

Board Members

Ramona 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

REGULAR SESSION MINUTES

November 5 and 6, 2010
Executive Tower
Third Floor Conference Room, #312
1700 W. Washington
Phoenix, AZ 85007

1) CALL TO ORDER

The regular session of the Arizona Board of Psychologist Examiners was called to order by Chairperson Mellott at 8:31 a.m. on November 5, 2010. Two Executive Sessions were held on Friday, November 5, 2010 at 9:41 a.m. and 2:40p.m.

2) ROLL CALL

Board Members Present

Ramona N. Mellott, Ph.D. – Chair
Cheryl L. Karp, Ph.D. - Vice-Chair
(via telephone 8:25 a.m. to 10:56 a.m.)
Frederick S. Wechsler, Psy.D. – Secretary
Bob Bohanske, Ph.D.
Janice K. Brundage, Ph.D.
John P. DiBacco, Ph.D.
Joseph Donaldson
Daniel Larson (Friday, November 5, 2010, 8:00 a.m. – 3:00 p.m.)

Board Staff Present

Dr. Cindy Olvey, Executive Director
Meghan B. Hinckley, Deputy Director
Marcus Harvey, Investigator

Attorney General's Office

Jeanne Galvin, Esq.
Assistant Attorney General

Board Members Absent

Megan Hunter-Williams

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, Announcements** - 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.

4) CALL TO THE PUBLIC

Dr. Faren Akins, liaison for the Arizona Psychological Association (AzPA) expressed appreciation for Board members, former Board members, and Board staff who participated in a workshop at the AzPA annual convention in October 2010. Dr. Akins also thanked Board members who were in attendance at the workshop.

5) COUNSEL REPORT

Ms. Galvin stated she had nothing to report at this time.

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

Dr. Wechsler noted on the August 6, 2010 Regular Session minutes, on page 8, there was a typographical error, “and” should be “an” and in the same minutes, the word “consensus” was misspelled. Board staff noted and corrected all typographical errors.

Dr. Bohanske is recused from minutes dated February 5, 2010 and August 6, 2010. Dr. DiBacco is recused from the minutes dated February 5, 2010 and April 30, 2010. Mr. Donaldson is recused from the minutes dated April 30, 2010, July 1, 2010 and August 6, 2010. Ms. Hunter-Williams is recused from the minutes dated February 5, 2010 and October 1, 2010. Mr. Larson is recused from minutes dated February 5, 2010, July 1, 2010, and October 1, 2010. Dr. Wechsler is recused from the July 1, 2010 minutes.

Dr. Bohanske made a motion, seconded by Mr. Donaldson, to approve the items on the consent agenda with the exception of the minutes as noted above. The motion carried unanimously (8-0).

(a) APPROVAL OF MINUTES

- Executive Session Minutes – February 5, 2010
- Executive Session Minutes - April 30, 2010
- Executive Session Minutes - July 1, 2010
- Regular Session Minutes – August 6, 2010
- Executive Session Minutes – August 6, 2010
- Regular Session Minutes – October 1, 2010

**(b) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS
REQUESTING APPROVAL OF EXAM & LICENSE**

- Rene C. Behinfar, Psy.D.
- Denise M. Glassmoyer, Psy.D.
- Eric Kebker, Ph.D.
- Linda Lee, Psy.D.
- Leonard Sarff, Ph.D.
- Courtney Schuneman-Patel, Psy.D.
- Tracie Umaki, Psy.D.

**(c) DISCUSSION/DECISION REGARDING APPLICATIONS FOR LICENSURE OF
BEHAVIOR ANALYSTS**

- Michele Bishop, Ph.D., BCBA
- Janine Cawthorne, MSW, BCBA
- Daniel Davidson, Ph.D., BCBA
- Robert Davidson, M.S., BCBA

Doreen Granpeesheh, Ph.D., BCBA
Katharine Gutshall, M.A., BCBA
Amy Kenzer, Ph.D., BCBA
Paige Raetz, Ph.D., BCBA
Jennifer Smith, M.S., BCBA

(d) EXECUTIVE DIRECTOR'S REPORT

(e) INVESTIGATIONS REPORT

(f) LICENSING REPORT

(g) REVIEW, DISCUSSION, DECISION REGARDING DR. AAMER KHAN'S REQUEST FOR EXTENSION TO TAKE EPPP

(h) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING SUPERVISED PREINTERNSHIP EXPERIENCE VERIFICATION FORM

(i) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING SUBSTANTIVE POLICY STATEMENT ON LICENSING FEES FOR BEHAVIOR ANALYSTS

7) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING NOMINATION AND ELECTION OF OFFICERS FOR CALENDAR YEAR 2011

Dr. Mellott made a nomination, seconded by Dr. Brundage, to elect Dr. Karp as 2011 Chairperson of the Board. The motion carried (8-0).

Dr. Karp made a nomination, seconded by Dr. Bohanske, to elect Dr. Wechsler as 2011 Vice-Chairperson of the Board. The motion carried (8-0).

Dr. Karp made a nomination, seconded by Mr. Donaldson, to elect Ms. Hunter-Williams as 2011 Secretary of the Board. The motion carried (8-0).

8) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING DR. DELOS-SANTOS' CORRESPONDENCE WITHDRAWING HER APPEAL OF THE ORDER ON DENIAL OF APPLICATION FOR LICENSURE

It was noted that Dr. Delos-Santos was not present for this matter. Ms. Galvin summarized stating that Dr. Delos-Santos was issued an Order on denial of Application for Licensure by this board on August 17, 2010. On September 17, 2010, Dr. Delos-Santos requested a Settlement Conference to request a change in the wording of the Order on Denial and formally requested an Appeal of the Order on Denial of Application for Licensure. Dr. Delos-Santos was scheduled to appear at the November 5, 2010 Board meeting to present her Settlement Conference request as well as moving forward with a Formal Hearing should an agreement not be reached by herself and the Board regarding the wording within the Order on Denial. On October 29, 2010, Dr. Delos-Santos emailed Board staff to request a continuance, which she withdrew on November 2, 2010. In addition, on November 2, 2010, Dr. Delos-Santos contacted the Board, in writing, affirming she was withdrawing her Appeal of the Order on Denial of License Application. Ms. Galvin noted that the Board need not take any further action as the Order on Denial of Application for Licensure is final and permanent and will be reported to the National Databank as well as any other licensing jurisdictions wherein Dr. Delos-Santos holds certification or licensure. *Vacate formal hearing*

9) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CORRESPONDENCE FROM DR. THOMAS FULKS REQUESTING THE BOARD CREATE A LIMITED LICENSE FOR POSTDOCTORAL RESIDENTS

Dr. Fulks was present and requested to speak on this item. In addition, Dr. Ben Shaw, Mental health Program Manager for the Department of Corrections, was present and requested to speak. Dr. Fulks explained that the AZ Dept of Corrections (ADOC) has changed its policy regarding hiring unlicensed post-doctoral applicants due to liability issues upon the advice of the AG's office. He further explained that ADOC is experiencing an increasing need for qualified clinicians in this population. He requested that the Board entertain the possibility of limited licensure status similar to what the Board of Behavioral Health Examiners provides for their licensees.

Chairman Mellott thanked Dr. Fulks and Dr. Shaw for their presentation and opened the floor to Board members for further discussion and comment.

Dr. Wechsler noted that due to a law change in September 2009 that allows applicants to apply up to 1500 qualified practicum hours to their 3000 supervision requirement, applicants are eligible for licensure without necessarily having to complete a postdoctoral experience. Dr. Fulks replied that employment for ADOC applicants is contingent upon them having a full licensure, not their eligibility for licensure; they must be fully licensed prior to applying for clinician positions at ADOC.

Chairman Mellott commented that limited licensure issued to Licensed Associate Counselor's (LAC) by the Board of Behavioral Health Examiner's allows the students to take the national exam while they are still students, whereas, with psychologists, there is a 3-6 month delay in taking the exam and they must have conferred their degree and completed their 1500 hour internship. Thus, the psychologist applicant misses an opportunity for work with due to the different requirements and lack of limited license offered by this Board.

Dr. Wechsler noted that there still remains an opportunity for ADOC to encourage those psychologists who may be eligible for licensure, especially those from out of state, who have conferred their graduate degree and completed the 1500 hours internship, to apply for licensure in Arizona, complete and pass the national exam, and gain licensure, thereby being eligible for the applicant pool at ADOC. Dr. Shaw and Dr. Fulks noted that they would look further into the statute requirements and encourage those out of state applicants who fulfill the requirements to apply for licensure soon after the completion of their internship.

Chairman Mellott also noted that to create a limited licensure status would take a change in statutes which is a long process involving legislature. Since the Board just finished taking their last omnibus bill through legislature, there are no plans to "open" the statute again at this time. Chairperson Mellott noted that this item/subject will be included on a master list of possible statute changes that the Board is tallying for the future. Chairperson Mellott also noted that some states still require postdoctoral experiences in order to gain licensure and will not accept any postdoctoral supervision if you are licensed in another state.

Dr. Bohanske noted that there are serious public health needs in the underserved populations, such as the prison systems and outlying rural areas that have an overwhelming need for qualified clinicians to serve those needs. While the issue may not be able to be immediately fixed, it should be a consideration of licensing jurisdictions to help license these qualified individuals so that they may apply and be hired for those positions.

10) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING AUDIT OF CONTINUING EDUCATION AND CONTINUING EDUCATION DEFICIENCIES OF LANA BIOCCA, Ph.D.

Ms. Hinckley summarized that Dr. Lana Biocca submitted her 2009-2011 Application for License Renewal on April 29, 2010 therein she indicated "yes" to question #3 "By April 30, 2009, will you have completed the required 60 hours of Continuing Education (CE), or the pro-rated amount if you are a new

licensees, 40 hours of which must be in Category I, with four hours in ethics and four hours in either child abuse or domestic violence?” In June 2010, Dr. Biocca was randomly selected for the CE Audit. Dr. Biocca submitted her proof of CE, totaling 22.5 CE credits for the 2007-2009 renewal cycle, which was 37.5 credits short of the required 60 CE credits. In addition, Dr. Biocca included with her materials listings of CE credits that she *planned* to take in order to rectify the deficiencies. Dr. Biocca was notified by the Continuing Education Committee via first class U.S. mail, that she was deficient CE credits for the 2007-2009 renewal cycle and was given 90 days to rectify the deficiencies. Dr. Biocca failed to submit further documentation that she had completed the 37.5 CE credits and, at the June 30, 2010 meeting, the Committee voted to forward Dr. Biocca’s information to the full Board for review and possible action.

Ms. Hinckley detailed that Dr. Biocca was sent notice of the August 6, 2010 Board meeting via first class mail with delivery confirmation. Dr. Biocca received this notice and immediately contacted the Board office. Board staff reviewed with her all correspondence from the Board relating to CE that had been mailed to her last known address of record, which included the letter giving her 90 days to rectify the CE deficiencies. Dr. Biocca stated that the only two letters she had received were the CE audit request and the Board notice delivery confirmation, but not the letter of CE deficiency. On July 20, 2010, Dr. Biocca immediately sent a letter of explanation as well as proof of her completed CE to the Board office for the Board’s review at this meeting. Ms. Hinckley also informed Board members that Dr. Biocca was available for questions, via teleconference, should the Board members have any questions.

At 9:41 a.m., Dr. Karp made a motion, seconded by Mr. Donaldson, to move into executive session for the purposes of reviewing any confidential records and legal advice from counsel, if necessary.

At 10:01 a.m., the Board returned to open session. Ms. Galvin noted that the Board had to determine two issues: 1) whether the CE proof submitted fulfills the Board’s requirements of R4-26-207 regarding CE and whether to accept the CE as completed timely, and 2) whether she misrepresented herself on her 2009-2011 Application for license renewal.

Dr. DiBacco expressed that Dr. Biocca was disingenuous on her renewal and felt that she misrepresented herself. Dr. Brundage added that, not only was Dr. Biocca dishonest on her license renewal, but Dr. Biocca was deficient over half of her CE requirements, including the ethics and domestic violence/child abuse.

Chairperson Mellott noted that Dr. Biocca explained in a cover letter she never received the second CE Deficiency letter outlining her CE deficiencies and giving her the 90 days to rectify and submit an affidavit of cure for those deficiencies. Dr. Mellott noted that while the Board is not required by statute to send the letters via certified mail, it is plausible that Dr. Biocca did not receive the second letter just due to inefficiencies and mishaps with U.S. mail service.

Chairperson Mellott requested the Board recess for a five minute break at 10:50 a.m.

At 10:56 a.m., the Board returned to open session. It was noted for the record that Dr. Karp had left the teleconference.

Dr. Bohanske made a motion, seconded by Mr. Donaldson, to open a Request for Investigation (RFI) against Dr. Biocca regarding her alleged misrepresentation on her application for license renewal 2009-2011 regarding completion of her CE requirements. In addition, the motion included opening a second RFI against Dr. Biocca for failure to timely complete her CE requirements. The motion carried (7-0).

11) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LEGISLATIVE PROPOSALS DEVELOPED BY BEHAVIOR ANALYSTS

Dr. Olvey reported that she had completed budget computations regarding the behavior analysts that compared the costs of the current situation as is, the behavior analysts creating a separate board, and the costs of creating a behavior analyst credentialing committee, similar to the Board of Behavioral Health

Examiners credentialing committee. Mr. Goodman and Dr. David Giles were present and spoke on behalf of the behavior analyst community wherein they indicated that the behavior analysts desire to be self-regulated to the extent possible. In addition, Mr. Goodman noted that the behavior analyst community will be sending a bill to legislation this session reflecting their desire for autonomous self-regulation of the profession. Mr. Goodman expressed his gratitude to Dr. Olvey for sharing the proposed budgetary costs of each situation as he would need to build those figures into the legislation to be run. Board members discussed concern about opening the statutes at this time in such a harsh political climate. Rather the Board expressed that perhaps the behavior analyst community could provide an opportunity for the current statute to be implemented prior to trying to change the statutes at this early date.

12) RECESS

The Board recessed for lunch at 12:28 p.m.

13) RECONVENE

The Board reconvened in open session at 1:15 p.m.

14) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INVESTIGATIONS

- a) **Peter Oropeza, Psy.D. – T-10-17/Glenn Candeletti, Ph.D. - T-10-24** – Mr. Harvey summarized the complaint and allegations of this case, including all pertinent records. Chairperson Mellott noted for the record that cases T-10-17 and T-10-24 involved the same complainant and would be heard simultaneously. The complainant, T.H. and his client were present and made a brief presentation regarding the case. The Board reviewed and discussed the issue and noted that because Drs. Oropeza and Candeletti are not licensed in Arizona, jurisdiction in the case would fall to their licensing state, which is New Jersey. Dr. Wechsler made a motion, seconded by Dr. Bohanske, to dismiss cases T-10-17 and T-10-24 and refer the matter for possible investigation to the New Jersey Board of Psychologist Examiners. The motion carried (7-0).

15) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATIONS

- a) **Richard Lovins, Ph.D. – APP-10-027** – Dr. Lovins was present and requested to speak. Dr. Lovins explained he was previously a licensee of this state who had let his license expire. In addition, Dr. Lovins noted that he was licensed prior to the requirement of applicants to take the EPPP. Dr. Lovins noted that he has over 30 years in private practice as a psychologist, was previously a member of the National Register of Health Service Providers in Psychology (NRHSPP) and also holds a Doctorate in Osteopathy. In order to be licensed again, he noted that he had to re-apply under the current statutes, which require him to take the EPPP. Dr. Lovins respectfully requested that the Board waive his requirement to take the EPPP due to his years of experience in private practice.

At 2:41 p.m., Chairperson Mellott made a motion, seconded by Dr. Wechsler, to move into executive session for the purposes of reviewing any confidential materials or records and to seek legal advice.

At 2:44 p.m., the Board returned to open session. Dr. Brundage expressed that this was an extremely difficult situation as the applicant is extremely qualified for licensure. The Board, however, is compelled to follow its statutes and the statutes require taking and passing the National Exam as a contingency of licensure. Dr. Brundage made a motion, seconded by Dr. Wechsler, and carried (7-0) to deny Dr. Lovins request to waive the requirement of taking and passing the National Exam. Contingent upon the approval to take the exam, Dr. Lovins must take and pass the EPPP in order to obtain licensure as a psychologist in this state. Chairperson Mellott

noted that should Dr. Lovins choose not to take the EPPP, he may withdraw his application without penalty.

At 3:00 p.m., Mr. Larson excused himself from the Board meeting.

16) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INVESTIGATIONS

- b) **Jeffrey Fannin, Ph.D. – T-10-20** – Mr. Harvey summarized this case, including all pertinent records. Chairperson Mellott noted that Dr. Fanin interpreted medical tests in an evaluation wherein Dr. Bohanske clarified that he projected neuropsychological scores based upon an EEG of a patient. Dr. DiBacco also noted that Dr. Fanin did the evaluation on behalf of a school psychologist and he is not certified as a school psychologist, nor does he hold a medical or psychology license in this state. Board members inquired of counsel whether to send a Cease & Desist, wherein Ms. Galvin noted that Dr. Fanin has already been issued two Cease & Desists by this Board with nor response or change in practices to date.

Dr. Bohanske made a motion, seconded by Dr. Brundage, to refer this case to the Attorney General's Office to file an injunction, to refer the case to the county attorney, and refer the matter to the Arizona Board of Medical Examiners for any possible infraction of their statutes as well. The motion carried (6-0).

17) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING DR. JEAN HODGSON'S POSSIBLE FAILURE TO COMPLY WITH BOARD ORDER 09-39

It was noted for the record that Dr. Hodgson was not present for this timed agenda item. Dr. Brundage summarized the case and reported that on August 6, 2010, the Board voted to issue Dr. Hodgson an Order for Fitness for Duty Examination to be completed within 60 days. Dr. Brundage further explained that Dr. Hodgson was to choose a Board approved practitioner to perform the exam and notify the Board in writing the name and date of the appointment within 10 days. Dr. Brundage noted that Dr. Hodgson has not contacted the Board regarding compliance and completion with the Board's Order and she is, therefore, unregulatable. Dr. Wechsler expressed concurrence.

Ms. Galvin noted that, at this time, Dr. Hodgson's actions may demonstrate a significant defiance of the Order for Fitness for Duty Examination providing sufficient grounds to open and/or file an RFI. Dr. Brundage made a motion, seconded by Dr. Wechsler, to open a Request for Investigation (RFI) against Dr. Hodgson for failure to comply with a Board Order. The motion carried (6-0).

18) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING BOARD MISSION STATEMENT

Dr. Olvey reported that this agenda item was before the Board for consideration and possible action to revise the Board's mission statement to include the professional of behavior analysis. Dr. Olvey noted that, currently, the Board's mission statement reads, "the mission of the Arizona Board of Psychologist Examiners is to protect the health, safety, and welfare of the Arizona citizens by regulating the psychology profession." Since the Board now regulates the profession of behavior analysis, the Board may wish to consider adding the profession to the mission statement to read, "The mission of the Arizona Board of Psychologist Examiners is to protect the health, safety, and welfare of the Arizona citizens by regulating the professions of psychology and behavior analysis." Dr. Olvey noted that the mission statement is requested on administrative documents as well as posted on the Board's website.

Board discussion opened with Dr. Wechsler and Dr. DiBacco suggesting a completely separate mission statement solely for the behavior analysts. Dr. Brundage noted that both professions are regulated by the Board of Psychologist Examiners, and therefore should be in the same statement.

Dr. Bohanske made a motion, seconded by Dr. Brundage, to modify the Board's mission statement to include the profession of behavior analysis as stated by Dr. Olvey. The motion carried (6-0).

19) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS ANNUAL MEETING UPDATE

Chairperson Mellott reported that she was in attendance of the Association of State and Provincial Psychology Board (ASPPB) Annual Meeting in Savannah, Georgia in October 2010. Chairperson Mellott noted that topics of interest included an extensive study surrounding the EPPP and yearly statistics as well as major interest in the topics of telehealth and distance practice.

20) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING INFORMED CONSENT RECORDS

Dr. Wechsler summarized that there has been a recurrent issue with the lack of detailed informed consent from large agencies that conduct third party evaluations on clients. Dr. Wechsler suggested possibly developing a substantive policy regarding the matter until such time that a statute may be put in place requiring informed consent documents from large agencies prior to evaluations by third parties being performed. Ms. Galvin noted that a substantive policy may not be the best way to address this issue due to the fact that the Board does not have any jurisdiction over large agencies requiring the evaluations. Drs. Brundage and Mellott suggested writing an article or summary that Board staff could post on the website that "strongly urges" third party licensed psychologists who are contracted with these large agencies, to clarify and possibly develop their own informed consent to be discussed with the client being evaluated prior to the evaluation. By doing such, psychologists and clients would have a clear understanding of who and why the evaluation is being performed, where the evaluation results are sent, and who the client is in these situations. Dr. Wechsler noted that he could write something for review by Board staff and Ms. Galvin and bring it back before the Board for review prior to its posting on the Board website.

21) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING POSSIBLE ACTION FOR 2011 LEGISLATIVE SESSION

Dr. Olvey noted that November is the deadline for state agencies to identify any proposed legislation for the next legislative session to the Governor's office. The November agenda includes an opportunity for the Board to identify and discuss any issues that need to be addressed during the upcoming 2011 Legislative session, including any changes to the statute.

In addition, Dr. Olvey noted that in January 2010, the Board submitted a request for additional monies via the Budget Reconciliation Bill (BRB) to revise the biennial licensing process. The request proposed that the current process change from having one deadline for all renewals to spreading the license renewals across a two year period. The request was not approved by the Joint Legislative Budget Committee for the 2010 legislative session.

Dr. Olvey inquired whether the Board had any legislative issues that needed to be addressed during the next legislative session. The Board responded that there were no pressing issues at this time. Lastly, Dr. Olvey inquired whether the Board would like to re-submit a request to revise the biennial licensure renewal process to be included in the BRB. It was the consensus of the Board to have Dr. Olvey submit a second request to the legislature regarding revising the renewal process in the BRB.

21) RECESS

The Board recessed for the day at 5:30 p.m.

22) RECONVENE

The Board reconvened in open session on Saturday, November 6, 2010 at 9:05 a.m. Board members present were Chairperson Mellott, Dr. Wechsler, Dr. Bohanske, Dr. Brundage, Dr. DiBacco and Mr. Donaldson.

23) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATIONS

b) Christopher Smith, Ph.D. – Discussion, Decision, and Possible Action regarding the Application Review Committee’s recommendation of denial of application for licensure of Dr. Christopher Smith APP-10-068

Chairperson Mellott summarized this application for the Board and noted that Dr. Christopher Smith, applicant, was available via telephone. Chair Mellott asked Dr. Smith if he wished to address the Board regarding his application for licensure. Dr. Smith presented a summary of his clinical experience. Board members asked Questions regarding his presentation including whether he had issued psychological reports or rendered diagnoses. Dr. Smith indicated that he had performed work within the scope of his research. Board members discussed that Dr. Smith’s degree was in Experimental Psychology, which does not meet the requirements of A.R.S. §32-2071(A). At the conclusion of the Board’s deliberation of this matter Dr. Smith voluntarily withdrew his application.

24) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CORRESPONDENCE FROM DR. EDWARD LOVEJOY REQUESTING CLARIFICATION ON SUPERVISORS TAKING FULL LEGAL RESPONSIBILITY FOR THE WELFARE OF CLIENTS SEEN BY SUPERVISEES

The Board considered correspondence from Dr. Edward Lovejoy in which Dr. Lovejoy requested clarification regarding a question that appears on the Postdoctoral Professional Psychology Experience Verification Form. Question #6 reads, “Did you accept full legal responsibility for the welfare of the client as well as diagnosis, intervention and outcome of the intervention?” Board members discussed the words “full legal responsibility for the welfare of the client,” which appears in statute (A.R.S. §32-2071(F)(3) and A.R.S. §32-2071(G)(2)). Board members discussed possibly revising the wording on the application to reflect that supervisors accept full clinical and ethical responsibility for supervisees within the scope of practice. Chair Mellott asked that Board staff advise Dr. Lovejoy that the Board has reviewed his correspondence and will consider language at the December meeting. Dr. Bohanske will work with Board staff to draft a statement for consideration by the Board at the December meeting.

25) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATIONS AND NOTICES FOR 2011 - 2013 RENEWAL CYCLE

The Board reviewed draft renewal applications for both psychologists and behavior analysts for the 2011-2013 renewal cycles. The draft application for behavior analysts included a section for “Comments to the Board.” It was the consensus of the Board to leave this section on the application. Board discussion focused on the due dates for renewal applications. According to A.R.S. 32-2074, licenses for psychologists must be renewed “. . .before May 1 of each odd-numbered year.” A.R.S. 32-2091.07(B) indicates that licenses must be renewed “. . .on or before April 30 of each odd-numbered year”. April 30, 2011 falls on a Saturday; the Board office is open Monday through Friday. As a result, renewal applications for both psychologists and behavior analysts may be postmarked on or before April 30, 2011 or hand-delivered by close of business on Friday, April 29, 2011. The Board asked staff ensure dates are consistent in the applications.

26) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING DRAFT PRE-INTERNSHIP LOG FOR APPLICATIONS

Chairperson Mellott drafted a log for applicants to record pre-internship experience. Dr. Mellott proposed that the log be added to the Psychologist Application for Licensure form. It was the consensus of the Board that the log be added to the application form. Dr. Bohanske observed that there

could be some confusion regarding the total versus weekly entries. Dr. Mellott indicated that she will make a change to the draft log and send the revised log to the Board office for incorporation into the existing licensure application form.

27) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ADDING A QUESTION TO THE PSYCHOLOGY/BEHAVIOR ANALYST APPLICATIONS IN REFERENCE TO A.R.S. §§ 32-2071.01 & 32-2091.04

Dr. Mellott summarized that, upon review of our applications currently in use, the psychologist application asks the applicant in question #12 “Are you licensed or certified in any other field or profession?” but does not request verification of such licensure/certifications. Dr. Mellott posed the question to Ms. Galvin of whether it is appropriate for our Board to request verifications of licensure in other professions. Ms. Galvin noted that it is appropriate and pertinent to request applicants disclose licensure or certification in other fields or professions and request that they submit verification of such from the regulating entity. After a brief discussion it was the Board consensus to direct Board staff to add the question “Are you licensed or certified in any other field or profession?” to all psychologist and behavior analyst licensure applications as well as request applicants submit verifications of such with application materials.

28) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING GUIDELINES FOR BOARD COMPLAINT RESOLUTION

Dr. Olvey noted that the Arizona Board of Appraisal had developed a one-page substantive policy statement providing Guidelines for Complaint Resolution. Board members had requested to include this as a topic of discussion for the Board in an effort to further ensure consistency in Board decision regarding disciplinary action. Dr. Olvey noted that a copy of the Board of Appraisal’s Substantive Policy statement was included with Board materials for the Board’s review. In addition, Board staff adapted the contents of the document for review and discussion by the Board in an additional document, specifically pertaining to the Board of Psychologist rules and statutes. It was the Board consensus to use the grid as an informal guideline for six months and then reconsider adopting as a substantive policy after testing its efficacy with this Board.

Dr. Bohanske made a motion, seconded by Mr. Donaldson, to adopt the Guidelines for Complaint Resolution as drafted by Board staff for the Board of Psychologist Examiners as an informal policy of the Board for six months and re-address the issue at the April Board meeting. The motion carried (6-0).

29) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CORRESPONDENCE BETWEEN THE BOARD AND THE BEHAVIOR ANALYST CERTIFICATION BOARD REGARDING RELEASE OF TEST RESULTS

Dr. Olvey reported that at the September 2, 2010 Board meeting, it was the consensus of the Board that the Executive Director send a letter to the Behavior Analyst Certification Board (BACB) requesting additional detail regarding the BACB’s position not to release test results for individuals applying for licensure as a behavior analyst in Arizona. In addition, Dr. Olvey queried several Board of the same size and similar scope of authority to ascertain whether organizations that administer national professional examinations release test results to boards where examinations are required. All Boards indicated that organizations provide at a minimum pass/fail indication and most organizations provide the actual scores plus the pass/fail designation.

Dr. Olvey received a response from the BACB’s Chief Executive, Dr. Gerald Shook, on October 21, 2010. Dr. Shook indicated that candidates who have passed their national exam are notified only that they have passed. Candidates who fail the exam are notified that they have failed, given their scores, and a summary of their substandard performance results to help inform them of their primary areas of strength and weakness. Dr. Shook indicated that the fail reports are only ever released to the candidates and suggested that, in order to obtain proof of a pass/fail on the test, the Board should request that from

the candidates themselves. In addition, Dr. Shook indicated that, should the Board not request the pass/fail score directly from the candidates themselves, the matter would have to go before the BACB's Executive Committee and possibly the Board of Directors.

After Board discussion, it was the Board's position to modify the current Request for Verification of Certification form that applicant's submit to the BACB, to include a pass/fail designation check-box. This form will be brought back before the Board prior to including it in the behavior analyst applications.

30) DISCUSSION AND INFORMATION REGARDING A.R.S. §32-2062(B) PERTAINING TO BOARD COMPOSITION

Dr. Olvey summarized that A.R.S. § 32-2062(A) and (B) addresses the composition of the Board and states that the Board is comprised of nine members appointed by the Governor, six licensed pursuant to the Board statutes and three public members not eligible for licensure by the statute. Of the six licensed members, two must be licensed as psychologists who are full-time faculty members from universities within the state in a doctoral psychology program that meets the requirements of A.R.S. § 32-1071 and at least three members who are licensed psychologists in professional practice. Dr. Olvey noted that there are now two professions licensed under the Board of Psychologist Examiners – psychologists and behavior analysts. Dr. Olvey noted that upon reviewing this matter, Ms. Galvin noted responded that the sixth "licensed" Board member position may be filled by a psychologist or a behavior analyst since both professions are now licensed under this chapter.

After discussion, the Board thanked Dr. Olvey and Ms. Galvin for their research into this issue and noted that should a behavior analyst wish to apply for the position on the Board, they would need to contact the Governor's office of Board's and Commissions for more information.

31) NEW AGENDA ITEMS FOR FUTURE MEETINGS

Dr. Brundage requested a discussion item on a future agenda regarding the issue of telehealth/telepractice.

Dr. Olvey noted that the December agenda would include an item regarding the prototype behavior analyst license and wall certificate for the Board's approval. In addition, the April agenda would include an item reviewing the efficacy of the Complaint Guidelines Grid and possibly draft a substantive policy regarding the matter.

32) ADJOURN

There being no further business to come before the Board, a motion was made by Mr. Donaldson, seconded by Dr. Wechsler, to adjourn the meeting at 12:28 p.m. The motion carried (6-0).

Respectfully Submitted,

Frederick S. Wechsler, Psy.D., ABPP
2010 Board Secretary

Date

