



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**

1400 West Washington, Suite 235
Phoenix, Arizona 85007

Phone: (602) 542-8162 Fax: (602) 542-8279
www.psychboard.az.gov

REGULAR SESSION MINUTES

Friday, March 30, 2012, 8:30 a.m.

Capitol Center Building
Basement Conference Room, Side B
15 S. 15th Ave
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman Wechsler at 8:40 a.m. on March 30, 2012. Three Executive Sessions were held.

2. ROLL CALL

Board Members Present

Frederick S. Wechsler, Psy.D., – Chair
Janice K. Brundage, Ph.D. – Vice Chair
Joseph C. Donaldson – Secretary
Bob Bohanske, Ph.D.
Ramona 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.

Board Members Absent

John P. DiBacco, Ph.D.
Daniel Larson

3. REMARKS/ANNOUNCEMENTS

- **CE Documentation** – Chairman Wechsler announced that licensees could receive CE credits in Ethics for attendance at Board meetings. Chairman Wechsler explained how to obtain credit.
- **Board Assessment Forms** – Chairman Wechsler encouraged members of the audience to complete a Board Meeting Assessment Survey and place them in the survey box.
- **Remarks by the Chairman** - Chairman Wechsler welcomed Ms. Martin as the Deputy Director for the Board. Chairman Wechsler thanked the Board's intern, Ryan Litner, for his work and dedication to the Board.
- **Board Member and Staff Appreciation** – Chairman Wechsler thanked Board members and Staff for their dedication and hard work.

4. CALL TO THE PUBLIC

Chairman Wechsler 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.

5. COUNSEL REPORT

Ms. Galvin provided an update to the Board regarding the status of 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 briefs.

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

Dr. Bohanske made a motion, seconded by Dr. Brundage, to approve the items on the consent agenda. Mr. Donaldson indicated he needed to abstain from voting on minutes as he was not present for those meetings leaving a lack of a quorum to approve the minutes. The above noted minutes were subsequently removed from the consent agenda. The motion carried unanimously (5 -0).

(a) APPROVAL OF MINUTES

- Regular Session Minutes- February 3 & 4, 2012
- Executive Session Minutes-February 3, 2012

(a) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL TO TAKE EXAM

Felicia Acton, Psy.D.

ii. REQUESTING APPROVAL FOR EXAM AND LICENSURE

Raymond Beckman, Psy.D.
Shannon Chavez, Psy.D.
Dorsey Demapan Diaz, Psy.D.
Justine Majeres, Psy.D.
Sarah Opuroku, Psy.D.
Christine Sparacino, Ph.D.

iii. REQUESTING APPROVAL OF LICENSURE BY WAIVER

Phillip Gable, Ph.D.
Jamie Kenney, Ph.D.

vi. REQUESTING APPROVAL OF SUPERVISED PROFESSIONAL PSYCHOLOGY EXPERIENCES AND LICENSURE

William Beverly, Ph.D.

v. REQUESTING APPROVAL OF LICENSURE BY CREDENTIAL

Maria Landa, Ph.D., CPQ

(b) DISCUSSION/DECISION REGARDING APPLICATIONS FOR LICENSURE OF BEHAVIOR ANALYSTS BY CERTIFICATION

Nicholas Miles, M.S., BCBA

(c) REQUEST FOR EXTENSION OF TIME TO TAKE EPPP EXAM FROM MELISSA INMAN, Ph.D.

(d) EXECUTIVE DIRECTOR'S REPORT

(e) INVESTIGATIONS REPORT

(f) LICENSING REPORT

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INVESTIGATIONS

RFI 11-27, Dr. Karp, Ph.D.

Dr. Bohanske provided a summary to the Board and stated that this complaint was initiated by the Board. Dr. Karp and her legal counsel, Mark Harrison and Kathy O'Meara, were present. Mr. Harrison requested to speak, made a statement to the Board and answered Board members' questions. Mr. Harrison detailed the circumstances surrounding Dr. Karp's behavior at the July 13, 2011, Complaint Screening Committee meeting. Mr. Harrison elaborated on the rehabilitative measures that Dr. Karp engaged in and on her current treatment. Mr. Harrison provided information regarding Dr. Karp's ability to practice as a psychologist.

Dr. Karp requested to speak, made a statement to the Board and answered Board members' questions. Dr. Karp indicated that the November 5, 2010, Board meeting is not an issue. Dr. Karp elaborated on the circumstances surrounding her behavior at the July 13, 2011, Complaint Screening Committee meeting.

At 9:07 a.m., Dr. Bohanske made a motion, seconded by Dr. Brundage, to go into Executive Session to discuss confidential records and to obtain confidential legal advice. The motion carried unanimously (5-0). Open session reconvened at 9:48 a.m.

Mr. Donaldson made a motion, seconded by Dr. Brundage, to dismiss RFI 11-27 as Board members found no evidence of violation of statute or rule by the Licensee. Board members' and the Licensee agreed that Licensee would voluntarily provide reports to the Board on her recovery and progress. The motion carried on a roll call vote (5-0).

RFI 11-17, Marta DeSoto, Ph.D.

Dr. Brundage provided a summary to the Board and stated that this complaint was initiated by the Board based on information provided to the Board. Dr. DeSoto and her legal counsel, Michael Kimerer, were present. Mr. Kimerer requested to speak, made a statement to the Board and answered Board members' questions. Mr. Kimerer elaborated on the timeline regarding Dr. DeSoto's employment history with the Department of Corrections and her interactions with her now fiancé, inmate, J.W.

Dr. DeSoto requested to speak, made a statement to the Board and answered Board members' questions. Dr. DeSoto elaborated on the number of inmates that she was working with while employed at the Department of Corrections. Dr. DeSoto reminded Board members that at the time that she had interaction with inmate, J.W., at the Department of Corrections, she was not licensed as a psychologist. Dr. DeSoto stated that she was not J.W.'s treating therapist.

Board members deliberated and expressed concern regarding Dr. DeSoto's lack of insight regarding multiple relationships. Board members expressed concern that Dr. DeSoto did not consult with colleagues before entering into a personal/romantic relationship with J.W.

After deliberation, Dr. Brundage made a motion, seconded by Dr. Mellott, to offer a non-disciplinary Consent Agreement and Order for 8 hours of continuing education in multiple relationships to be completed within 6 months and that the continuing education can be used for 2011-2013 renewal cycle. Dr. DeSoto shall also submit her continuing education information for the current and previous licensing cycles to the Board for review. The motion carried on a roll call vote (5-0).

RFI T-11-21 & T-11-28, Jeffrey Fannin, Ph.D.

Dr. Bohanske provided a summary to the Board and stated that the Board will be hearing two complaints simultaneously against Dr. Fannin. Dr. Bohanske stated that Dr. Fannin is not a licensed psychologist but it has been alleged that he provides psychological services. Dr. Fannin and his legal counsel, Ken Chase, were present. Mr. Chase requested to speak, made a statement to the Board and answered Board members' questions. Mr. Chase stated that Dr. Fannin does not provide psychological services and does not hold himself out to be a psychologist. Mr. Chase elaborated stating that Dr. Fannin has not violated the injunction filed by the Board Effective January 4, 2011.

Board members recognized that neither the complainant for RFI T-11-21 nor the complainant for RFI T-11-28 were present.

At 10:55 a.m., Mr. Donaldson made a motion, seconded by Dr. Mellott, to go into Executive Session to obtain confidential legal advice. The motion carried unanimously (5-0). Open session reconvened at 11:09 a.m.

Board members' asked Dr. Fannin if he is currently certified to practice brain mapping. Dr. Fannin responded stating that he is no longer certified and stated that his website is not up to date regarding his certification status. Board members questioned Dr. Fannin as to whether he provides diagnoses. Dr. Fannin responded stating that he provides information regarding brainmapping and neurofeedback only.

Board members deliberated and expressed concern that Dr. Fannin's website is not current. Board members expressed concern that Dr. Fannin let his certification as a neurofeedback provider expire. Board members expressed concern regarding Dr. Fannin's intake form. Board members determined that Dr. Fannin has not violated the Permanent Injunction filed by the Board which became effective January 4, 2011.

After deliberation, Dr. Bohanske made a motion, seconded by Dr. Mellott, to issue Dr. Fannin a Memorandum of Understanding restricting Dr. Fannin from providing psychological services and requiring Dr. Fannin to update his website and intake form. Motion carried on a roll vote (5-0).

RFI 11-20, D.J. Gaughan, Ph.D.

Dr. Brundage provided a summary to the Board. Dr. Gaughan and his legal counsel, Faren and Vera Akins, were present. Mr. Akins requested to speak, made a statement to the Board and answered Board members' questions. Mr. Akins provided information regarding the complaint stating that it is a complicated case which involves another professional. Mr. Akins detailed the substance of the complaint including the fact that it is a forensic case.

Dr. Gaughan requested to speak, made a statement to the Board and answered Board members' questions. Dr. Gaughan elaborated on office procedures he has recently implemented including not providing forensic services until payment is received and relying on his secretary to double check all draft reports to ensure that a draft statement is included on the report.

Board members deliberated. Board members expressed concern regarding the lack of a draft statement on the report that was submitted to the Court. Board members expressed concern that Dr. Gaughan may have practiced outside the scope of his expertise including statements in his report about prescription drugs. Board members recognized Dr. Gaughan's experience in forensic psychology and his many years of providing services to the Court.

After deliberation, Dr. Bohanske made a motion, seconded by Dr. Brundage, to dismiss RFI 11-20 as Board members found no evidence of violation of statute or rule by the Licensee. The motion carried on roll call vote (5-0).

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION CYNTHIA HOARD, Ed.D. REQUEST FOR REACTIVATION OF HER MEDICAL INACTIVE STATUS LICENSE

Dr. Mellott provided a summary to the Board. Dr. Mellott elaborated on documentation provided by Dr. Hoard.

After deliberation, Dr. Mellott made a motion, seconded by Dr. Bohanske, to approve Dr. Hoard's request to reactivate her license. The motion carried 5-0.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING DR. DONALD DURHAM'S COMPLIANCE WITH BOARD ORDER NO. 10-29 AND HIS REQUEST FOR TERMINATION OF PROBATION

Ms. Martin provided a summary to the Board. The Licensee was not present. The Board determined that Dr. Durham complied with the terms of the Board Order (No. 10-29). After deliberation, Dr. Mellott made a motion, seconded by Dr. Bohanske to approve Dr. Durham's request to be released from probation for Board Order No. 10-29. The motion carried 5-0.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PSYCHOLOGISTS WHO SUBMITTED CONTINUING EDUCATION MATERIALS LATE AS WELL AS DR. HARDIN'S REQUEST TO RETIRE HIS LICENSE

a. Oscar Hardin, Ph.D.

Dr. Brundage provided a summary to the Board. Dr. Hardin was not present. Dr. Brundage elaborated that Dr. Hardin was randomly selected to submit his 2009-2011 Continuing Education (CE) as part of the 2011-2013 renewal cycle audit. Dr. Brundage stated that Dr. Hardin did not submit his CE by the deadline. The Continuing Education Committee voted to refer Dr. Hardin to the full Board for violation of A.R.S. §32-2061(13)(bb). Board members deliberated and determined that Dr. Hardin's CE met the statutory requirements. After deliberation, Dr. Bohanske made a motion, seconded by Mr. Donaldson to approve Dr. Hardin's request to retire his license. The motion carried 5-0.

b. David Prince, Psy.D.

Dr. Brundage provided a summary to the Board. Dr. Brundage stated that Dr. Prince was randomly selected to submit his 2009-2011 Continuing Education (CE) as part of the 2011-2013 renewal cycle audit. Dr. Brundage elaborated that Dr. Prince did not complete the required CE by April 30, 2011, but instead completed it by August 2011. The Continuing Education Committee voted to refer Dr. Prince to the full Board for violation of A.R.S. §32-2061(13)(bb).

Dr. Prince was present, requested to speak and made a statement to the Board. Dr. Prince explained procedures that he has utilized to ensure that he completes future CE in a timely manner.

On Dr. Prince's 2011-2013 renewal application, he answered yes to question # 15 stating that he had completed the required CE. His original application was not initialed, so Board staff contacted him asking him to return the form with his initials, which he did:

15. By April 30, 2011, will you have completed the required 60 hours of Continuing Education (CE), or the pro-rated amount if your are newly licensed, 40 hours of which must be in Category I, with 4 of those hours in ethics and 4 hours in either child abuse or domestic violence? (Inactive licensees or those requesting inactive status do not have to attach an explanation for answering "no.") Documentation of CE hours should not be submitted with this Application for License Renewal form, pursuant to A.A.C. R4-26-207(G).

***NOTE:** Pursuant to A.A.C. R4-26-207(H), the Board may deny renewal or take other disciplinary action against a licensee who fails to obtain or document required CE hours. The Board may discipline a licensee who commits fraud, deceit, or misrepresentation regarding CE hours. _____ (please initial acknowledging your understanding).*

Board members expressed concern that Dr. Prince provided a false statement on the 2011-2013 renewal application. Board members expressed concern regarding Dr. Prince's failure to initial

question #15 originally but responded and initialed after Board staff contacted him. Board members considered the measures Dr. Prince is utilizing to ensure that he completes his CE in a timely manner.

After deliberation, Dr. Wechsler made a motion, seconded by Dr. Bohanske to open a complaint against Dr. Prince for violation of A.R.S. §§32-2061(j)(bb) for making a fraudulent or untrue statement to the board or its investigators, staff or consultants and for failing to furnish information in a timely manner to the board or its investigators or representatives if requested or subpoenaed by the board as prescribed by this chapter. The motion included simultaneously offering Dr. Prince a Letter of Concern. If Dr. Prince accepts, signs and returns the Letter of Concern to the Board office, the complaint will be closed. The motion carried 5-0.

c. Larry Pristo, Ph.D.

Dr. Brundage provided a summary to the Board. Dr. Pristo was not present. Dr. Brundage elaborated that Dr. Pristo was randomly selected to submit his 2009-2011 Continuing Education (CE) as part of the 2011-2013 renewal cycle audit. Dr. Brundage stated that Dr. Pristo did not submit his CE by the deadline. The Continuing Education Committee voted to refer Dr. Hardin to the full Board for violation of A.R.S. §32-2061(13)(bb).

Board members deliberated and determined that Dr. Pristo had completed his CE in a timely fashion but failed to submit it to the Board office in a timely fashion. Board members deliberated Dr. Pristo's written statement explaining the reason for his late submission.

After deliberation, Dr. Mellott made a motion, seconded by Mr. Donaldson, to invite Dr. Pristo to a future meeting of the Board to obtain further clarification regarding his late submission. The motion carried 5-0.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING UPDATE ON LEGISLATION

Dr. Olvey provided a summary to the Board. Dr. Olvey stated that there are no new updates regarding the various bills the Board office has been tracking. Board members had no questions.

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

Dr. Olvey provided a summary to the Board. Board members acknowledged that Dr. Lovejoy was not present. It was the consensus of the Board to table this matter to a future meeting of the Board and clarified that the Board requests Dr. Lovejoy's presence.

13. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Dr. Mellott requested that a discussion item be placed on a future agenda of the Board regarding Licensee compliance of meeting continuing education requirements and action the Board can take to make Licensee's aware.

Dr. Wechsler requested that a discussion item be placed on a future agenda of the Board regarding internship supervisors and their role as supervisors.

**14. INFORMAL INTERVIEW - Kimi Wright, Ph.D. RFI NO. 11-04
DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO ALLEGATIONS OF UNPROFESSIONAL CONDUCT, PROPOSED FINDING OF FACT, CONCLUSIONS OF LAW, POSSIBLE DISCIPLINE AND/OR OFFER OF A CONSENT AGREEMENT OR REFERRAL TO A FORMAL HEARING**

Chairman Wechsler reviewed Informal Interview procedures. Dr. Wright and her legal counsel, Charles Hover III, were present. Chairman Wechsler swore in Dr. Wright and Mr. Hover. Dr. Wright requested to speak and made a statement to the Board. Dr. Wright stated that she has voluntarily completed additional

continuing education. Mr. Hover requested to speak and made a statement to the Board. Mr. Hover stated the he continues to object to the Board's assertion of subject matter jurisdiction in this case nevertheless, Mr. Hover stated that Dr. Wright overstepped her scope of practice by providing services in a forensic case. Mr. Hover stated that Dr. Wright will not accept forensic cases in the future and that Dr. Wright is willing to enter into a Consent Agreement.

Dr. Mellott provided an overview of the case to the Board. The Complainant (biological Mother) was present and request to speak. Dr. Wechsler swore in the Complainant. The Complainant made a statement to the Board. The Complainant asserted that Dr. Wright was biased and continues to provide services to the Court including providing testimony in an upcoming court date. The Complainant stated that Dr. Wright has refused to keep her informed and has ignored facts of the case.

Board members asked Dr. Wright if she is still involved in the case. Dr. Wright stated that she has not provided services for this case for a couple of years. Further, she has not been subpoenaed to testify and, if subpoenaed, she would petition the Court to quash the subpoena.

A member of the public, A.J. (biological Father), was present and requested to speak. Dr. Wechsler swore in A.J. who made a statement to the Board. He stated that Dr. Wright has helped the minor children in this case and has not been biased. Additionally, he stated that all of Dr. Wright's services were billed under his insurance.

Kathleen Miholic, Parenting Coordinator in this case, was present and requested to speak. Dr. Wechsler swore in Ms. Miholic. Ms. Milholic elaborated that she provided A.J. with three referrals and that A.J. chose Dr. Wright to provide counseling. Ms. Miholic confirmed that she and Dr. Wright share office space but do not have a personal relationship. Ms. Miholic confirmed that Dr. Wright submitted reports to her regarding the minor children's therapy. Ms. Miholic stated that, as the Parenting Coordinator in this case, she does not need authorization from Mother or Father to gain access to the minor children's records. Ms. Miholic asserted that the court had removed the minor children from the Mother's care before she or Dr. Wright were involved in this case.

At 1:57 p.m., Mr. Donaldson made a motion, seconded by Dr. Bohanske to go into executive session to obtain confidential legal advice from the Board's attorney. The motion carried 5-0. Open session reconvened at 2:07 p.m.

After deliberation, Dr. Mellott made a motion, seconded by Dr. Wechsler, to issue Dr. Wright a Consent Agreement and Order for violation of A.R.S. §§32-2061(13)(g)(h)(dd) for engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training and experience by providing forensic services without appropriate training, for failing or refusing to maintain and retain adequate business, financial or professional records pertaining to he psychological services provided to a client by billing for services that were not provided and for violating an ethical standard adopted by the Board, American Psychological Association Ethical Principles of Psychologists and Code of Conduct 2.01 by practicing outside of her area of competence. The motion included Dr. Wright to complete 24 hours of continuing education in forensics within the next two years. Continuing education may be used as part of the required hours for the 2011-2013 renewal cycle. Dr. Wright must submit her continuing education to Board staff for approval. The motion included restricting Dr. Wright's practice to include requiring Dr. Wright to refrain from practicing in the area of forensics for at least two years and if she engages in forensics after two years, Dr. Wright will be required to undergo re-specialization to include a supervised practicum and internship in forensic training. The motion carried on a roll call vote 5-0.

15. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Dr. Brundage requested that the Board consider the psychologist and public member vacancy on the Board. It was the consensus of the Board to send a letter to the Governor's office under Dr. Wechsler's signature.

16. CONSENT AGENDA – DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION

Dr. Olvey explained that there is a quorum for the February 3 & 4, 2012, Regular Session Minutes as well as the February 3, 2012, Executive Session Minutes.

Dr. Mellott made a motion, seconded by Dr. Bohanske, to approve the February 3 & 4, 2012 Regular Session Minutes as well as the February 3, 2012, Executive Session Minutes. The motion carried 5-0.

17. ADJOURN

There being no further business to come before the Board, a motion was made by Dr. Mellott, seconded by Dr. Brundage, to adjourn the meeting at 2:28 p.m. The motion carried 5-0.

Respectfully submitted,

**Joseph C. Donaldson
Board Secretary**