

Board Members

Ramona N. Mellott, Ph.D.
Chairperson
Cheryl L. Karp, Ph.D.
Vice-Chairperson
Frederick S. Wechsler, Psy.D. ABPP
Secretary
Bob Bohanske, Ph.D.
Janice K. Brundage, Ph.D.
John P. DiBacco, Ph.D.
Joseph C. Donaldson
Megan Hunter-Williams
Daniel Larson



**State of Arizona
Board of Psychologist Examiners**

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Dr. Cindy Olvey
Executive Director

Meghan B. Hinckley
Deputy Director

Heather Duracinski
Administrative Assistant

REGULAR SESSION MINUTES

April 30, 2010

1700 West Washington
Third Floor Conference Room, #312
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Mellott at 8:33 a.m. on April 30, 2010. Two Executive Sessions were held at 11:32 a.m. and 2:39 p.m.

2. ROLL CALL

Board Members Present

Ramona N. Mellott, Ph.D. - Chairperson
Cheryl L. Karp, Ph.D. - Vice-Chairperson
Frederick S. Wechsler, Psy.D. – Secretary
Bob Bohanske, Ph.D.
Janice K. Brundage, Ph.D.
John P. DiBacco, Ph.D.
Megan Hunter-Williams
Daniel Larson

Staff Present

Dr. Cindy Olvey, Executive Director
Meghan B. Hinckley, Deputy Director
Heather Duracinski, Administrative Asst.

Attorney General’s Office

Jeanne Galvin, Esq.
Assistant Attorney General

Board Members Absent

Joseph C. Donaldson

3. REMARKS/ANNOUNCEMENTS

- **CE Documentation** - Chairperson Mellott announced that licensees could receive Continuing Education (CE) credits in Ethics for their attendance at Board meetings. Chairperson Mellott explained that, in order to obtain credit, licensees must register on the CE roster, complete the three page CE record form, have the first page signed and stamped with the validation stamp, keep the first page, and submit the remaining pages to a Board staff member, who will stamp the CE validation form. Licensees are eligible to receive two credits for attending the morning or afternoon session, and four credits for attending both the morning and afternoon section.

- **Board Assessment Forms** - Chairperson Mellott announced to members of the public audience that the Board appreciates feedback regarding meetings. Chairperson Mellott encouraged members of the audience to complete a Board Meeting Assessment Survey and place completed surveys in the box outside the Board room.
- **Board Member and Staff Appreciation** - Chairperson Mellott thanked Board staff for their dedication and hard work. Chairperson Mellott also thanked the Board members for all of their hard work on the various committees including the Complaint Screening Committee and the Applications Review Committee.
- **Introduction of New Board Members**

Bob Bohanske, Ph.D.

John P. DiBacco, Ph.D.

4. CALL TO THE PUBLIC

Chairperson Mellott gave the public the opportunity to address the Board at this time. Ms. Hinckley reported that there were no requests to speak from the public at this time.

CONSENT AGENDA (Items 5 -8)

Following review and discussion, Dr. Bohanske made a motion, seconded by Dr. Brundage, to accept and approve items on the consent agenda. The motion carried (8-0) with Dr. Brundage recused in the matter of Jennifer Dvoskin Psy.D., and Dr. DiBacco recused from item # 5.

5. APPROVAL OF MINUTES

- Regular Session – March 5, 2010

6. APPLICATIONS

- **REQUESTING APPROVAL OF EXAM**
Tina Ayers, Psy.D.
Stefanie Kool, Psy.D.
- **REQUESTING APPROVAL OF EXAM & LICENSURE**
Jennifer Dvoskin, Psy.D.
Rachel Porter, Psy.D.
Holly Reich, Psy.D.
- **REQUESTING APPROVAL OF LICENSURE BY WAIVER**
Colin R. Joseph, Ph.D.
John Tsanadis, Ph.D.

7. ACTION REGARDING APPLICATION QUESTION #36

8. KOREY HAWKINS, PH.D. REQUEST FOR EXTENSION OF TIME TO TAKE EPPP

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING SETTLEMENT AGREEMENT OFFERED BY DR. KIMI WRIGHT IN RFI NO. 09-31

Ms. Galvin reported that, after the February 2, 2010 Board meeting, Dr. Wright and her counsel, Ms. Debra Hill, approached Board staff about the possibility of entering into a Consent Agreement in lieu of proceeding with the Informal Interview in RFI No. 09-31. Ms. Hill drafted a Consent Agreement and Decree of Censure for the Board's consideration relating to Dr. Wright's violation of A.R.S. §

32-2061(A)(13)(o) for providing services that are unnecessary or unsafe when Dr. Wright proffered a diagnosis of the mother in court documents without performing an evaluation her. The Consent Agreement also called for completion of eight hours of continuing education in the subject matter of Ethics, which Dr. Wright completed March 18, 2010. In addition, Dr. Wright and her counsel requested that she be issued a Letter of Concern regarding Dr. Wright's entering into a multiple relationship role when she counseled both the daughter and stepbrother of the same family and for Dr. Wright's failure to report the DUI arrest and charge on her 2009-2011 Application for License Renewal. Ms. Galvin stated that a draft Letter of Concern was in with Board materials for their review and possible acceptance in this matter.

Dr. Wright was present and represented by her counsel, Ms. Debra Hill. Ms. Hill made a brief presentation and noted she could answer any questions or Board member suggestions regarding the settlement agreement.

Dr. Wechsler stated that he would like to amend the proposed Consent Agreement to add a violation of A.R.S. §32-2061(A)(13)(dd) pursuant to the APA Ethics code 9.01(a) for Dr. Wright's proffering a diagnosis of the mother in the court documents.

Ms. Galvin also added that it would be appropriate, since the Board is issuing a Letter of Concern, to include this action in the Consent Agreement.

Dr. Karp made a motion, seconded by Dr. Wechsler, to accept the settlement agreement put forth by Ms. Hill and Dr. Wright, with the modifications added, in lieu of proceeding with the informal interview in RFI No. 09-31. The motion carried (8-0).

10. 9:00 A.M. – INFORMAL INTERVIEW – KIMI WRIGHT, PH.D. RFI NO. 09-31

Dr. Wechsler made a motion, seconded by Dr. Brundage, to vacate the Informal Interview scheduled for Dr. Kimi Wright due to the Board's acceptance of her settlement offer. The motion carried (8-0).

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO THE MOTION TO ASSOCIATE PRO HAC VICE, CLAIRE E. COCHRAN IN THE MATTER OF T-10-12 MARINA BUSBY

Ms. Galvin reported that Ms. Cochran, an attorney from California, was requesting to represent Ms. Busby pro hac vice, in the matter of T-10-12. Pursuant to A.A.C. R4-26-304 "An attorney who is not a member of the Arizona State Bar shall not represent a party before the Board unless the attorney is admitted to practice *pro hac vice* before the Board under Rule 38(a) of the Arizona Rules of the Supreme Court." Ms. Galvin reported she had read and reviewed all documentation submitted by Ms. Cochran to the State Bar and the Board and feels everything is in order for her to be able to represent Ms. Busby.

Dr. DiBacco made a motion, seconded by Dr. Brundage, to allow Ms. Cochran to represent Ms. Busby pro hac vice pursuant to her admission to the State Bar under Rule 38(a) of the Arizona Rules of the Supreme Court. The motion carried (8-0).

12. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INVESTIGATIONS:

- a. **Marina Busby – T-10-12:** Ms. Duracinski summarized the case and the allegations that Ms. Busby was practicing psychology without a license and practicing outside of the scope of her expertise as a dyslexia specialist. Ms. Busby was present and represented pro hac vice, by her counsel, Ms. Cochran. Ms. Cochran made a brief statement on behalf of her client. After

discussion, it was the consensus of the Board that Ms. Busby should be more cautious when report writing that she does not make psychological diagnoses of her clients and be cognizant of the clientele she serves in that parents are eager to help their struggling children and often may read more into a report than is stated. Ms. Busby noted that many of her reports come from a template that is provided to her by the corporation that certified her. Dr. Wechsler requested she carefully review those templates for any indication or inferences of diagnoses of her clients. Ms. Busby and her counsel noted that they would consider all the information discussed and deliberated by Board members and revise the templates to eliminate any indications of diagnoses of psychological disorders. Dr. Wechsler made a motion, seconded by Ms. Hunter-Williams to close this matter. The motion carried (7-0) with Mr. Larson abstaining.

- b. **Jean Hodgson, Ed.D. – RFI No. 09-39:** Dr. Brundage summarized the case and stated that the complainant alleges that Dr. Hodgson entered into a business relationship with him while still counseling his daughter. In addition, Dr. Hodgson failed to submit client records requested by the Board for the investigation stating she had recently destroyed them. Dr. Brundage also noted that RFI No. 09-39 and RFI No. 10-07 would be discussed separately, but both cases would be voted on in one motion. Dr. Hodgson was present and made a statement to the Board. Dr. Brundage opened Board discussion by stating that throughout the case, Dr. Hodgson demonstrated a lack of basic medical records retention knowledge. Dr. Karp added that by entering into a business relationship with the complainant/patient's father, Dr. Hodgson compromised the therapeutic relationship with her client. Dr. Brundage made a motion, seconded by Dr. Wechsler, to adopt findings that Dr. Hodgson may have violated A.R.S. §32-2061(A)(13)(dd) pursuant to APA Code of Ethics 3.05(a) by entering into a business relationship with the father while the daughter may still wish to continue the therapeutic relationship in the future.
- c. **Jean Hodgson, Ed.D.- RFI No. 10-07:** Dr. Brundage summarized the case and allegations that Dr. Hodgson failed to comply with Board subpoena and failed to submit records for an investigation in a timely manner to the Board office. Dr. Hodgson was present and made a statement. Dr. Brundage opened the discussion by noting that originally, Dr. Hodgson stated that the records had been destroyed, but now Dr. Hodgson claimed that she had located them in her home. Dr. Brundage expressed concern that the records had been destroyed by Dr. Hodgson, wherein, Dr. Hodgson will have violated the records retention laws for psychologists. Dr. Wechsler made a motion, seconded by Dr. Karp, to find that Dr. Hodgson failed to comply with a Board subpoena and violated A.R.S. § 32-3061(A)(13)(bb).

Based upon the findings of both RFI No. 09-39 and RFI No. 10-07, Dr. Wechsler made a motion, seconded by Dr. DiBacco, to move both cases to an Informal Interview for possible violations of A.R.S. §32-2061(A)(13)(dd) pursuant to APA Code of Ethics 3.05(a) by entering into a business relationship with the father while still in a therapeutic relationship with daughter and A.R.S. § 32-3061(A)(13)(bb) for failing to comply with a Board subpoena. The motion carried (8-0). The Board directed staff to issue a subpoena in this matter requiring Dr. Hodgson to appear at the Board office in person with the original client records, should they exist, and a typed copy of the records, so that Board staff and a Board member may review and verify the client record's authenticity. Dr. Wechsler added that this should be completed within 30 days of this meeting.

- d. **Mamiko Odegard, Ph.D. – RFI No. 09-48:** Dr. Karp summarized the case and allegations that Dr. Odegard breached client confidentiality by revealing information from therapeutic sessions with complainant during court testimony. The complainant, M.B., was present and made a brief statement. Dr. Odegard was present and represented by counsel, Mr. Charles Hover, and made a brief statement. Dr. Karp stated that she was unclear whether Dr. Odegard realized that she was possibly engaging in a dual/multiple relationship by simultaneously counseling different members of the same family. Dr. Wechsler appreciated that Dr. Odegard was proactive in completing a voluminous amount of continuing education in the area of ethics and forensic practice and implemented a practice manager, but expressed some concern that she may not have kept up with her ethics CE requirements over the previous renewal cycles. Dr. DiBacco made a motion, seconded by Dr. Brundage, to move RFI No. 09-48 involving Dr. Mamiko Odegard to an Informal Interview for more investigation. The motion carried (8-0). In addition, Board directed staff to send Dr. Odegard a letter requesting further documentation to include the following: type written therapy notes for C.B., documentation of explanation of relationship with C.B., explanation of reasons for completing additional CE, what regulatory infraction she felt she had committed, documentation of her court testimony status, copies of her informed consent form, documentation of her current termination or transfer practices, written explanation of how she maintained appropriate confidentiality among different members of the same family, copies of CE documents in Ethics for the past two renewal cycles, explanation of timeframe for duty to warn when she recognized a risk, and how she has integrated her newly complete CE and practice management information into her practice.
- e. **Rebecca McReynolds, Ph.D. – RFI No. 09-42:** Dr. Brundage and Dr. Karp recused themselves from this matter and sat in the gallery. Dr. Wechsler summarized the case and allegations that Dr. McReynolds had breached client confidentiality by releasing information to other parties without consent and acting in a capacity which the court had not appointed her to perform. Dr. McReynolds was present and represented by counsel, Mr. Gaines. Mr. Gaines and Dr. McReynolds made a brief presentation. Dr. Wechsler noted that the informed consent document did not authorize Dr. McReynolds to release the information to the father’s attorney. In addition, Dr. Wechsler stated that he did not feel that Dr. McReynold’s report constituted a custodial evaluation or that she proffered a diagnosis. Dr. McReynolds stated she made an error by releasing the information to the father’s attorney. Based upon information and testimony given, Dr. Bohanske made a motion, seconded by Dr. Wechsler, to dismiss RFI No. 09-42 involving Dr. Rebecca McReynolds. The motion carried (6-0) with Drs. Brundage and Karp recused.
- f. **David Maselli, Ph.D. RFI No. 10-01:** Dr. Mellott announced the Dr. Maselli had sent documentation to the Board office this morning that he had a medical emergency and could not attend this meeting. Dr. Mellott asked the staff to table this matter for a future agenda.
- g. **YellowBook.com T-10-13:** Ms. Hinckley summarized the case and allegations that YellowBook.com was placing mental health professionals under the heading of “psychologist” without them being licensed in Arizona. Ms. Hinckley reported that correspondence had been received from the company indicating that they would cross-reference their mock-pages with the listings with our free licensee listing on our website. The Board closed this matter as having been resolved.

In addition, Dr. Olvey noted to the Board that the Board office receives a considerable amount of information regarding possible title violations and requested the Board’s clarification and direction as to how they wish to handle these cases. Mr. Larson made a motion, seconded by Dr. Wechsler, to delegate the authority to Board staff to send a Cease

and Desist letter to any possible title violator regarding information received at the Board office. Should the offender continue with the violation, it may be remanded to the Board for further legal advice and possible action. Dr. Olvey also noted that, recently, an individual provided a telephone book to Board office staff and indicated that there are individuals listed under the headings “Psychologists” and “Psychotherapists” who are not licensed to provide psychological services. Dr. Olvey expressed concern that staff resources are not always available to immediately process all potential title violations when a telephone book is provided, rather than specific names and other information. In some cases, telephone book companies are listing individuals as psychologists without their knowledge. It was the consensus of the Board that letters should be sent to those telephone book companies when information comes to the attention of the Board office.

- h. Christopher Dorris T-09-46:** Ms. Duracinski summarized the case and allegations that Mr. Dorris was using the protected title “psychology” in naming his business “Dorris Performance Psychology” and misleading the public that he was a licensed psychologist. Correspondence was received at the Board office from Mr. Dorris’ counsel stating that Mr. Dorris had addressed the alleged violation to the best of his capabilities. The Board closed this matter as having been resolved.
- i. Patricia Ryding, Psy.D. T-10-09:** Ms. Hinckley summarized the case and allegations that Dr. Ryding had been misleading the public on the Sierra Tucson website by indicating in her biography that she was a licensed psychologist in this state. Correspondence was received at the Board office that Dr. Ryding had corrected the issue by indicating on the Sierra Tucson website she was licensed in Florida by placing the initials (FL) behind her licensure status. In addition, Dr. Ryding clarified in her response that her duties at the Arizona facility were administrative in nature. Board directed staff to send a letter to Dr. Ryding suggesting that she spell out the state on the website versus just indicating the state abbreviation in parenthesis. The Board also directed staff to send a letter to the Board of Behavioral Health regarding this matter as Dr. Ryding is also a licensed counselor in Florida. After deliberation and directions, the Board closed this matter as having been resolved.
- j. Robert Rhoton, Psy.D. LPC:** Ms. Duracinski summarized the issue and allegations that Dr. Rhoton had been holding himself out to the public as a licensed psychologist. Ms. Duracinski stated that Dr. Rhoton had sent the Board office information regarding his business and stated that he had inadvertently been calling himself a “licensed psychologist” when in fact he was not licensed in this state. Dr. Rhoton corrected the problem and documented his corrections in a letter of apology to the Board. The Board closed this matter as having been resolved.
- k. James Hicks, M.D./Sanctuary/Social Anxiety Institute:** Ms. Hinckley summarized the issue and stated that all three parties listed in a letter received by the Board were listed in a public phone book under “psychologists.” The complainant noted to the Board that they did not recognize any of the above noted entities to be licensed psychologists. Ms. Hinckley stated that Board staff researched the issue and noted that Dr. Hicks is a licensed psychiatrist. According to the phone book company, Dr. Hicks had not requested his name be placed in the directory. Dr. Hicks submitted correspondence to the Board attesting to this fact. Ms. Hinckley advised the Board that the owners of both the Social Anxiety Institute and Sanctuary are licensed psychologists. The Board did not open any complaints regarding this agenda item.

13. 10:30 A.M. – DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REPORT & FINDINGS SUBMITTED BY DR. WALTER RELATING TO DR. THAW AND ORDER NO. 07-36

At 11:29 a.m., Dr. Mellott announced that the Board would begin discussion regarding Dr. Walter's submission of the Fitness for Duty Exam of Dr. Thaw. Dr. DiBacco recused himself from this matter. Dr. Thaw was present, with his Office Manager, Barbara Neau, and made a brief presentation to the Board.

At 11:32 a.m., Dr. Wechsler made a motion, seconded by Dr. Brundage, to move into executive session for the purposes of reviewing confidential medical information and obtaining legal advice from the Board's attorney. The motion carried (7-0).

At 11:54 a.m., the Board returned to open session.

Ms. Galvin noted that it was the charge of the Board at this time to determine whether Dr. Thaw was fit to continue to practice psychology. Dr. Brundage expressed her appreciation that Dr. Thaw had acted in a forthright and timely manner in this matter. Dr. Brundage made a motion, seconded by Dr. Wechsler, that the Board accept Dr. Walter's recommendations within his report and direct the Board's Assistant Attorney General to enter into negotiations for a Consent Agreement and Order for Practice Monitoring with Dr. Thaw to include self-reports to the Board every four months, updated neurological reports from the neurologist every four months, and monthly hour-long supervision meetings with a Board approved practice monitor for six months, with the Board staff providing Dr. Thaw with at least three Board approved practice monitors. In addition, Dr. Brundage added that should Dr. Thaw decline to enter into the Consent Agreement and Order, this matter would be brought back before the Board for further deliberation and adjudication. The motion carried (7-0) with Dr. DiBacco recusing himself.

14. RECESS

The Board recessed for lunch at 12:58 a.m.

15. RECONVENE

The Board reconvened at 1:30 p.m.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING SPECIAL ACCOMMODATIONS REQUEST FOR EPPP FROM DR. CHRISTINE MCCABE-BARTLEY – Dr. Olvey

Dr. Olvey reported that Dr. McCabe-Bartley has been approved by this Board to sit for the EPPP exam and is requesting special accommodations for taking the test, to include double time with breaks (8 hours), a larger font paper and print exam, and a separate room for testing. The Board's current contract with the testing company states Special Accommodations for applicants approved to take the exam are paid for by the regulatory entity approving them. Due to budget constraints, Dr. Olvey contacted the testing company to inquire about requirements/options to pay for special accommodation. The testing company explained that Board staff could administer the exam which would significantly decrease the cost to the Board for the special accommodations for the candidate. Dr. Olvey clarified that Dr. McCabe-Bartley was requesting special accommodations to take the exam and Board staff is requesting approval to administer such exam for this applicant, if the Board approved the special accommodations request.

After Board discussion, Dr. Bohanske made a motion, seconded by Dr. DiBacco, to approve Dr. McCabe-Bartley's special accommodations requests and approve Board staff to administer the exam. The motion carried (8-0).

17. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION OF DR. DERYA SUZEN – Ms. Hinckley

Ms. Hinckley opened the discussion by noting that the Board may choose to move into executive session for the purposes of reviewing confidential information and receiving legal advice from the Board's attorney.

At 2:39 p.m., Dr. Bohanske made a motion, seconded by Dr. DiBacco, to move into executive session for the purposes of reviewing confidential information and receiving legal advice from the Board's attorney.

At 3:02 p.m., the Board returned to open session.

It was the consensus of the Board that the interpretation of A.R.S. § 32-2072(C) pursuant to A.A.C. R4-26-204, is that all applicants who have failed the national examination more than three times must have their application and study plan reviewed by the full Board prior to being approved to take the EPPP again.

Dr. Bohanske made a motion, seconded by Dr. Karp, to approve Dr. Suzen's application to take the EPPP. The motion carried (7-0) with Dr. DiBacco abstaining.

19. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CORRESPONDENCE RECEIVED FROM DR. RICHARD MORRIS – Ms. Hinckley

Ms. Hinckley summarized that the Board office received a letter from Dr. Richard Morris requesting further clarification of the Board's statutes regarding supervised pre-internship experience and its association with academic credits. Specifically, Dr. Morris noted "that many of the supervised pre-internship psychological service hours of students from U of A [University of Arizona] (for example those students who had paid supervised clinical assistantship or externship 10-20 hours/week) were not, in most cases, associated with a course number and course credit."

The current Psychologist Licensure Application includes a verification form (Supervised Pre-Internship Experience Verification Form) to be completed by the applicant's graduate institution that attests to the practica completed. The verification form asks applicants to list "*Term/Class number/title which you received academic credit for this experience (e.g. Fall2009, PSY 660 Practicum).*"

Dr. Morris' letter further indicated that "... graduates (or students who will graduate within the next four years) have no way of going back in time and changing their U of A transcripts to associate their previous supervised and university approved pre-internship hours with a course and course credit." Dr. Morris is requesting clarification of how to appropriately advise students and/or complete the Supervised Pre-Internship Experience Verification forms.

Dr. Morris was present and made a brief statement, asking the Board for clarification of the new statutes and how students should approach documenting their practica experiences of this nature in their applications.

After a brief discussion, Board members noted that the current form located in the application asks for a notarization from the program director and includes a written training plan which would suffice as meeting the intent of the law.

Dr. Mellott advised the Board that she will work with Dr. Olvey to review the application for the Board's review at a future meeting.

At 3:30 p.m., Chairperson Mellott excused herself from the meeting and Dr. Karp stepped in as Chairperson for the remainder of the meeting.

18. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING RFI 10-10, MARGARET MARSHALL, PH.D., REQUEST FOR A SECOND EXTENSION TO SUBMIT HER RESPONSE TO THE BOARD OFFICE. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE ISSUE RAISED TO DETERMINE JURISDICTION IN THIS MATTER - Dr. Olvey

Dr. Olvey reported that on March 15, 2010, the Board office had received an initial request from the licensee for an extension to respond to RFI 10-10. The Board office approved a 30-day extension as requested by the licensee. On April 20, 2010 the Board office received a request for a second extension of time as well as a request for clarification of jurisdiction in the matter of RFI No. 10-10 regarding Dr. Margaret Marshall from her attorney, Mr. Charles Hover.

Mr. Hover was present and made a brief statement. Dr. Olvey continued by stating that Mr. Hover was requesting clarification of the Board's jurisdiction in this matter based upon the Arizona state statute A.R.S. § 32-2081(B) “. . .The Board shall not consider a complaint against a judicially appointed psychologist arising out of a court ordered evaluation, treatment, or psychoeducation of a person to present a charge of unprofessional conduct unless the court order the evaluation, treatment or psychoeducation has found a substantial basis to refer the complaint for consideration by the Board.” Mr. Hover approached the Board with documentation that he and Dr. Marshall believed fulfilled requirements of the law.

Ms. Galvin stated that, when the complaint was first received in the Board office, she extensively reviewed the court minutes and documents. It was determined that this Board does have subject matter jurisdiction in case RFI No. 10-10 as there was no court order directly appointing Dr. Marshall as the court appointed psychologist. Therefore, the investigation was initiated and Dr. Marshall was notified of the case and asked to respond.

Mr. Hover stated that Dr. Marshall recently submitted a request to the courts for proof of appointment documentation from the court which was currently pending, and hence, the request for the 30 day extension. In addition, Mr. Hover noted that, after the complaint was filed, Dr. Marshall sought removal from the case and the court granted her request.

Chairperson Karp expressed that, at this time, the Board will maintain jurisdiction in this matter until otherwise notified by official court documents. Mr. Hover interjected that if the Board approved another 30-day extension, at the deadline, the licensee would have either a completed response to RFI 10-10 or documentation from the court stating that Dr. Marshall

was court appointed in this case. Dr. Brundage made a motion, seconded by Dr. Bohanske, to grant Dr. Marshall the 30-day extension to submit further information confirming Dr. Marshall's court appointment or a more complete licensee response. The motion carried (6-0) with Dr. Wechsler recused and Dr. Mellott absent.

20. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REGULATION OF BEHAVIOR ANALYSTS – Dr. Olvey

Dr. Olvey indicated that SB 1087, the strike all bill that allowed for the grandfathering of behavior analysts who are certified by the national behavior analyst certification board, was passed by the Arizona Legislature on April 29, 2010. Dr. Olvey also stated that beginning July 1, 2010, after start up funding for regulation of behavior analysts has been received by the Board, development of the application process will begin. At the August 6, 2010 meeting, the Board will need to discuss the application process as well as establish fees. According to statute, the Board must begin issuing licenses by January 1, 2011. Therefore, the application process must allow sufficient time for the Board to accept licensing applications and approve individuals for licensure prior to January 1, 2011.

21. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICANT REFERENCE FORMS

Dr. Olvey discussed the current reference form used in the licensing process. She indicated that it is not possible at this time to place the form on the Board's website since A.A.C. R4-26-201 specifies that reference forms are mailed from the Board office. The Board considered possible edits to questions included on the reference forms as well as making the instructions less gender specific. It was the consensus of the Board to delete the question regarding personality and accept the edits on the instructions page.

22. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING TIME FRAME GIVEN TO RESPOND TO REQUESTS FOR INVESTIGATION

Dr. Olvey discussed the current process of providing licensees two weeks, including mail delivery, to respond to Requests for Investigation. If an extension is requested by the licensee, the Board office grants an extension of two weeks unless a specific amount of time is requested by the licensee. A request for a second extension is submitted to the Board for consideration. Dr. Olvey indicated that she asked psychology boards from other jurisdictions the length of time provided for licensee response. The majority of boards responding to the question indicated that 30 days are provided for response. It was the consensus of the Board to allow 30 days for licensees to respond as well as 30 days for the first extension, unless otherwise specified by the licensee. The Board also confirmed that the Board office may continue to grant the first extension and a second request for extension should go directly to the Board for consideration.

23. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING DOCUMENTATION OF UNCLAIMED HOURS BY BOARD MEMBERS

Dr. Olvey provided information regarding documentation of hours spent in preparation for and/or attendance of in-person Board meetings, Complaint Screening Committee meetings, and Application Review Committee meetings. The Board Member Request for Payment form will be modified to allow Board members who are voluntarily not claiming hours spent in preparation and/or attendance of Board members to document those hours. This information will be helpful for budgetary purposes.

24. COUNSEL REPORT

Ms. Jeanne Galvin, Assistant Attorney General, indicated that she had no Counsel Report at this time.

25. EXECUTIVE DIRECTOR UPDATE

Dr. Olvey had no additional updates to her written report.

26. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Board members had no agenda items at this time.

27. ADJOURN

There being no further business to come before the Board, a motion was made by Dr. Wechsler, seconded by Ms. Hunter-Williams, and unanimously carried (7-0), to adjourn the meeting at 4:22 p.m.

Respectfully submitted,

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