

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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Staff

Dr. Cindy Olvey
Executive Director

Meghan Hinckley
Deputy Director

Marcus E. Harvey
Investigator

TELEPHONE CONFERENCE CALL

September 2, 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 7:49 a.m. on September 2, 2010. No Executive Sessions were held.

2. ROLL CALL

Board Members Participating by Telephone

Ramona N. Mellott, Ph.D. – Chairperson
Cheryl L. Karp, Ph.D. – Vice-Chairperson (until 9:15 a.m.)
Frederick S. Wechsler, Psy.D., ABPP, -Secretary (until 9 :20 a.m.)
Bob Bohanske, Ph.D.
Joseph Donaldson
John P. DiBacco, Ph.D.
Daniel Larson

Staff Present

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

Attorney General's Office

Jeanne Galvin, Esq.

Board Members Not Participating

Janice K. Brundage, Ph.D.
Megan Hunter-Williams

3. CALL TO THE PUBLIC

Dr. Mellott announced the Call to the Public at 7:50 a.m. Ms. Hinckley noted that there were no requests to speak at this time.

4. DISCUSSION, CONSIDERATION AND ACTION OF ITEMS ON CONSENT AGENDA

Chairperson Mellott reported that approval of Dr. Robert Cohen's application for licensure would need to be removed from the Consent Agenda and tabled until further notice. Chairperson Mellott made a motion, seconded by Dr. Karp, to accept and approve those items listed on the consent agenda. The motion carried (7-0). (With Dr. Bohanske, Dr. DiBacco, and Mr. Larson not voting on Executive Session Minutes from February 5, 2010)

a. APPROVAL OF MINUTES

- Executive Session Minutes – February 5, 2010

b. DISCUSSION/DECISION REGARDING APPLICATIONS

➤ REQUESTING APPROVAL OF EXAM & LICENSURE

Lia Clemente, Psy.D.
Stuart Friedman, Psy.D.
James Sanders, Psy.D.
Sonja Sollenberger, Ph.D.

➤ REQUESTING APPROVAL OF LICENSURE BY WAIVER

Roberta Falke, Ph.D.
Amanda Ragonesi, Psy.D.

5. APPROVAL OF MINUTES

Chairperson Mellott announced that the February 5, 2010 regular session Board meeting minutes would have to be postponed and placed on a future agenda as not all individuals required for a vote were present.

6. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING INVESTIGATIONS - RFI NO. 10-01 – DAVID MASELLI, PH.D.

Dr. Wechsler recused himself from this agenda item.

Dr. Karp summarized RFI No. 10-01 regarding Dr. David Maselli wherein it was alleged that he entered into a dual relationship with a patient by asking for and borrowing money from a patient and subsequently failing to timely repay the loan.

Dr. Maselli was present, with his counsel, Mr. Michael Wicks, and made a brief statement. Dr. Maselli explained at the time he sought the loan from his patient, he was experiencing a serious illness. He further acknowledged that he should never have borrowed money from a patient, and he further complicated the matter by not paying the loan back in a timely fashion. Dr. Maselli did state that the loan has been repaid in full. In addition, he noted that the issue with the client's insurance had also been resolved as the out-of-network benefits paperwork was finally processed and the client received reimbursement from the insurance company.

Chairperson Mellott asked if Board members had questions for Dr. Maselli or his counsel prior to moving into deliberations. Dr. DiBacco questioned Dr. Maselli about why asking for or accepting a loan from a patient is unacceptable. Dr. Maselli replied that it affects the doctor patient relationship and progression of therapy due to a break in trust and a lapse in judgment on the psychologist's part. Dr. DiBacco asked about the insurance issue within this case. Dr. Maselli responded that the patient had new insurance wherein he had to apply for out-of-network provider privileges, which took time to complete and be approved by the insurance company. Dr. Maselli confirmed that the privileges were granted and the patient was reimbursed.

After deliberation, Dr. Bohanske made a motion, seconded by Dr. Karp, to issue Dr. Maselli a Letter of Concern for engaging in a dual relationship by borrowing money from a patient and issue a Non-Disciplinary Consent Agreement and Order requiring Dr. Maselli to complete 10 continuing education (CE) credits in Ethics within 90 days of the date of the Order. The motion included that the 10 CE credits are in addition to the state requirements for 60 CE credits each renewal cycle. Further, completion of the 10 CE credits is at Dr. Maselli's own expense. The motion carried (6-0).

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION OF THOMAS SHERIFF, PH.D. PURSUANT TO A.R.S. § 32-2071(A)(2) AND (A)(3)

Dr. Mellott summarized this agenda item, and indicated that the purpose was to review and determine whether Dr. Thomas Sheriff's doctoral degree in Personality Psychology with a minor in Experimental

Psychology from Baylor University fulfilled the requirements of A.R.S. § 32-2071(A) as a “applied psychology degree.” Dr. Sheriff has been licensed in Texas for approximately 30 years and his degree was earned in 1974. Dr. Mellott noted that Dr. Sheriff’s coursework listed largely consisted of what would be considered during this time period as clinical psychology courses. Dr. Mellott stated that the title of Dr. Sheriff’s degree, “Personality Psychology” may not have aligned with what the Board currently views as “applied psychology” even though the coursework reflects a clinical psychology degree at the time.

Dr. Wechsler expressed that he is strenuously opposed to accepting Dr. Sheriff’s credential as the equivalent of an “applied psychology degree.” Dr. Wechsler stated that even though Dr. Sheriff has taken additional clinical coursework, a Ph.D. in “Personality and Experimental Psychology” does not fit the description of an “applied psychology degree.” Moreover, even though he may have been licensed in Texas for many years, Dr. Sheriff initially represented on his application that his program was APA approved, when, in fact, it was not. Dr. Sheriff’s explanation of this mistake was that the Psychology department was approved, not the program. Dr. Wechsler felt this was a deliberate and serious misrepresentation of his credentials. Dr. Wechsler reiterated that he would strenuously vote no on this application and noted that Dr. Sheriff should be allowed, by the Board, to withdraw his application.

Dr. DiBacco stated that he was also on the ARC that was substantively reviewing this application and indicated that on page 22 of the information provided, Dr. Sheriff submitted a copy of the catalog that was contemporary at the time he attended Baylor University; under “Graduate Degrees in Psychology,” it reads, “The department offers the M.A. and Ph.D. degrees in Psychology, primary emphasis being placed upon preparation of the student for teaching and research at the University level.” Dr. DiBacco noted that there is nothing in the course catalog description that describes Dr. Sheriff’s degree as an applied psychology degree. Dr. DiBacco also concurred with Dr. Mellott’s point of view, and noted that this was what was offered during this era, the field of psychology was “in flux” at the time, and perhaps Dr. Sheriff did not have the option of getting into an applied program. Dr. DiBacco noted that there was some information provided of the development of a Psy.D. Program being offered at the end of his residency at Baylor, but he did not elect to change to the Psy.D.

Chairperson Mellott elaborated that Dr. Sheriff provided information in his application indicating a Psy.D. Program was being developed at Baylor, but it was “very, very new option” at the time and because of that, he chose to go the Ph.D. route instead.

Dr. Wechsler stated that he is strenuously opposed to accepting Dr. Sheriff’s Personality Psychology as an “applied psychology” based upon Baylor’s catalog description. In addition, Dr. Wechsler did not approve of Dr. Sheriff’s attempts to misrepresent the APA approval of his program, insinuating that his program was “equivalent to the Psy.D.,” or the fact that Dr. Sheriff insinuated APA approves “Departments” versus “Programs,” which is not true. Dr. Wechsler stated he had concerns about Dr. Sheriff’s representations to the Board in addition to concerns that his degree may not have prepared him to be a practicing psychologist. Dr. Wechsler noted that the state licensure laws may have made exceptions for people in 1975 when Dr. Sheriff had applied.

Dr. Karp noted that she agreed with both sides as well; while Dr. Sheriff’s coursework is primarily psychological in nature, the course catalog description of his program is not in “applied” psychology, and was intended to prepare students to be in university teaching in psychology. While the degree does not meet the “applied” psychology area, it does fulfill the “must be psychological in nature” requirement. If you take into account, at the time he graduated Baylor, the expectations were different. Dr. Karp noted she also had concern about Dr. Sheriff’s attempts to represent his program as APA approved.

Dr. Wechsler noted that APA does not approve Experimental Psychology programs; Dr. Sheriff’s transcript states “Personality and Experimental Psychology” in the Memo section.

Dr. Mellott noted that many students are not aware of the accreditation of programs and she does have to clarify the issue often, and they may not be doing it intentionally. There is great misconception about accreditation in the public.

Dr. Bohanske noted that Dr. Sheriff had passed his oral exams in 1975 and read in the Baylor catalog that the Psy.D. Program became accredited by the APA in 1976. He questioned whether it was common that students who were going through their programs at the time of pre-approval of accreditation, the year prior to final approval of accreditation, can claim that their program is accredited even though the decision was not finalized until the following year?

Dr. Wechsler replied that was common, however in Dr. Sheriff's case, the Psy.D. program at Baylor was undergoing accreditation, not the Ph.D. Program that Dr. Sheriff was completing. In order to claim approval, it has to be within the same program. Dr. Wechsler expressed concern that Dr. Sheriff was trying to insinuate that his program was the same as the Psy.D. and therefore accredited. Dr. Wechsler also noted that students who are in APA approved programs absolutely know the difference in their accreditation from those who programs that are NOT accredited.

Dr. Mellott reported that information within Dr. Sheriff's application stated that Baylor put their psychology programs up for accreditation wherein APA replied that Baylor needed to develop a clinical psychology program in order to become APA approved. That is when they began to develop the Psy.D. program at Baylor for accreditation and give students the option to joining the program. Some students did a disservice to themselves by NOT joining the Psy.D. program, which they would find out years later.

Dr. Wechsler expressed that he was opposed to the fact that an applicant can enroll in a non-APA approved non-psychology program and take clinical psychology coursework after the fact and become approved is not appropriate.

Ms. Galvin inquired whether or not the Board had received the entire application of Dr. Sheriff. Board members discovered that the full application was not given to all members of the Board. Ms. Galvin recommended that the Board table this matter for a future agenda as the Board would need the full application in order to vote on whether to grant his application. Dr. Mellott made a motion, seconded by Dr. DiBacco, and carried unanimously (7-0) to postpone the matter at this time and place it on a future agenda.

Dr. Wechsler requested Board staff to contact Baylor registrar and clarify the notes on the transcript that indicate his program is in "Personality and Experimental Psychology" in the Memorandum area and "Personality Psychology with a minor in Experimental Psychology" under the heading.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION AND FEES FOR BEHAVIOR ANALYSTS

Dr. Olvey reported that a draft behavior analyst application and the proposed licensing fees had been placed on the Board's website for a two-week public comment period. A compilation of those comments were included within the Board materials and some are reflected within the revised draft application.

Dr. Olvey noted that, at this meeting, the Board will be asked to provide input and approve a licensure application for behavior analysts as well as fees. In addition, there is several places in the behavior analyst statutes indicate that the Board must approve a "nationally recognized Behavior Analyst Certification Board" as the nationally recognized Board.

Dr. Olvey noted that person's who practice behavioral analysis pursuant to the statutes MUST be licensed beginning January 2011, meaning the Board must have an application in place and available for those wanting to become license prior to the January 2011 deadline. Based on comment and input received on the draft application, the major changes to the application include the addition of question #16 due to the grandfathering clause. Dr. Olvey reiterated that this clause allows licensure for individuals who have been certified by the Behavior Analyst Certification Board for at least two years and whose certification is in good standing. Since applicants who will be licensed through the grandfathering clause do not have to submit all the information required of other applicants, a questions (now #16) was added to determine whether the applicant is applying through the grandfather clause. If so, the applicant is asked to skip to

questions #28. Also, a supervision verification form was not included in the original draft, but has been included in the revised draft.

Dr. Mellott recommended development of a separate application be made available for individuals who fulfill the requirements of the grandfather clause, similar. Dr. Olvey responded that a separate application could be developed. Dr. Mellott offered to review the revised forms with Dr. Olvey prior to posting the forms on the website. Dr. Bohanske made a motion, seconded by Dr. Wechsler, to accept the application forms as discussed. The motion carried (7-0).

Dr. Olvey directed Board members to the proposed fee schedule and outlined the fee justification for the proposal. She noted that fees collected through licensure directly support behavior analysts by funding operational costs such as staff salaries, rent, office costs, and supplies. Fees also cover regulatory costs such as hearings and court reporters, when necessary. Ms. Galvin recommended the Board consider adopting a Substantive Policy Statement in order to communicate fees to the public until rules can be made. Dr. Wechsler made a motion, seconded by Dr. Karp, to accept the proposed fees for behavior analysts and prepare a Substantive Policy Statement for communicating fees to the public. The motion carried (7-0).

At 9:15 a.m., Dr. Karp announced she was leaving the conference call.

Dr. Olvey noted that the Board could decide whether the Board wishes to address the statute requirement that individuals “must be of good moral character.” (A.R.S. §32-2091.02(3) and Session Law Section 2. Behavior Analyst. (A)(4)). The statute also requires the Board approve a national behavior analyst certification board. The only national certification board is the Behavior Analyst Certification Board. Dr. Mellott made a motion, seconded by Dr. Wechsler, to approve the Behavior Analyst Certification Board (BACB) as the only national certification Board accepted by the Board. The motion carried (6-0).

The Board discussed the fact that the BACB has expressed that it does not share test results. Dr. Olvey also noted that it may be helpful to the Board to draft and send a letter to the BACB asking for clarification as to why they do not release the national test scores on the verifications. It was the consensus of the Board to send a letter to the BACB requesting clarification about the position not to release test results.

At 9:20 a.m., Dr. Wechsler announced he was leaving the conference call.

Dan Davidson, a certified Behavior Analyst, made a brief introductory statement regarding the behavior analyst draft applications, fees, and requested the Board strongly consider not holding up the application process for the Behavior Analysts prior to receiving further information and clarification as to the rationale behind the BACB not releasing test scores on their license verifications. Dr. Olvey clarified that individuals who qualify for licensure under the grandfather clause do not need to verify their scores on the exam. As a result, licensure for these applicants would not be delayed by requesting additional information from the BACB regarding release of test scores. In addition, Dr. Davidson also stated that the Chair of the Behavior Analyst Ad Hoc Committee addressed the Board at the December 2009 meeting and indicated that he met with the CEO of the BACB to discuss the exam. The BACB position not to release test results was discussed with the Ad Hoc Committee Chair at that meeting.

Mr. Donaldson addressed Dr. Davidson’s concerns about

At 9:20 a.m., Dr. Wechsler announced he was leaving the conference call.

Mr. Donaldson made a motion, seconded by Dr. Mellott, to adopt the licensure application based on Board discussion. The motion carried (5-0).

9. BOARD OFFICE UPDATE

Dr. Olvey informed the Board that Ms. Duracinski's last day working in the Board office was September 1, 2010. She also reported that the ADOA had approved filling the Board's Investigator position, wherein the position was offered to Mr. Marcus Harvey. Dr. Olvey noted that Mr. Harvey had previously worked for the Board for eight years prior to leaving in 2007 to continue his education and obtain a master's degree. Mr. Harvey has returned to the Phoenix area and has accepted the position. Dr. Olvey noted that Mr. Harvey, while previously working for the Board, had been responsible for the rules. Mr. Harvey will provide his expertise in this area with development of rules for behavior analysts as well as any changes to the rules for psychologists, if the Board's request for exemption from the rule making moratorium is approved by the Governor's Office.

10. NEW ITEMS FOR FUTURE MEETING AGENDAS

Chairperson Mellott inquired of Board members whether there was any new business to be placed on future agendas. No response was received.

11. ADJOURN

There being no further business to come before the Board, a motion was made by Mr. Donaldson, seconded by Dr. DiBacco, and unanimously carried (5-0), to adjourn the meeting at 9:27 a.m.

Respectfully submitted,

Ramona N. Mellott, Ph.D.
Chairperson