



Governor
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Arizona Board of Psychologist Examiners

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Jennifer Michaelsen, MPA

Committee on Behavior Analysts

MINUTES OF TELEPHONIC MEETING October 28, 2019 Scheduled at 9:30 a.m.

1740 W Adams Street
Conference Room C (1st Floor)
(Due to audio issues, the meeting was held in
1st floor conference room 1024)
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners Committee on Behavior Analysts was called to order by Chairman Davidson at 9:31 a.m. One Executive Session was held.

2. ROLL CALL

Committee Members Participating by Telephone

Daniel Davidson, Ph.D., BCBA-D, Chair
Diana Davis-Wilson, DBH, BCBA
Bryan Davey, Ph.D., BCBA-D
Paige Raetz, Ph.D., BCBA-D
Donald Stenhoff, Ph.D., BCBA-D

Staff Present

Jennifer Michaelsen – Interim Executive Director
Kathy Fowkes – Licensing Specialist

Attorney General's Office

Jeanne Galvin, Esq., A.A.G.

3. CALL TO THE PUBLIC

There were no requests to address the Committee.

4. APPROVAL OF MINUTES

A. September 27, 2019, Regular Session

Dr. Stenhoff and Dr. Raetz abstained from the approval of minutes.

MOTION: Dr. Davey moved to approve the minutes as amended. Dr. Davis-Wilson seconded.

VOICE VOTE: The motion carried 3-0.

**5. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING
RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR
ANALYST APPLICANTS**

A. Behavior Analyst Application for Licensure

1) Alicia Gutierrez, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

2) Allan Robert Smith, M.Ed.

Dr. Davidson invited Mr. Smith to provide a statement. Dr. Smith stated that the conduct he'd disclosed occurred during a brief period in his life and he has put the events behind him, and that he has had no further disciplinary actions or criminal charges since that time. He has served as the assistant principal at Arizona Autism Charter School for the past two years. He has continued to dedicate his work to helping individuals such as children in the school and in clinical settings as he completed his supervised hours. Dr. Davey proceeded with a summary of the application, The application raises a few questions. Questions 9 and 10 he indicated he has had a license, certification or registration denied, answered Yes to the question regarding action in another regulation or jurisdiction, and Yes to the question regarding criminal charges. Mr. Smith has had some incidents both personally and professionally in the past, but it is clear that in the last two years he has been working hard to stay on the straight and narrow, working towards his master's degree and certification in Behavior Analysis since. However, there appears to be some inaccuracies in his statements and the police record in the 2014 criminal charge which was dismissed in September 2015 after completing a diversion program. Also, there are some questions about the timeline regarding the 2012 very personal matter that occurred inside his home. Dr. Davey pointed out that Mr. Smith has a current fingerprint clearance card and was denied certification by the Arizona Department of Education (AZED) in December 2015.

Mr. Smith stated that the criminal charge was settled in September 2015, so it's been four years that he has kept on the "straight and narrow" as Dr. Davey put it. Mr. Smith stated he did in fact tell the officer that the marijuana in the car was not his, but the officer told him that since the rental car was in his name, he was responsible for the marijuana in the car. When he tried to get his uncle to take ownership of the marijuana, his uncle attempted to stab him. Mr. Smith stated he had to call the police and get a restraining order against his uncle as a result. He stated that the public defender told him the same thing – that he was going to get the charge since the car was in his name – so he took the plea deal instead of fighting it. Mr. Smith stated that he did not intend to indicate he was home at the time of his brother's suicide; he was at work and had rushed home as soon as he was told. In 2015, AZED denied his application for certification not only because of the marijuana charge, but because he had a medical marijuana card and they considered it behavior unbecoming of a school administrator. They initially granted certification both times, but ultimately denied it for the same reasons. He stated that ever since he has made sure he was working, maintaining a positive lifestyle and image, and he doesn't want to be judged by his behavior during the most tragic time in his life. These incidents have taught him to be more responsible with personal and professional endeavors. It was four years ago and he's been on the straight and narrow, so to speak, ever since.

Dr. Davis-Wilson asked for clarification, Mr. Smith was able to get his fingerprint clearance card but he could not get his certification with AZED. Mr. Smith explained that the denial means he cannot apply for certification for five years. He found this out when he applied and was given certification last year, but then halfway through the semester AZED rescinded it due to the 5 year wait to apply after a denial, which caused him to lose his job. Ms. Galvin asked Mr. Smith if he

had provided documentation regarding the certification and that it was rescinded. Mr. Smith said he didn't because he thought it was all part of the same denial. Mr. Smith offered to send all that information today. Ms. Galvin asked him where he was employed at the time. Mr. Smith stated he had been employed at Sequoia Pathway.

Dr. Davis Wilson moved to go into Executive Session for legal advice. Dr. Stenhoff seconded. The Committee entered Executive Session for legal advice at 9:52 am and returned to Open Session at 10:13 a.m.

MOTION: Dr. Davey suggested requesting additional information so that the Committee can fully understand the state of his well-being, including his current status regarding prescription medications for underlying health issues as a result of incidents already described, if there is a current medical marijuana card, and information about ongoing therapy. Dr. Davis-Wilson added a friendly amendment to request documentation regarding the approval and retraction of the AZED certification, and his termination or departure from Sequoia Pathway, to which Dr. Davey agreed. Dr. Davis-Wilson seconded.

Mr. Smith stated he completed his counseling in 2012, and there hasn't been any reason for ongoing for seven years. He is happy to provide documentation regarding the AZED certification and retraction. Dr. Davis-Wilson explained that because there wasn't documentation in the file that demonstrates that you are no longer receiving counseling, they are looking for it. Mr. Smith stated that he is not taking prescriptions except his medical marijuana card. Mr. Smith expressed concern that the treatment he received after his brother's death was being held against him and it was seven years ago and no longer a factor. He does not want it to stigmatize him for the rest of his career. He said he is willing to be up front about everything and that he has nothing to hide. The Committee stated that they understood. Dr. Davidson apologized for letting a confidential matter slip.

Dr. Davis-Wilson stated that their role is to determine today if someone is safe to practice. At the end of the day, it is their job to do their due diligence to gather all of the facts so that the Committee can be clear in their decision. Mr. Smith stated he understood that. He had felt that the discussion was going down the same road as with AZED, and he would like to put all this behind him and move forward. Dr. Davidson expressed that he was deeply sorry for his loss. He also stated Mr. Smith separated himself from his uncle, he completed the diversion program several years ago, completed his counseling, his fingerprint clearance card was restored.

VOICE VOTE: The motion carried 5-0.

3) Brittany Nicole Barkus, M.S.

Dr. Stenhoff recused from reviewing this application. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

4) Brittney Ceballos, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

5) Cierra Miller, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that there was an omission for Ms. Miller's behavior analytic course work on

her application and the official transcript for this course work was not received. The Committee also noted that the start date of supervised experience was prior to the start date at Northern Arizona University (NAU), the only school listed on her application which does not meet the requirement of A.A.C. R4-26-404.2(C)(1). The Committee agreed that this may likely be cleared up once the behavior analytic coursework transcript is received. Dr. Davis-Wilson noted that there was an indications of a transfer of credits from the Florida Institute of Technology (FIT) on her NAU transcript. The Committee made a request for a correction to the application page and the official transcript from FIT and tabled the application until the additional materials were received.

6) Jessica Nicole (Boggs) Vedder, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

7) Katelyn Paige Brown, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

8) Landy Barwick, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

9) LaQuisha S. Moore, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. However, the Committee noted that the supervisor answered Yes to question 11. The Committee directed staff to contact the supervisor to determine if this was an accurate answer to the question. If it is a typo, and the answer is corrected by the supervisor, it was the consensus of the Committee to forward the application to the Board for approval of licensure.

10) Leticia Lomeli, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. However, the Committee noted that the matriculation date and graduation date are listed as the same on the application. Her transcript indicates that she started in 2016. It was the consensus of the Committee to forward the application to the Board for approval for licensure contingent on correction of the matriculation date.

11) Lysbeth Puente, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. However, her matriculation date listed on the application is a date chronologically after the graduation date listed. Her transcript indicates her master's program began in Fall 2017. It was the consensus of the Committee to forward the application to the Board for approval of licensure contingent on correction of the matriculation date.

12) Morgan B. Davis, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

13) Remington N. Miller, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

14) Stephanie Bakazan, M.S.

Dr. Stenhoff recused from reviewing this application. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. However, proof of licensure and BCBA certification was not included. The Committee reminded staff to provide these documents for each supervisor listed in the application, even if verification was not sent in from that provider. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

15) Talia L. Davis, M.S.

Dr. Stenhoff recused from reviewing this application. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

16) Todd Hooe, Ph.D.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. It was the consensus of the Committee to forward the application to the Board for approval of licensure.

MOTION: Dr. Davis-Wilson moved to forward the applications of Alicia Gutierrez, M.Ed., Brittany Nicole Barkus, M.S., Brittney Ceballos, M.Ed., Jessica Nicole (Boggs) Vedder, M.A., Katelyn Paige Brown, M.Ed., Landy Barwick, M.Ed., LaQuisha S. Moore, M.Ed., Leticia Lomeli, M.S., Lysbeth Puente, M.Ed., Morgan B. Davis, M.S., Remington N. Miller, M.Ed., Stephanie Bakazan, M.S., Talia L. Davis, M.S., and Todd Hooe, Ph.D. for approval of licensure contingent on corrections for LaQuisha Moore, M.Ed., Leticia Lomeli, M.S., Lysbeth Puente, M.Ed. and Stephanie Bakazan, M.S. as noted above, and requests for additional information as noted above for Allan Robert Smith, M.Ed. and Cierra Miller, M.Ed. Dr. Davey seconded.

VOICE VOTE: The motion carried 4-0 for the applications of Brittany Nicole Barkus, M.S., Stephanie Bakazan, M.S., and Talia L. Davis, M.S. with Dr. Stenhoff recused, and 5-0 for all remaining applications.

6. STATUS UPDATE REGARDING PROCESS TO FILL THE EXECUTIVE DIRECTOR POSITION

Ms. Michaelsen reported that the Board conducted interviews with three candidates on October 23, 2019, selected Heidi Herbst Paakkonen, and she has accepted the Board's offer/ She is currently in the process of completing the rest of the hiring process. A start date has not yet been determined. The Committee thanked Ms. Michaelsen for her assistance on the hiring committee.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ELECTION OF 2020 COMMITTEE CHAIR

Ms. Michaelsen stated that she had requested for the committee members to contact her with nominations or if they were interested in running for committee chair. She reported that she received one email from Dr. Davis-Wilson nominated Dr. Davidson, and one from Dr. Davidson stating he would not have hurt feelings if someone else wanted to run for the position.

MOTION: Dr. Davis-Wilson moved to elect Dr. Davidson to chair the committee for 2020. Dr. Stenhoff seconded.

VOICE VOTE: The motion carried 5-0.

Dr. Davidson thanked the Committee for the vote of confidence, and the committee members thanked Dr. Davidson for his hard work and willingness to serve.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CE AUDIT UPDATE

A. Dr. Raetz reported that Dr. Bullara submitted the CEUs as requested and meets the CE requirement for the audited renewal period.

B. Dr. Davis-Wilson reported that Mr. Craighead submitted the CEUs as requested and meets the CE requirement for the audited renewal period.

Dr. Davis-Wilson pointed out that staff had difficulty with reaching Mr. Craighead, which illustrates how important it is for licensees to maintain current contact information with the Board. The Committee asked staff what options they had to hold a licensee responsible for not maintaining current contact information with the Board. Staff explained that the Committee can recommend for the Board to open a complaint. If the Board opens a complaint, it can then adjudicate by assessing a civil penalty. The Staff informed the Committee that failure of licensees to keep Boards up to date with contact information is a common problem with every Board.

MOTION: Dr. Stenhoff moved to recommend for a finding of compliance with the CE Audit for Dr. Bullara and Mr. Craighead. Dr. Raetz seconded.

VOICE VOTE: The motion carried 5-0.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE UNIVERSAL RECOGNITION STATUTE (A.R.S. § 32-4302).

Dr. Davis-Wilson stated that the Committee has reviewed only two behavior analyst applications for universal recognition, but the Board office has received more psychologist universal recognition applications. Jeanne reported that there were seven on the Application Review Committee agenda this morning and all of them were forwarded to the Board for approval. Jeanne reported that one applicant had previously been denied by the Board and due to the retention schedule, her file had been destroyed. There were no current grounds to deny. Ms. Fowkes reported that the Board had denied her application in 2005 due to the fact that her doctoral program was not regionally accredited. The requirements by the Board are set forth to protect the public, and this is an example of how some applicants are using the universal application as a way around the requirements, which is concerning. This one stands out, but there may be others we don't even realize.

10. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Dr. Davey requested an item regarding a policy change by AHCCCS that affects behavior analysts. The Committee directed staff to make a public records request for the public comments AHCCCS received regarding the policy change and to place it on a future agenda for discussion. Dr. Davey said he would send a copy of the policy change.

Dr. Davidson informed staff that he would not be available to review and approve the requests for additional information for the next week. He asked Dr. Raetz if she would be willing to review and approve the letters for this meeting, and Dr. Raetz agreed.

11. ADJOURNMENT

There being no further business to come before the Committee, Dr. Raetz made a motion, seconded by Dr. Davis-Wilson to adjourn the meeting. The motion carried 5-0. The meeting was adjourned at 11:36 a.m.