

Board Members

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Daniel Larson



**State of Arizona
Board of Psychologist Examiners**

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Executive Director

Meghan B. Hinckley
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**TELEPHONE CONFERENCE CALL
Friday, March 5, 2010**

1400 W. Washington, Ste. 235
Phoenix, Arizona 85007

REGULAR SESSION MINUTES

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Mellott at 7:51 a.m. on Friday, March 5, 2010. No Executive Sessions were held.

- Introduction of Board Member – Bob Bohanske, Ph.D. – Chairman Mellott opened the meeting by welcoming new Board member, Dr. Bob Bohanske. Dr. Bohanske is currently Chief of Clinical Services and Clinical Training at Southwest Behavioral Health Services. He received his Doctor of Philosophy degree in Rehabilitation Psychology from the University of Arizona. Chairman Mellott noted that Dr. Bohanske is filling the position vacated by Dr. Gary Lovejoy.

2. ROLL CALL

Board Members Participating by Telephone

Ramona N. Mellott, Ph.D. – Chairperson
Frederick S. Wechsler, Psy.D., ABPP – Secretary
Bob Bohanske, Ph.D.
Janice K. Brundage, Ph.D.
Megan Hunter-Williams
Daniel Larson
Fred Wiggins, Ph.D.

Staff Present

Dr. Cindy Olvey, Executive Director
Meghan B. Hinckley, Deputy Director

Attorney General’s Office

Jeanne Galvin, Assistant Attorney General

Goodman Schwartz Public Affairs

Stuart Goodman (8 :05 a.m. to 8 :43 a.m.)

Board Members Not In Attendance

Cheryl L. Karp, Ph.D. – Vice-Chairperson
Joseph Donaldson

3. 7:50 A.M. – CALL TO THE PUBLIC

Dr. Mellott announced the Call to the Public at 7:56 a.m. There were no requests to speak.

4. DISCUSSION, DECISION REGARDING APPROVAL OF APPLICANTS:

➤ Requesting Examination & Licensure

Dr. Wechsler made a motion, seconded by Dr. Brundage, and unanimously carried (7-0), that the following applicants, having met the requirements of A.R.S. § 32-2071, be approved to sit for the Examination for Professional Practice in Psychology (EPPP), and receive licensure upon obtaining a passing score on the EPPP and paying the prorated license fee:

- Stacey Anderson Taouil, Psy.D.
- Rima Kaspar-Dolhoff, Ph.D.
- Josh C. Rubin, Psy.D.

5. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING DRAFT SUBSTANTIVE POLICY STATEMENT ON WRITTEN TRAINING PLAN REQUIRED FOR SUPERVISED PREINTERNSHIP EXPERIENCE

Ms. Hinckley reviewed the changes that the Board previously requested in the substantive policy statement and requested further direction from Board members. Chairman Mellott commented that the current policy statement could be problematic for those graduate training programs and applicants from other states, but noted that it does not preclude them from applying for licensure. After deliberation, Dr. Brundage made a motion, seconded by Dr. Wechsler, to approve the substantive policy statement on the written training plan required for supervised preinternship experience as drafted and directed staff to submit the policy statement to the Secretary of State for publishing. The motion carried (7-0).

6. DISCUSSION CONSIDERATION AND POSSIBLE ACTION REGARDING HB 2545

Mr. Goodman joined the meeting via telephone at 8:05 a.m. and summarized House Bill (HB) 2545 for Board members. Mr. Goodman stated that HB 2545, sponsored by Rep. Heinz, included all health related Boards, and would require that any dismissed complaints on a licensee's record would not be disclosed to the public. In the bill as currently written, dismissed complaints are defined as those for which the Board does not issue a disciplinary or non-disciplinary order against a licensee. Mr. Goodman noted that the Arizona Medical Board already has this statutorily in place, and does not report any dismissed complaints to the public. Mr. Goodman reports that there is discussion to modify the language of the bill to include non-disciplinary actions, such as the non-disciplinary board orders for CE and Letters of Concern, for non-disclosure, but as the language stands, the bill applies only to dismissed complaints. At this time, Mr. Goodman asked for the Board's input and stance regarding then bill.

Dr. Mellott, Dr. Brundage, and Dr. Wechsler expressed support of HB 2545 as it stands. Dr. Wechsler commented the proposed legislation may not go far enough in that most insurance panels and credentialing agencies usually ask licensees if they have been in front of a board for investigation, whatever the resolution. Professionals have to explain the action for the rest of their careers.

Dr. Wechsler asked Mr. Goodman for clarification regarding whether the proposed legislation addresses non-disciplinary action. Mr. Goodman responded that the bill as currently written does not address non-disciplinary or disciplinary orders. With respect to non-disciplinary orders, Mr. Goodman further clarified that if the Board cannot say "nothing happened," the complaint would not be considered dismissed as currently defined in the bill.

Mr. Goodman asked the Board for guidance regarding the bill as written as well as guidance in the event the bill is amended to indicate that non-disciplinary actions would taken away from the public view.

Since the bill may be considered by the legislation prior to the next Board meeting, the Board provided guidance in the event that additional proposed amendments arise during the legislative process regarding non-disciplinary action and/or length of time information should be made available to the public. Dr. Bohanske expressed that he agreed with Dr. Wechsler that Letters of Concern should be made available to the public. Dr. Wiggins agreed indicating that it is the Board's responsibility to let the public know something happened. Dr. Mellott asked each Board member to express support or no support for Letters of Concern, while non-disciplinary in nature, to remain public record. All Board members verbalized support for Letters of Concern remaining part of the public records.

Board members expressed concern that a non-disciplinary continuing education may be perceived by the public as disciplinary action. Rather, Board members expressed that non-disciplinary continuing education is a positive developmental activity and would not want to contribute to the perception that it is a disciplinary action. Mr. Goodman also clarified that a previous amendment to the bill specified the number of years records would be available to the public. Board members discussed the implications of prescribing time frames records should be available to the public. Dr. Wechsler made a motion seconded by Dr. Bohanske that there be public access to a non-disciplinary continuing education order until such time the Board believes it to be appropriate to remove the order. Motion carried unanimously (7-0).

Dr. Mellott asked for clarification regarding time frames for non-disciplinary orders of continuing education since the Board would like discretion in determining the length of time these orders are available to the public. Mr. Goodman asked if the language read something like "disclose up to 10 years," that would give the Board the discretion it seeks. Dr. Mellott responded affirmatively.

Ms. Galvin expressed that the Board has not provided its position on the initial question regarding whether complaints that are dismissed should not be made available to the public. The Board agreed that dismissed complaints as defined, not be made available to the public. Dr. Wechsler made a motion seconded by Dr. Bohanske to support the bill as currently written. The motion carried unanimously (7-0).

Dr. Mellott directed Board staff to prepare a letter for Dr. Mellott's review, addressed to Mr. Goodman confirming the Board's position on HB 2545 as well as the guidance provided by the Board regarding non-disciplinary actions in the event the bill is amended.

7. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING REQUEST BY DR. JEAN HODGSON FOR EXTENSION ON SECOND SUBPOENA

Dr. Jean Hodgson joined the teleconference at 8:15 a.m.

Dr. Olvey summarized a chronological timeline of events regarding Dr. Hodgson's second subpoena and noted that the matter was before the Board to consider Dr. Hodgson's request for a second extension of time.

Ms. Hinckley took roll call confirming that Board members received and read the letter from Dr. Hodgson dated March 1, 2010 and the email dated February 20, 2010. All Board members present confirmed that they had received and read both the letter and email from Dr. Hodgson.

Chairperson Mellott invited Dr. Hodgson to make a brief statement of any new information, emphasizing that Board members were familiar with all the materials she had submitted.

Dr. Hodgson stated that she submitted client records for 2007-2008 to the Board and is working on her response to the second Request for Investigation. Further, she has rescheduled the installation of her floor

covering in her house so that she has access to her computer. She commented that she started a new job and has difficulty accessing her storage compartment where older client records are located behind the furniture. She expressed she is making her best effort to provide the records. She stated it will take time to type and copy all of the records; the early notes were copious. In addition, she expressed she is not stalling or delaying and never was; there is no advantage to delaying. Further, she is anxious to get this over with. Dr. Hodgson expressed she is breaking her promise of confidentiality to her client. Moreover, she has never been non-compliant and stated there was no subpoena in December. She reiterated information provided in her materials regarding the chronology of events. She stated that records were subpoenaed after the Complaint Screening Committee. The subpoena requested detailed records that were not accessible, if they are still available. Dr. Mellott reminded Dr. Hodgson to provide only new information.

Dr. Brundage noted for the record that information conveyed by Dr. Hodgson is repetitive. Dr. Hodgson continued and stated that she submitted a petition and it is her right to do so; it is illegal to punish someone for exercising her rights to question the relevance of the subpoena. Moreover, her attorney said that the Board saying she is non-compliant is absurd and she finds it is incomprehensible. Dr. Hodgson continued.

Dr. Brundage stated that Dr. Hodgson continues to refer to her attorney and acknowledged that there has been some question that she has legal representation. Ms. Galvin indicated that Dr. Hodgson's representation by an attorney is not relevant at this time regarding the question before the Board, which is whether or not the Board will grant Dr. Hodgson an extension for compliance with the second subpoena; the time for compliance has already passed.

Dr. Brundage expressed that she was part of the Complaint Screening Committee that initially addressed the issue of records and she does not support an extension. Dr. Wechsler agreed with Dr. Brundage's position indicating that it is prudent, if a subpoena is not quashed, to have the records available immediately. Further, it appears little was done to secure the records during the time the request to quash the subpoena was in process. Mr. Larson agreed indicating that additional time was requested and passed; additional documentation should have been produced and he does not see "good faith" shown. Dr. Wechsler stated that the records need to be produced as soon as possible.

Ms. Galvin indicated that it appears the Board is leaning toward not granting an extension on the second subpoena. Some records have been provided from 2007 and 2008, but it appears additional older records that have not been provided. Ms. Galvin recommended that at the next Board meeting, if the Board decides not to grant the extension, the Board will be provided with what documentation she has provided, and can determine whether she complied with the subpoena. If Dr. Hodgson has not complied by the April 30, 2010 meeting, the Board may decide whether to open an additional Request for Investigation at that time. Ms. Galvin reiterated that the time for compliance with the second subpoena has passed. Dr. Mellott requested clarification that the Board would not determine compliance until the April 30, 2010 meeting. Ms. Galvin responded that the Board does not know at this time whether Dr. Hodgson has complied with the subpoena. Further, the Board knows that partial records have been provided, which were late; the Board still does not have the additional records requested and the time has passed. The Board would have additional information at the April 30 meeting and could move forward at that time.

Dr. Brundage made a motion, seconded by Dr. Wiggins, that the time has past and that Dr. Hodgson's request for an extension of time on the second subpoena be denied. The motion carried unanimously on a roll call vote (7-0).

8. NEW AGENDA ITEMS FOR FUTURE BOARD MEETINGS

Board members had no further items for future meeting agendas at this time.

9. ADJOURN

There being no further business to come before the Board, a motion was made by Dr. Wechsler, seconded by Dr. Bohanske, to adjourn the meeting at 9:00 a.m. The motion carried (7-0).

Respectfully submitted,

Frederick S. Wechsler, Psy.D., ABPP
Secretary