



**Board Members**

Frederick S. Wechsler, Psy.D. ABPP  
Chair  
Janice K. Brundage, Ph.D.,  
Vice-Chair  
Joseph C. Donaldson,  
Secretary  
Bob Bohanske, Ph.D.  
John P. DiBacco, Ph.D.  
Daniel Larson  
Ramona Mellott, Ph.D.

**Staff**

Dr. Cindy Olvey  
Executive Director  
  
Megan Martin  
Deputy Director  
  
Heather Duracinski  
Licensing Coordinator

**State of Arizona  
Board of Psychologist Examiners**

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**REGULAR SESSION MINUTES**

**Friday, May 4, 2012, 8:30 a.m.**

Executive Tower  
1700 W. Washington Street  
Grand Canyon Room (Basement)  
Phoenix, AZ 85007

**1. CALL TO ORDER**

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Vice-Chair Brundage at 8:30 a.m. on May 4, 2012. One Executive Session was held.

**2. ROLL CALL**

**Board Members Present**

Janice K. Brundage, Ph.D. – Vice Chair  
Joseph C. Donaldson – Secretary  
Bob Bohanske, Ph.D.  
John P. DiBacco, Ph.D.  
Daniel Larson (8:30 a.m.-12:06 p.m.)  
Ramona N. Mellott, Ph.D.

**Staff Present**

Dr. Cindy Olvey, Executive Director  
Megan Martin, Deputy Director  
Heather Duracinski, Licensing Coordinator

**Attorney General’s Office**

Jeanne Galvin, Esq., Assistant Attorney General

**Board Members Absent**

Frederick S. Wechsler, Psy.D., ABPP-Chair

**3. REMARKS/ANNOUNCEMENTS**

- **CE Documentation** – Vice-Chair Brundage announced that licensees could receive CE credits in Ethics for attendance at Board meetings and explained how to obtain credit.
- **Board Assessment Forms** –Vice-Chair Brundage encouraged members of the audience to complete a Board Meeting Assessment Survey and place them in the survey box.
- **Board Member and Staff Appreciation** – Vice-Chair Brundage thanked Board members and Staff for their dedication and hard work.

**4. CALL TO THE PUBLIC**

Vice-Chair Brundage invited the public to address the Board. Marilyn Stromsness, Ph.D., Arizona Psychological Association’s liaison to the Board, requested to speak and gave an update to the Board.

The Complainant in RFI 11-34 requested to speak and expressed concern that the complaint has been rescheduled for consideration by the Complaint Screening Committee and has not yet been heard. The Board's Executive Director will contact the Complainant to discuss the rescheduling of this complaint.

## **5. COUNSEL REPORT**

Ms. Galvin provided an update to the Board regarding the status of court proceedings pertaining to Jean Hodgson, Ed.D. Ms. Galvin reported on the recent pleadings submitted to the Court by Dr. Hodgson. Ms. Galvin stated that Dr. Hodgson has yet to file her opening brief.

## **6. CONSENT AGENDA - DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION**

All minutes for approval were removed from the Consent Agenda due to lack of a quorum for approving the minutes. Dr. Bohanske made a motion, seconded by Mr. Donaldson, to approve the items on the consent agenda. The motion carried unanimously (6 -0).

### **(a) APPROVAL OF MINUTES**

- ~~Executive Session Minutes February 3, 2012 (9:55 a.m. 10:10 a.m.)~~
- ~~Executive Session Minutes February 3, 2012 (10:21 a.m. 12:12 p.m.)~~
- ~~Executive Session Minutes February 3, 2012 (1:43 p.m. 2:58 p.m.)~~
- ~~Regular Session Minutes March 30, 2012~~
- ~~Executive Session Minutes March 30, 2012 (10:55 a.m. 11:09 a.m.)~~
- ~~Executive Session Minutes March 30, 2012 (1:57 p.m. 2:07 p.m.)~~

### **(b) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS**

#### **i. REQUESTING APPROVAL FOR EXAM AND LICENSURE**

Nader Babai-Siahdohoni, Ph.D.  
Christine Pereira, Psy.D.  
Laura Stewart, Psy.D.

#### **ii. REQUESTING APPROVAL OF LICENSURE BY WAIVER**

L. Ann Farnsworth, Ph.D.  
Victor Neufeld, Ph.D.  
Carol O'Saben, Ph.D.

#### **iii. REQUESTING APPROVAL OF LICENSURE BY CREDENTIAL**

Robert Maurer, Ph.D., CPQ  
Timothy Sams, Ph.D., NRHSPP

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

Nkitshia Corzo, MA, BCBA

### **(d) EXECUTIVE DIRECTOR'S REPORT**

### **(e) INVESTIGATIONS REPORT**

### **(f) LICENSING REPORT**

### **(g) REVISION TO QUESTION #3 ON LICENSURE RENEWAL FORM ASKING IF APPLICANT IS A MEMBER OF ANY HOSPITAL STAFF, PROVIDER PANEL, OR PROFESSIONAL ASSOCIATION**

**(h) REQUEST FOR EXTENSION OF TIME TO TAKE EPPP EXAM FROM STACY ANDERSON TAOUIL, PSY.D.**

**(i) REAPPLICATION FOR EXAM AND LICENSURE SUBMITTED BY NANCY HAGENER, PSY.D.**

**7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING ASPPB MIDYEAR MEETING UPDATE**

Dr. Olvey provided a summary to the Board. Dr. Olvey stated that when an applicant requests accommodations to take the EPPP, the Board has paid the cost of the accommodations. Dr. Olvey stated the ASPPB Board of Directors has approved that ASPPB will pay for ADA accommodations and that the Board along with ASPPB will determine whether an applicant is qualified for the accommodations. It is unknown when this change will take effect.

Dr. Olvey stated that ASPPB's Mobility Committee has developed course work guidelines for reviewing CPQ applications. Dr. Olvey elaborated on the guidelines and stated that the guidelines may helpful for the Board when reviewing course work as part of the application process.

**8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INVESTIGATIONS**

**RFI 11-31, Renee Roberts, Ph.D.**

Dr. DiBacco provided a summary to the Board. The Complainant was present and requested to speak. He stated that, although Dr. Roberts found his mother competent, the Court found his mother incompetent. Further, he stated that he is concerned that Dr. Roberts committed HIPAA violations. The Complainant answered Board.

Dr. Roberts and her legal counsel, Faren Akins, were present. Mr. Akins presented each Board member with a notebook of additional materials. It was the consensus of the Board to proceed with the investigation with the materials previously provided to the Board. Mr. Akins requested to speak, made a statement and answered Board members' questions. Mr. Akins elaborated on the validity of the POA. Mr. Akins elaborated on Dr. Roberts' area of expertise and background. Mr. Akins provided information regarding the allegation of HIPAA violations. Mr. Akins stated that there was clerical error on the intake form which stated that the evaluation of the Complainant's mother was a "competency evaluation". Mr. Akins affirmed that this was not a competency evaluation.

Dr. Roberts requested to speak, made a statement and answered Board members' questions. Dr. Roberts provided information regarding the timeline of events and what information was included in her report. Dr. Roberts stated that additional information received was not included in her report. Dr. Roberts stated that she complied with the mother's request and did not disseminate the report or talk to the Complainant regarding his mother's evaluation. Dr. Roberts stated that the mother was referred to her by a Nurse Practitioner.

Board members deliberated and expressed concerns that Dr. Roberts chose to label her report as a competency evaluation; her statements are contradictory; and she may have entered into a multiple relationship. After deliberation, Dr. DiBacco made a motion, seconded by Dr. Mellott, to move RFI 11-31 to an Informal Interview to include findings of fact and possible violations of A.R.S. §32-2061(13)(g) Engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training and experience; A.R.S. §32-2061(13)(o) providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; A.R.S. §32-2061(13)(r) Failing to obtain a client's informed and written consent to release personal or otherwise confidential information to another party unless the release is otherwise authorized by law; A.R.S. §32-2061(13)(j) Making a fraudulent or untrue statement to the board or its investigators, staff or consultants; A.R.S. §32-2061(13)(dd) Violating an ethical standard adopted by the Board; specifically, American Psychological Association Ethical Principles of Psychologists and Code of Conduct 3.05 Multiple Relationships and 9.02 Use of Assessments. Motion carried on a roll call vote 6-0.

**RFI 12-05, Lydia Garrett, Ph.D.**

Dr. DiBacco provided a summary to the Board and stated that this complaint was initiated by the Board for failure to comply with A.R.S. §32-2061(13)(aa) Violating a formal board order, consent agreement, term of probation or stipulated agreement issued under this chapter.

Dr. Garrett was not present. Board members deliberated and voiced concern that Dr. Garrett did not appear before the Board when subpoenaed. Board members voiced concern with Dr. Garrett's lack of communication with the Board and lack of concern regarding the seriousness of the matter. After deliberation, Dr. Bohanske made a motion, seconded by Mr. Larson, to move RFI 12-05 to Formal Hearing for revocation of Dr. Garrett's license. A Board member voiced concern that the Board should act sooner than waiting for a Formal Hearing.

At 9:40 a.m., Mr. Donaldson made a motion, seconded by Mr. Larson, to go into Executive Session to obtain confidential legal advice. The motion carried unanimously (6-0). Open session reconvened at 9:52 a.m.

Upon returning to open session Vice-Chair Brundage reminded Board members that there is a motion on the floor made by Dr. Bohanske, seconded by Mr. Larson to move RFI 12-05 to Formal Hearing for revocation of Dr. Garrett's license. The motion carried on a roll call vote (6-0).

**9. CALL TO THE PUBLIC (Continued)**

Several additional requests to speak were submitted by public members.

Melissa Prinsverburg requested to speak and stated that she has concerns regarding Dr. Eugene Cherry's conduct as a psychologist. Additionally, she stated that she has concerns regarding statements Dr. Cherry has made about Ciara Coultrap concerning her educational degree and role as a professional.

The Complainant in RFI T-12-07 pertaining to Ciara Coultrap requested to speak and stated that she has concerns regarding Ciara Coultrap. Ms. Jessop alleges that Ms. Coultrap used information taken from Complainant's website.

Nisha Chirnomas requested to speak and elaborated on her previous court case regarding custody of a minor child. Ms. Chirnomas stated that Ciara Coultrap and Dr. Cherry acted unprofessionally and unethically in her case.

Gerald Chirnomas requested to speak and elaborated on his previous court case regarding a minor child. Mr. Chirnomas stated that Ciara Coultrap and Dr. Cherry acted unprofessional and unethically. Mr. Chirnomas stated that Dr. Cherry committed HIPAA violations and failed to properly supervise Ciara Coultrap. Additionally, Mr. Chirnomas stated that Dr. Cherry contradicted himself throughout the custody proceedings.

**10. INFORMAL INTERVIEW-Eugene Cherry, Ph.D. RFI NO. 11-01**

**DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO ALLEGATIONS OF UNPROFESSIONAL CONDUCT, PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, POSSIBLE DISCIPLINE AND/OR OFFER OF A CONSENT AGREEMENT OR REFERRAL TO A FORMAL HEARING**

Vice-Chair Brundage reviewed Informal Interview procedures. Dr. Cherry and his legal counsel, Larry Cohen, were present. Vice-Chair Brundage swore in Dr. Cherry and Mr. Cohen. Neither Dr. Cherry nor Mr. Cohen requested to speak at that time.

Mr. Donaldson provided an overview of the case to the Board. Mr. Donaldson stated that this case arises out of a contentious custody proceeding. Mr. Donaldson stated that Dr. Cherry was providing therapeutic visitations between the Complainant (biological Father) and the minor child pursuant to Court Order. Mr. Donaldson affirmed that Dr. Cherry was not appointed by the Court to provide therapy. Mr. Donaldson stated that Dr. Cherry conducted an evaluation of the biological mother and provided a custody opinion to the Court without the consent of the Complainant.

The Complainant was present telephonically and requested to speak. Vice-Chair Brundage swore in the Complainant who made a statement to the Board. The Complainant asserted that Dr. Cherry made false statements, destroyed his relationship with his minor child, and violated HIPAA regulations.

Board members asked Dr. Cherry if he has concerns about the case now. Dr. Cherry stated that he does have concerns and that he acted on information that was given to him by Ciara Coultrap. Dr. Cherry recognized that he was in error in not getting his information first hand. Board members questioned Dr. Cherry about his background in forensics. Dr. Cherry stated that he primarily provides forensic services for the Court and has been involved in numerous cases. Dr. Cherry stated that he has attended 10 courses pertaining to family law. Board members questioned Dr. Cherry about his relationship with Legacy and if the Court appointed Legacy to provide therapeutic visits. Dr. Cherry stated that he entered into a limited partnership with Legacy in 2010 and 2011 but has since severed all ties with Legacy. Dr. Cherry provided a historical timeline of his interactions and roles with Legacy. Dr. Cherry affirmed that Ciara Coultrap did not provide clinical services and that she was under his supervision. Dr. Cherry elaborated that he provided necessary clinical services. Dr. Cherry attested that he does not have a personal relationship with Ciara Coultrap. Dr. Cherry affirmed that Legacy was appointed by the Court to provide therapeutic visits between the Complainant and the minor child. Board members questioned Dr. Cherry as to the evaluation he conducted on the minor child's mother ("Mother"). Dr. Cherry stated that, the biological Mother's attorney contacted Ciara Coultrap requesting that she ask Dr. Cherry to conduct an evaluation to determine if Mother needed an Independent Medical Evaluation. Mr. Cohen elaborated that the evaluation that Dr. Cherry conducted was not Court Ordered and that neither he nor Dr. Cherry represented such. Board members questioned Dr. Cherry about the conditions and testing he utilized while evaluating Mother. Dr. Cherry affirmed that the conditions for evaluating Mother were not in line with testing protocol. Board members asked Dr. Cherry if he was familiar with the Specialty Guidelines for Forensic Psychology. Dr. Cherry asserted that he reviewed the guidelines approximately seven years ago. Board members questioned Dr. Cherry as to why he petitioned for Father to be involuntarily hospitalized. Dr. Cherry stated that he made the recommendation based on information that was provided to him by Ciara Coultrap. Dr. Cherry confirmed that he did not observe or evaluate Father firsthand. Dr. Cherry recognized that he should not have signed the petition without first evaluating Father. Board members questioned Dr. Cherry about the informed consent and the statement therein regarding Ciara Coultrap providing psychological services Dr. Cherry responded stating that Ciara Coultrap did not provide psychological services. Board members questioned Dr. Cherry regarding billing for services. Dr. Cherry said that he did not sign off on any services that were provided by Ciara Coultrap for billing purposes. Dr. Cherry apologized for the role he played in this case.

Ms. Galvin, Assistant Attorney General, informed the Board that Ciara Coultrap was subpoenaed to appear before the Board but that she is not present. Mr. Cohen asserted that neither he nor Dr. Cherry have had any contact with Ciara Coultrap.

The Board deliberated. Board members voiced concern that Dr. Cherry entered into a multiple relationship by first providing advisory services to Legacy then moving into a therapeutic role and providing clinical services. Board members voiced concern that Dr. Cherry signed off on documents without observing behaviors first hand. Board members voiced concern regarding the lack of informed consent.

After deliberation, Dr. Mellott made a motion, seconded by Mr. Donaldson, to include Findings of Fact for violations of A.R.S. §32-2061(e) gross negligence in the practice of psychology by providing information to the courts about a person whom Dr. Cherry did not assess or evaluate, by failing to adequately screen qualifications of Legacy employees and thereafter failing to take appropriate actions regarding the activities of Legacy employees under his supervision, and by continuing to work with Ciara and Michael Coultrap when serious professional and ethical issues became apparent; A.R.S. §32-2061(o) providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice by Dr. Cherry's failure to maintain and retain adequate business records, by his signing of documents submitted to the Court without first reviewing them, for making recommendations to the Court without qualifications, and for offering a diagnosis absent any personal observations, interviews, assessments, or evaluations; A.R.S. §32-2061(dd) violating an ethical standard adopted by the Board pertaining to American Psychological Association Ethical Principles of Psychologists and Code of Conduct, APA 3.05 multiple relationships by Dr. Cherry serving as both a parent advisor and then providing an Independent

Medical Evaluation for the Mother; 3.06 conflict of interest by Dr. Cherry acting as clinical therapist and director of Legacy simultaneously; 3.10 informed consent for not providing an informed consent form signed by the client as part of the evaluation; 3.11 psychological services delivered to or through organizations by not notifying clients of the services provided and the relationship of each individual within the organization; 9.02 use of assessments by not following accepted protocol when deviating from standard assessment practices. The motion carried on a roll call vote 6-0.

Dr. Bohanske made a motion, seconded by Dr. DiBacco, to issue Dr. Cherry an Order for Probation. Dr. Cherry's license will be placed on probation for one year. Dr. Cherry shall retain a practice monitor from a list of psychologists approved by the Board. Dr. Cherry shall meet with the practice monitor two times per month for a minimum of two hours. The practice monitor shall submit quarterly reports to the Board regarding Dr. Cherry's progress. Dr. Cherry shall choose a practice monitor within 15 days of the effective date of the Order. Dr. Cherry shall attend a minimum of 6 hours of in-person continuing education in general ethics and a minimum of 6 hours in forensic psychology, which may be completed through distance education. The continuing education shall be completed within six months of the effective date of the Order unless an extension is granted. Continuing education shall not be part of the 60 hours required for each renewal cycle. Dr. Cherry shall review the most recent American Psychological Association Specialty Guidelines for Forensic Psychology and subsequently attend a Board meeting to inform the Board of his current knowledge regarding the forensic guidelines within six months of the effective date on the Order. Dr. Cherry shall provide a community service plan to the Board for approval within 30 days of the effective date of the Order and submit to 40 hours of community service. The motion carried on a roll call vote 6-0.

#### **11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING DR. LARRY PRISTO'S LATE SUBMISSION OF CONTINUING EDUCATION MATERIALS**

Vice-Chair Brundage provided a summary to the Board. Board members recognized Dr. Pristo's absence. Board staff informed the Board that Dr. Pristo was timely noticed and that the notice was not returned to the Board office. After deliberation, Dr. Bohanske made a motion, seconded by Mr. Donaldson, to issue a subpoena to Dr. Pristo to appear at the next in-person Board meeting. The motion carried 5-0

#### **12. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INTERNSHIP SUPERVISION PROVIDED BY DR. EDWARD LOVEJOY**

Dr. Olvey provided a summary to the Board. Dr. Lovejoy and his legal counsel, Faren Akins, were present. Dr. Lovejoy requested to speak, made a statement to the Board and answered Board members' questions. Dr. Lovejoy provided a timeline of events to the Board. Dr. Lovejoy affirmed that he was contacted by La Paloma to inquire as to whether he would provide supervision to two interns. Dr. Lovejoy asserted that the interns were creating an internship. Dr. Lovejoy stated that he was assured by the interns and the agency director that the internship would meet statutory requirements. Dr. Lovejoy affirmed that he voiced concern to the interns about the internship because it was self-designed and not APA approved. Dr. Lovejoy stated that Dr. Hill was purported to be a psychologist who would also be providing supervision to the interns. Dr. Lovejoy confirmed that he never entered into a contract with Walden University. Board members asked Dr. Lovejoy about the supervision forms that were signed by him. Dr. Lovejoy stated that the forms he has on file are different than the forms that were provided to the Board by the applicant.

The Board deliberated and determined that Dr. Lovejoy acted within reason. It was the consensus of the Board to take no action.

#### **13. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING DOCTOR OF BEHAVIORAL HEALTH DEGREE SEEKING LICENSURE**

Dr. Olvey provided a summary to the Board. Dr. O'Donnell was present, supplied the Board with a written copy of a power point presentation and reviewed the presentation with the Board. Dr. O'Donnell elaborated on the Doctor of Behavioral Health Program and its requirements. Dr. O'Donnell indicated the Doctor of Behavioral Health Program is seeking doctoral level licensure for its graduates. Dr. O'Donnell elaborated on the scope of practice of an individual who graduates from the Doctor of Behavioral Health Program. Dr. O'Donnell reviewed the differences between a Doctor of Behavioral Health compared to a licensed psychologist, therapist

and social workers. Dr. O'Donnell provided information as to the importance of a Doctor Behavioral Health becoming an integral part of the behavioral health community. Board members asked Dr. O'Donnell if all students of the program have a master level degree. Dr. O'Donnell confirmed. Dr. Olvey asked Dr. O'Donnell how many of the program's graduates reside in Arizona and if the program is online only. Dr. O'Donnell stated that 30 graduates reside in Arizona and confirmed that it is now an online program. It was the consensus of the Board to further consider this matter.

**14. DISCUSSION, CONSIDRATION, AND POSSIBLE ACTION REGARDING CALL FOR NOMINATIONS FOR ASPPB (ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS) BOARD OF DIRECTORS, FELLOWS, AND AWARDS**

Dr. Olvey provided a summary to the Board stating that every year ASPPB calls for nominations for the ASPPB Board of Directors as well as awards in various areas. It was the consensus of the Board to nominate Dr. Olvey for an award. Dr. Mellott will take the lead in writing a letter and submitting the nomination on behalf of the Board.

**15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INTERPRETATION OF A.R.S. §32-2071(G) PERTAINING TO REQUIREMENTS FOR SUPERVISED POSTDOCTORAL EXPERIENCE**

It was the consensus of the Board to consider this agenda item at a future meeting.

**16. DISCUSSION, CONSIDRATION, AND POSSIBLE ACTION REGARDING UPDATING, REVISING, OR TERMINATING SUBSTANTIVE POLICY STATEMENTS DEVELOPED FROM 1995-1998**

- **Postdoctoral Supervised Professional Experience (1995)**
- **Auditing Licensees' Continuing Education Requirements (1997)**
- **Guidelines for Disciplinary Action by the Board (1998)**

Dr. Olvey provided a summary to the Board. Dr. Olvey stated that the above noted Policy Statements are outdated and do not appear on the Board's website. Dr. Olvey and Ms. Galvin informed the Board of the content of the Policy Statements and discussed the Board's options.

After deliberation, Dr. Bohanske made a motion, seconded by Dr. Mellott, to terminate all of the above noted Policy Statements and draft new Policy Statements. The motion carried 5-0.

**17. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ADOPTING DRAFT GUIDELINES FOR BOARD COMPLAINT RESOLUTION**

Dr. Olvey provided a summary to the Board indicating the Board had previously requested the draft guidelines be brought before the Board at a future meeting for discussion and action. After deliberation, Dr. Bohanske made a motion, seconded by Mr. Donaldson, to adopt the draft guidelines as final and as a Substantive Policy Statement. The motion carried 5-0.

**18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RULES FOR PSYCHOLOGISTS**

Dr. Olvey provided an update to the Board. Dr. Olvey stated that the rules for psychologists were last updated in 2007. Dr. Olvey stated that it is time for the Board to again update the rules. Dr. Olvey asked the Board to allow the Board office to contact the Arizona Psychological Association (AzPA) and other relevant stakeholders to alert the community that the Board intends to revise the rules for psychologists. Board members asked Dr. Olvey to describe the rule making process. Dr. Olvey elaborated on the process and rule making timeline. It was the consensus of the Board to allow the Board office to contact AzPA and other relevant stakeholders to alert the psychology community that the Board will be revising rules.

**19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING ASPPB MIDYEAR MEETING UPDATE (Continued)**

Dr. Olvey summarized information from other state psychology boards including some jurisdictions conduct background checks on applicants; the Louisiana Psychology Board is working to have all psychologists (including Medical Psychologists who prescribe) under their jurisdiction; the Louisiana Psychology Board is drafting telepsychology guidelines; the Ohio Psychology Board implemented telepsychology rules this year that state only Ohio licensees can provide telepsychology services in Ohio; and, in general, the attorney for ASPPB recommends that applicants not be allowed to withdraw their applications for licensure;. Dr. Olvey stated that the majority of the ASPPB meeting focused on telepsychology with the ASPPB Telepsychology Task Force reporting its findings and recommendations.

**20. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REPORT OF THE ASPPB TASK FORCE ON MAINTENANCE OF COMPETENCE AND LICENSURE (MOCAL) DRAFT PROPOSAL**

Dr. Olvey provided a summary to the Board stating that Association of State and Provincial Psychology Boards (ASPPB) has revised its draft proposal for Maintenance of Competence and Licensure, which addresses recommendations for methods psychology boards could adopt as options for psychologists to use in order to maintain clinical competence. Dr. Olvey stated that continuing education, peer review, supervision, academic courses, publications, ABPP certification are some examples included in the proposal. Dr. Olvey stated that the draft proposes jurisdictions require 40 hours of continuing education with clarification pertaining to how hours may be acquired. Dr. Olvey said that ASPPB is accepting comment on the draft proposal. Dr. Olvey inquired whether the Board would like to comment and clarified that Board members may respond as individuals. It was the consensus of the Board to take no action and make no comments as a Board.

**21. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RULES FOR BEHAVIOR ANALYSTS**

Dr. Olvey provided a summary to the Board. Dr. Olvey stated that the Board office conducted oral proceedings on May 1, 2012. Dr. Olvey stated that there was no comment at the oral proceedings but that the Board office has received four emails with public comment.

Dr. Olvey reviewed each email with the Board. The first comment pertained to the number of times an applicant may take the national exam before the applicant must approach the Board with corrective action. The rule allows the applicant to take the exam three times and the commenter recommended a change from three to two. Dr. Olvey indicated that the statute allows an applicant to take the exam three times and, therefore, cannot be changed without a change in statute. The Board directed Dr. Olvey to respond to the commenter.

Dr. Olvey stated that the second comment pertained to the number of continuing education credits required. The rules proposed 30 hours biennially and the commenter recommends the same number of hours required by the Behavior Analyst Certification Board. Dr. Olvey elaborated that the continuing education requirement is consistent with other master level professions in Arizona and that the Board researched this data before proposing it as rule. It was the consensus of the Board to keep the continuing education requirement at 30 hours biennially and directed Dr. Olvey to respond to the commenter.

Dr. Olvey stated the third comment pertained to adoption of the Behavior Analyst Certification Board's ethical guidelines. The commenter proposed that the rule state that the Board will adopt "the most current version" of the guidelines. Dr. Olvey clarified that Arizona law requires that the ethical guideline version be specified in statute therefore this change cannot be made. The Board declined to make the proposed change and directed Dr. Olvey to respond to the commenter.

Dr. Olvey stated that the fourth comment included a similar recommendation regarding to "the most recent version" of the BACB ethical code. In addition, the commenter recommended the Board use the BACB's disciplinary guidelines. Dr. Olvey clarified that Arizona statute provides disciplinary guidelines. The commenter further addressed coursework requirements, since the BACB will be increasing the number of hours



required in the future. Dr. Olvey stated that coursework is specified in Arizona statute; therefore, the Board cannot change this requirement without changing the statute. The commenter noted the proposed rule on reporting misdemeanors to the Board within 10 days. Dr. Olvey clarified that there is an overarching statute regarding reporting certain misdemeanors and felonies within 10 days; therefore, the Board does not have the authority to make this change. The commenter addressed verifiable methods of delivery the BACB requires of its certificants. Dr. Olvey elaborated that Arizona statute does not specify how licensees must send documents to the Board. The Board declined to make proposed changes and directed Dr. Olvey to respond to the commenter.

Two of the four commenters advised that the address of the Behavior Analyst Certification Board (BACB) had changed. The Board agreed to eliminate the address from the rules and include only the BACB website address. In addition, Dr. Olvey recommended that the Board require that the place of birth be considered confidential information, as this information is often used as an online security question. It was the consensus of the Board to accept this change.

After deliberation, Dr. Mellott made a motion to accept the rules as revised as final rules, seconded by Mr. Donaldson. The motion carried 5-0.

**22. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF REGULAR SESSION MINUTES FROM THE BOARD'S TELEPHONIC MEETING OF MARCH 2, 2012**

It was the consensus of the Board to table this item to a future meeting.

**23. NEW AGENDA ITEMS FOR FUTURE MEETINGS**

Dr. DiBacco requested that the Board consider whether licensees should be required to provide continuing education (CE) information on the biennial renewal application. In addition, Dr. DiBacco requested the Board consider limiting the amount of online CE and require that some continuing education credits must be obtained by attending an in-person conference, seminar, workshop or presentation.

Dr. Mellott requested that the Board discuss and provide clarification regarding the difference between Category I and Category II continuing education credits.

**24. ADJOURN**

There being no further business to come before the Board, a motion was made by Dr. Mellott, seconded by Dr. DiBacco, to adjourn the meeting at 4:21 p.m. The motion carried 5-0.

**Respectfully submitted,**

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**Joseph C. Donaldson, Secretary**