Meier noted that LD reported Dr. Padilla told her about dreams he had of her, had physical contact with her during sessions, and sent her “selfie” photographs. Dr. Padilla stated he did not recall having a specific conversation with LD regarding any dream he had, and explained that the physical contact happening during sessions was to help enforce with LD that there is such a thing as healthy touching. Dr. Padilla denied that the contact was ever sexual in nature, and stated that he did not recall sending LD selfies of himself topless during the time that she was in therapy.

Dr. Bohanske questioned whether the licensee has or is currently undergoing therapy. Dr. Padilla reported that he did see a therapist in Arizona in the past, but that practice monitoring is expensive and that has been his priority. He stated he found that the time spent with the Practice Monitor is somewhat therapeutic. Dr. Bohanske stated his concerns that the Practice Monitor should not be relied upon for therapeutic services, and asked the licensee why the Board should allow him to continue practicing psychology in Arizona. Dr. Padilla stated that he would like an opportunity to prove that he can perform appropriately and continue to help people. He stated that he felt as though so much growth has occurred throughout having gone through the Board’s processes and that he has worked really hard to remedy the Board’s concerns. Dr. Bohanske stated that he remained concerned with Dr. Padilla’s need to help, and stated that the role of a psychologist is to assist individuals with helping themselves by uncovering their own strengths and not become dependent on the therapist. Dr. Caterino stated her concerns regarding the allegation that Dr. Padilla consumed alcohol prior to sessions, and she stated that it appeared some of the comments made by Dr. Padilla may have exacerbated LD’s condition. Dr. Padilla stated he did not recall consuming alcohol prior to any therapy session. In response to further questioning by Dr. Caterino, Dr. Padilla stated that in retrospect, he recognizes that conversations of a personal nature were not in the best interest of the client.

LD addressed the Board and stated that the relationship she experienced with Dr. Padilla would have been traumatic for anyone. She stated that she was self-harming during the therapeutic relationship and that while the relationship was not sexual in nature, it was very confusing. LD stated that Dr. Padilla shared a lot of personal details with her about his relationships, dating, body piercings, and sexual preferences. LD clarified that Dr. Padilla was not diagnosed with cancer until after she terminated her three year therapeutic relationship with him. LD added that she was recently contacted by individuals who have indicated that they experienced similar situations with the licensee and planned to file complaints with the Board.

Dr. Meier stated that he appreciated LD’s perspective and stated his concerns that what LD reported is very different from Dr. Padilla’s testimony and statements. Dr. Meier stated that his concerns are consistent with what LD has reported, and pointed out that he questioned the licensee multiple times regarding whether there are additional clients with which he had a similar type of relationship and stated he was not convinced that more did not exist. Dr. Meier also stated his concerns regarding the licensee’s solo practice in light of the issues raised in the cases that have come before the Board.

MOTION: Chairwoman Shreeve 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. Meier

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

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

MOTION PASSED.

The Board entered into Executive Session at 3:09 p.m.

The Board returned to Open Session at 3:28 p.m.

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

Chairwoman Shreeve stated her concerns regarding Dr. Padilla’s behavior that occurred during the therapeutic relationship with LD. Dr. Meier spoke in support of license revocation and stated that this case involved more than just a lack of boundaries. Dr. Bohanske stated that the Board’s role is to protect the

public, and to determine whether an individual's behavior could be remediated through monitoring, further education, and/or therapy. Dr. Bohanske agreed with Dr. Meier's recommendation for license revocation.

MOTION: Dr. Meier moved for the Board to refer this matter to the Office of Administrative Hearings for a Formal Hearing for license revocation based on violations of A.R.S. § 32-2601.16(E), (H), (O), and (DD) as it pertains to 3.05.

SECOND: Dr. Bohanske

The Board observed that Dr. Padilla engaged in unprofessional conduct based on the complaint filed by LD and the licensee's own admissions made during this proceeding and other hearings related to this case.

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

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

MOTION PASSED.

The Board authorized AAG Galvin to enter settlement discussions regarding possible voluntary surrender of licensure in lieu of proceeding to Formal Hearing. Chairwoman Shreeve thanked the parties for participating in today's proceedings, and that they would be contacted by the Board's Office.

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

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO A REQUEST FOR REHEARING OR REVIEW OF COMPLAINT 20-14 FOR SHANNA SADEH, PH.D.

This item was considered around 3:42 p.m.

Dr. Caterino was recused from this item.

Dr. Sadeh and Attorney Mark Harrison participated in the virtual meeting during the Board's consideration of this matter.

Executive Director Herbst Paakkonen stated that at its June 5th meeting, the Board conducted an informal interview concerning Board case number 20-14, found that the licensee engaged in unprofessional conduct, and issued a disciplinary order for practice monitoring. Dr. Sadeh filed a timely appeal of the Board's decision in this matter and has requested rehearing or review of the complaint.

Mr. Harrison thanked the Board for their time and efforts. He stated that if the Board was not willing to set aside its Order in this matter, they request a rehearing based on reasons set forth in their 18-page motion. He stated that the DCS records previously requested regarding the mother could have some bearing on how the Board would view the complaint in this case. Mr. Harrison added that they believed the Board's Order did not include findings and conclusions supported by specific evidence in the record and the statute on which it is based.

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

SECOND: Vice-Chairwoman Davis-Wilson

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

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

MOTION PASSED.

The Board entered into Executive Session at 3:52 p.m.
The Board returned to Open Session at 4:08 p.m.
No legal action was taken by the Board during Executive Session.

AAG Galvin noted that the motion for rehearing is part of the public record, and that the attachments to the motion in this case were not redacted to protect patient confidentiality. The Board directed staff to seal the motion and attached exhibits as they were not properly redacted and should not be subject to disclosure.

Chairwoman Shreeve observed that Dr. Sadeh and her counsel previously mentioned the issue of potential immunity based on hearsay from the father's counsel as to what a judge had stated in an oral announcement during a court proceeding. Mr. Harrison clarified that they raised the issue of immunity and made an attempt to obtain something in writing from the court; however, he stated it has been very difficult to determine at what point the judge or court made such comments. Chairwoman Shreeve commented that the Board's Order in this case was consistent with action taken in similar matters by the Board in the past.

MOTION: Dr. Bohanske moved for the Board to deny the motion for rehearing or review.

SECOND: Vice-Chairwoman Davis-Wilson

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

VOTE: 6-yay, 0-nay, 1-abstain, 1-recuse, 2-absent.

MOTION PASSED.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING THE PSYCHOLOGIST APPLICATION FOR LICENSURE BY WAIVER FROM ELIZABETH LONDEN, PH.D.

This item was considered around 8:36 a.m.

Dr. Meier summarized that Dr. Londen's application for licensure by waiver was previously considered by the Board and the second recommendation letter had not yet been submitted to the Board. The Dr. Meier noted that the information has since been received and spoke in favor of approving the application.

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

SECOND: Dr. Caterino

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

This item was considered around 8:37 a.m.

Executive Director Herbst Paakkonen updated the Board that she spoke with the liaison to the development team, and that there is a project tracking tool being developed and that once finalized, the cost of the project can be reviewed. Thereafter, the Board can determine whether to proceed with ASET-ADOA or consider hiring an outside vendor to provide such a service.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO RECOMMENDATIONS OF THE LEGISLATIVE COMMITTEE

Only item d. was addressed. Items a.-c. and e. will be addressed on a future agenda.

- a. Reintroduce proposed revisions of HB2224 psychology board; licensure; fingerprinting filed in 2020
- b. Clarify A.R.S. §32-2081 Grounds for disciplinary action; duty to report; immunity; proceedings; board action; notice requirements; civil penalty at (1) and A.R.S. § 32-2091.09 Grounds for disciplinary action; duty to report; immunity; proceedings; board action; notice requirements; civil penalty at (E) allow for summary suspension consideration by the Board without requiring prior committee review
- c. Appointment of a work group to research and make recommendations concerning licensure exemption of school psychologists pursuant to A.R.S. §32-2075(A)
- d. Consider support request from the Arizona Psychological Association (AzPA): application for grant support from the American Psychological Association (APA) to pursue prescriptive authority for qualifying psychologists

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

Kristen Northup, Student, Midwestern University, Co-Chair, AzPA Prescriptive Authority Committee; Ryan House, Student, Midwestern University, Co-Chair, AzPA Prescriptive Authority Committee; and, Leo Caraballo, Psy.D., ABPPP – immediate past President, AzPA, participated in the virtual meeting during the Board’s consideration of this item.

Executive Director Herbst Paakkonen informed the Board that the Legislative Committee met on August 26th and one item on the Agenda involved a request from the AzPA relative to some support for an initiative for which they are seeking funding to pursue legislation for Arizona psychologists to have prescriptive authority.

Mr. House informed the Board that they had prepared a draft support letter and requested the Board consider signing off on it for them to apply for the grant funding from the APA. He explained that the funding would go directly to the AzPA and would be designated for legislative efforts.

MOTION: Chairwoman Shreeve 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. Gill

Dr. Bohanske noted that the grant funds will not cover all of AzPA’s expenses and that the AzPA has reported pursuit of other efforts to fund raise. He stated it is not the Board’s role to direct an association on how to spend their budget. Chairwoman Shreeve stated her concerns regarding the Board signing off on supporting the grant application.

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

VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 8:46 a.m.

The Board returned to Open Session at 9:10 a.m.
No legal action was taken by the Board during Executive Session.

The AzPA representatives explained to the Board that they this project started 1.5 years ago, and began with AzPA conducting its own research. The grant application was due today and their counsel had advised them to seek support from the Board prior to submission. AzPA's Legislative Committee drafted a letter of support that the representatives provided the Board for consideration and approval. Chairwoman Shreeve stated her concerns regarding the timing of the request and the fact that the Board has not had an opportunity to further review and discuss this topic.

Dr. Caraballo stated that the draft was prepared to give the Board some idea of what the support letter would look like, and stated that they were open to the Board modifying the language in the draft. Chairwoman Shreeve spoke in support of tabling approval of the draft and agendaizing this topic for further discussion at a future meeting. Dr. Mellott spoke in favor of modifying the draft language of the support letter to indicate that the Board has no objection to AzPA pursuing the grant funding without indicating that the Board is supporting potential legislation. Dr. Mellott noted that the Board in the past has supported prescriptive authority for Arizona psychologists. Dr. Meier agreed with Dr. Mellott's comments, and stated that the Board can support AzPA pursuing exploration of this topic by supporting them in seeking a grant. Dr. Bohanske also agreed with Dr. Mellott's comments, and stated that to not supply a letter would essentially indicate the Board's rejection. He stated that the Board should encourage these efforts in our State.

MOTION: Dr. Bohanske moved for the Board to draft a letter of support for the effort with clear indication that the Board would like to be involved in deciding whether to support prescriptive authority for Arizona psychologists when a Bill is produced and when the Board has had a chance to review and have a full discussion on the topic.

SECOND: Dr. Mellott

Chairwoman Shreeve spoke against the motion and reiterated her concerns regarding the Board supporting the grant without having first discussed the potential legislation component as well as concerns regarding the Arizona Open Meeting Law restricting the Board's ability to further expand the discussion during today's proceedings. Dr. Mellott suggested tabling this item and directing staff to draft a support letter for the Board to review and approve prior to adjourning today's session.

The Board returned to this item around 4:31 p.m.

The Board reviewed the draft prepared by staff. Dr. Meier spoke in favor of approving the letter.

MOTION: Dr. Bohanske moved for the Board to approve the draft letter of support and instructed the Executive Director to forward it to the AzPA for inclusion in the grant application.

SECOND: Dr. Meier

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

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

MOTION PASSED.

- e. Consider establishing Psychological Clinical Science Accreditation System (PCSAS) as a recognized accreditation entity for doctoral psychology education programs

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

15. NEW AGENDA ITEMS FOR FUTURE MEETINGS

This item was considered around 4:34 p.m.

Chairwoman Shreeve requested agendaizing for a future Board meeting a discussion topic related to further educating licensees regarding the Arizona rules and statutes pertaining to the practice of psychology.

Chairwoman Shreeve also requested agendaizing for a future Board meeting a discussion topic related to rules that would govern those individuals who have completed the supervision hours required for licensure, but have not yet obtained a license to practice as a psychologist in Arizona. The Board discussed the Legislative Committee and Committee on Behavioral Analysis to review this topic and make recommendations for the Board to consider at a future meeting.

16. ADJOURNMENT

MOTION: Dr. Meier moved for adjournment.

SECOND: Vice-Chairwoman Davis-Wilson

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board's meeting adjourned at 4:38 p.m.

Respectfully submitted,



Matt Meier, Psy.D.
Secretary