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Frederick S. Wechsler, Ph.D., Psy.D., ABPP



**State of Arizona  
Board of Psychologist  
Examiners**

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**Staff**

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

**REGULAR SESSION MINUTES**

**Friday, March 1, 2013, 8:30 a.m.**

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

**1. CALL TO ORDER**

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Madam Chair Brundage at 8:30 a.m. on March 1, 2013. Two Executive Sessions were held.

**2. ROLL CALL**

**Board Members Present**

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

**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**

Daniel Larson

**3. REMARKS/ANNOUNCEMENTS**

**CE Documentation** – Dr. Brundage announced that licensees could receive CE credits in Ethics for attendance at Board meetings and explained how to obtain credit.

**Board Assessment Forms** –Dr. Brundage encouraged members of the audience to complete a Board Meeting Assessment Survey and place them in the survey box.

**Remarks, Board Member and Staff Appreciation** – Dr.Brundage announced that the Governor’s Office for Boards and Commissions is accepting applications for psychologists who are interested in appointment to the Psychiatric Review Board.

Dr. Brundage recognized Dr. Wechsler for his service as the 2012 Board Chair and for serving a five-year term on the Board. She recognized Mr. Donaldson for his dedicated service as a public member as he is currently the only participating public member and has served as a member of the Board for more than two terms. Shethanked Board members and staff for their dedication and hard work.

#### **4. CALL TO THE PUBLIC**

Dr. Brundage invited the public to address the Board.

Mathilda Canter, Ph.D. requested to speak and introduced herself as the Arizona Psychological Association (AzPA) Liaison to the Board. Dr. Canter reported that AzPA's continuing education courses have been very successful and that AzPA is sponsoring an Ethics and Domestic Violence continuing education courses on March 2, 2013. Dr. Canter reported that AzPA is sponsoring several other continuing education courses. Dr. Canter reported that AzPA recently sponsored Politics and Psychology Day, which was very successful. Dr. Brundage acknowledged Dr. Canter's service to the profession.

#### **5. COUNSEL REPORT**

Ms Galvin reported that oral argument is set in Superior Court for April 1, 2013, regarding Jean Hodgson, Ed.D. Additionally, Ms. Galvin reported that the Formal Hearing for Anthony Luick, Ph.D. is scheduled for May 20 and May 21<sup>st</sup>.

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

Mr. Donaldson made a motion, seconded by Dr. Bohanske, to approve the items on the Consent Agenda. The motion carried with Dr. Mellott abstaining from the February 1, 2013, Regular Session Minutes and with Dr. Wechsler recusing from Morgan Francis, Psy.D. application for licensure.

##### **(a) APPROVAL OF MINUTES FOR FEBRUARY 1, 2013**

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

##### **i. REQUESTING APPROVAL FOR EXAM (EPPP) ONLY**

Adrian Fletcher, Psy.D.  
Patricia Groff, Ph.D.  
Farrah Hauke, Psy.D.

##### **ii. REQUESTING APPROVAL FOR EXAM AND LICENSURE (UPON A PASSING SCORE)**

Lutissua Ballard, Psy.D.  
Lynn Breckenridge, Ph.D.  
Emily Crawford, Psy.D.  
Erin Honke, Psy.D.  
Ricardo Mendivil, Psy.D.

##### **iii. REQUESTING APPROVAL OF LICENSURE BY WAIVER FOR TERRI PITTENGER, Psy.D.**

##### **iv. REQUESTING APPROVAL OF LICENSURE BY CREDENTIAL FOR DEBORAH HUGHES, Psy.D., NRHSP**

##### **(c) DISCUSSION/DECISION REGARDING APPROVAL OF BEHAVIOR ANALYST APPLICATION FOR SARAH GENTRY, M.Ed. BY EXPERIENCE**

- (d) **APPLICATION FOR EXAM AND LICENSURE SUBMITTED BY MORGAN FRANCIS, PSY.D.**
- (e) **REQUEST FOR EXTENSION OF TIME TO COMPLETE CONTINUING EDUCATION FOR THE 2011-2013 RENEWAL CYCLE SUBMITTED BY REBECCA BLOOD, PH.D.**
- (f) **PRORATING CONTINUING EDUCATION CREDITS FOR ETHICS, DOMESTIC VIOLENCE AND CHILD ABUSE**
- (g) **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO APPROVAL OF DRAFT SUBSTANTIVE POLICY STATEMENT APPROVING “BULLYING” AS A TOPIC THAT SATISFIES CONTINUING EDUCATION REQUIREMENT FOR CHILD ABUSE PURSUANT TO A.A.C. R4-26-207(B)(2)**
- (h) **EXECUTIVE DIRECTOR’S REPORT**
- (i) **INVESTIGATIONS REPORT**
- (j) **LICENSING REPORT**

**7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INITIAL CASE REVIEWS OF THE FOLLOWING INVESTIGATIONS**

**RFI 11-33, Nelson DeJesus, Ph.D.**

Dr. Wechsler provided a summary to the Board. Dr. Wechsler stated that the Board initiated this RFI after receiving a report from the National Practitioners Data Bank-Healthcare Integrity Protection Data Bank which indicated that Dr. DeJesus terminated his contract with an insurance provider while under investigation.

Dr. DeJesus and his legal counsel, Sophia Varma were present. Sophia Varma requested to speak, made a statement and answered Board members’ questions. Ms. Varma clarified that records from 2004 have been submitted as supplemental information. Ms. Varma stated that services provided by Dr. DeJesus were requested by the patient and that some of the services were medically necessary and some were not medically necessary. Ms. Varma attested that the services that were not medically necessary were not sent into the insurance company for reimbursement. Dr. DeJesus requested to speak, made a statement and answered Board members’ questions. Dr. DeJesus disclosed the services he provided to his patient, the number of sessions that occurred, and elaborated on his contract with Arizona Biodyne. Dr. DeJesus attested that he did not enter into a dual relationship stating that the website services that the patient provided were paid for. Dr. DeJesus stated that he consented to the website work performed by the patient because the patient was under financial constraints.

The Board deliberated stating that this is a complex case involving health insurance regulations and a dual relationship. Board members expressed concern that Dr. DeJesus did not consult with colleagues and did not insist on referring the patient. Board members expressed concern that Dr. DeJesus did not evaluate possible consequences when entering into a dual relationship. Board members expressed concern that Dr. DeJesus provided services that were requested by the patient but were not medically necessary.

Dr. Bohanske made a motion, seconded by Dr. Wechsler to offer a Letter of Concern and voluntary agreement to comply with continuing education in the areas of integrated care, six hours of consultation,

six hours of integrated care, six hours of ethics and six hours of multiple relationships to be completed within six months of the agreement. The continuing education will not count toward the 60 hour continuing education requirement. The motion carried 5-1 on a roll call vote with Dr. DiBacco voting no.

**RFI 11-29, Thomas Thompson, Ph.D.**

Dr. Brundage provided a summary to the Board stating that the Complainant is the prosecutor in a death penalty case. Dr. Brundage summarized that the Complainant alleges that there are numerous mistakes in Dr. Thompson's report of the defendant and that Dr. Thompson submitted two different sets of raw data to the Court regarding the defendant.

The Complainant was present, requested to speak, made a statement and answered Board members questions. He stated that Dr. Thompson was originally retained to provide an opinion on mental retardation. The Complainant stated that Dr. Bayless was retained to review the case of the defendant wherein Dr. Bayless provided a list of errors in Dr. Thompson's November 2011, report of the defendant. Additionally, the Complainant conducted a page-by-page comparison of Dr. Thompson's reports and came across differences in raw testing data. The Complainant asserts that he consulted with colleagues to ensure that the reports were, in fact, different. The Complainant alleges that the second set of data provided by Dr. Thompson included additional answers.

Dr. Thompson and his legal counsel, Robert Storrs, were present, requested to speak, made a statement and answered Board members' questions. Mr. Storrs stated that Dr. Thompson's conclusions of the defendant were corroborated with another expert's report and that all of the results and opinions were very similar as those done by Dr. Thompson. Mr. Storrs stated that Dr. Thompson provided competent work. Mr. Storrs stated that Dr. Thompson's actions were not harmful and that Dr. Thompson did not falsify records or raw data. Additionally, Mr. Storrs stated that Dr. Thompson has completed 27 hours of continuing education since this RFI. Dr. Thompson stated that he is aware that there were discrepancies in the reports and reiterated that the discrepancies did not affect his conclusion of the defendant. Board members discussed with Dr. Thompson errors that occurred in the report as well as an apparent breach in confidentiality. Board members asked Dr. Thompson about corrective action he may have taken regarding the breach of confidentiality. Dr. Thompson responded that he reviewed files to ensure that the information was correct and then transferred to electronic filing. He reported that he notified the attorney that there was a breach of confidentiality. Dr. Thompson attested that he sent a copy of the corrected data to all parties involved in the case. Additionally, Dr. Thompson indicated that he is not a mental retardation expert and did not consent to conducting an evaluation for mental retardation.

Board members deliberated. Board members expressed concern with Dr. Thompson's lack of professionalism in this case and breach of confidentiality. Board members expressed concern that Dr. Thompson did not put in a good faith effort to correct his mistakes in this case.

Dr. Wechsler made a motion, seconded by Dr. Mellott, to move RFI 11-29 to an Informal Interview for possible violation of 32-2061(h)(o). The motion carried 6-0 on a roll call vote.

**8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ISSUES RELATED TO APPLICATIONS FOR LICENSURE**

**Rachel Schwartz-Wernick, Psy.D.**

Dr. Mellott provided a summary to the Board. Dr. Schwartz-Wernick and her legal counsel, Gordon Bueler, were present, requested to speak, made a statement and answered Board members' questions.

At 11:47 a.m., Dr. DiBacco made a motion, seconded by Dr. Bohanske to go into executive session to review confidential medical records and to obtain confidential legal advice. Open session reconvened at 12:35 p.m.

Dr. Schwartz-Wernick provided a timeline to study for the EPPP. After deliberation, Dr. Bohanske made a motion, seconded by Dr. DiBacco, to deny Dr. Schwartz-Wernick's application for licensure pursuant to A.R.S. §32-2071.01(A)(3), record of unprofessional conduct; A.R.S. §32-2061(13)(i), commission of a felony; and the American Psychological Association Ethical Principles of Psychologists and Code of Conduct 2.06, Personal Problems and Conflicts. The Motion carried 6-0 on a roll call vote.

### **R. Russ, Ph.D.**

Dr. Wechsler provided a summary to the Board stating that the Application Review Committee requested additional information from Dr. Russ regarding his course work, internship, areas of competency and information regarding his relationship with his internship supervisor, Dr. Bushman. Additionally, the Application Review Committee recommended that Dr. Russ' application be forwarded to the full Board for review and possible denial.

Dr. Russ and his supervisor Dr. Bushman were present, requested to speak, made a statement and answered Board members questions. Dr. Russ stated that he submitted additional course work to meet the statutory requirements. Dr. Bushman stated that the internship program was created in 2008 and Dr. Russ is the first intern to apply for Arizona licensure. Dr. Bushman stated that he has collaborated with Walden University and Argosy University regarding interns. Board members asked Dr. Bushman if the secondary supervisor was "on staff". Dr. Bushman stated that if he is an intern's primary supervisor he takes full responsibility of the client. Dr. Bushman stated that the other supervising psychologists do not work in the same office but that all of them work collaboratively within the internship program. Board members asked Dr. Russ how often he met with the secondary supervisor, Dr. Plevell. Dr. Russ stated that he would rotate between offices during his internship. Board members asked if Dr. Russ had contact with other interns. Dr. Russ and Dr. Bushman affirmed that there were other interns in the program and the interns would meet on a weekly basis. Board members asked Dr. Bushman about his relationship with Dr. Russ as he indicated on the reference form that he is Dr. Russ' friend, employer and colleague. Dr. Bushman stated that Dr. Russ was not paid until after the internship was completed and that after the internship they have remained in contact as friends/colleagues.

Board members deliberated and expressed concern regarding whether supervisors met the requirement of being "on staff". Board members expressed concern about unpaid internships. Board members expressed concern that there is a shortage of APA accredited and APPIC member internships.

After deliberation, Dr. Mellott made a motion, seconded by Dr. Bohanske to approve Dr. Russ' application for licensure. Motion carried on a roll call vote 4-2 with Drs. DiBacco and Wechsler voting no.

### **Nader Siahdohoni, Ph.D.**

Dr. Mellott provided a summary to the Board stating that Dr. Siahdohoni sent correspondence to the Board requesting that the Board allow him to sit for the EPPP.

Dr. Siahdohoni was present, requested to speak, made a statement and answered Board members questions. At 2:45 p.m., Dr. DiBacco made a motion, seconded by Mr. Donaldson to go into executive session to review confidential records and to obtain confidential legal advice. Open session reconvened at 2:57 p.m.

After deliberation, Dr. Mellott made a motion, seconded by Dr. Wechsler to allow Dr. Siahdohoni to submit a reapplication as well as his study plan. The motion carried 6-0.

## **9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CORRESPONDENCE FROM JOHN J. TOMA, Ph.D. EXPRESSING CONCERNS ABOUT COURT ORDERED RELEASE OF TEST MATERIALS AND INFORMATION**

Ms. Martin provided a summary to the Board stating that the Board office received correspondence from Dr. Toma expressing his concern about releasing test materials pursuant to a Court order.

Dr. Toma and Laura Brookham, Psy.D., were present. Dr. Toma requested to speak, made a statement and answered Board members' questions. Dr. Toma expressed concern that he was court ordered to release test materials to an attorney. He indicated the attorney rescored a test, which he believes is practicing psychology. Board members asked Dr. Toma the steps he took when he was ordered to release the test materials. Dr. Toma stated that he attempted to submit a letter to the Judge expressing his concerns, but was advised to go through the attorneys. In addition, he contacted the test publisher and the American Psychological Association insurance trust and was told to release the materials.

Board members clarified that the discussion was not focused on a complaint against an individual. A complaint process is available for filing complaints.

Board members expressed concerns about releasing test materials to individuals who are not trained to score and interpret results. In addition, if test materials become available in the public domain, the public is not well protected as test results may be affected.

Dr. Bohanske made a motion, seconded by Dr. Wechsler to send a letter to the presiding judges of various branches of the Superior Court advising them of policy statements of the profession and limitations of psychologists in releasing test materials as well as a statement of the dangers of releasing such information to individuals who are not trained to interpret and render opinions about tests. Motion carried 6-0.

## **10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INITIAL CASE REVIEWS OF THE FOLLOWING INVESTIGATIONS**

### **RFI T-12-22, Michael Adkins**

Dr. Bohanske provided a summary to the Board stating that this RFI was initiated by the Board. Dr. Bohanske stated that Dr. Adkins website states that he practices psychology and is a pastoral counselor.

Dr. Adkins was not present. Board members deliberated and asked Board staff if Dr. Adkins was sent a Cease and Desist Order. Ms. Martin affirmed stating that the Cease and Desist Order states to refrain from using all references to psychology. Board members expressed concern that statements on Dr. Adkins website are misleading and could make the public believe he is a licensed psychologist. Board members deliberated its options.

Dr. Bohanske made a motion, seconded by Dr. Wechsler to send additional correspondence to Dr. Adkins stating the Boards concerns and to refer this case to the Arizona Board of Behavioral Health Examiners. Motion carried 6-0.

**11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING CORRESPONDENCE FROM FERNANDO ARMENDARIZ, Ph.D. REGARDING CONCERNS ABOUT INSURANCE REIMBURSEMENT FOR BEHAVIOR ANALYSIS SERVICES**

Dr. Olvey provided a summary to the Board stating that the Board office received correspondence from Dr. Armendariz expressing his concerns that insurance companies are reimbursing psychologists at a lower rate than behavior analysts for behavior analytic services.

Dr. Armendariz was present telephonically, requested to speak, made a statement and answered Board members' questions. Dr. Armendariz stated that he has been licensed as psychologist for many years and his area of expertise is providing behavior analysis services. Dr. Armendariz stated that insurance companies will no longer reimburse psychologists at the higher rate for services rendered even though it is within a psychologist's scope of practice to provide behavior analysis services.

Board members deliberated and expressed concern that behavior analysis is within a psychologist's scope of practice and psychologists should be reimbursed as such. Board members indicated that the Arizona Psychological Association may wish to become involved in the issue of reimbursement for psychologists who provide behavior analysis.

**12. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING A.R.S. §32-4301 PERTAINING TO LICENSE RENEWALS FOR PSYCHOLOGISTS AND BEHAVIOR ANALYSTS IN THE MILITARY**

Ms. Duracinski provided a summary to the Board stating that this statute applies to license renewal for professionals in the military. Ms. Duracinski stated that reference to this statute has been added to the renewal reminder postcard. In addition, a question has been added to the renewal application asking whether a psychologist or behavior analyst is in the military. This will assist in identifying licensees to whom the statute applies.

**13. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO DRAFT RULES FOR PSYCHOLOGY**

Dr. Olvey provided a summary to the Board. Dr. Olvey asked if the Board would accept information from ASPPB credentials bank. Board members deliberated and determined that it would accept supervised experience forms from the ASPPB credentials bank.

Dr. Olvey discussed areas that will be further clarified in rule including reapplications, substantial financial interest pertaining to supervision, clarification pertaining to supervisors who are "on staff," the written training plan required for preinternship experience, as well as the definition of a "day" and "year" as well as its definition of psychological services provided under exemptions from licensure.

**14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LEGISLATIVE UPDATE**

Dr. Olvey provided a summary to the Board stating that she met with Senator Crandall, Dr. Bohankse, AzPA and Stuart Goodman. Dr. Olvey stated the purpose of the meeting was to address the Board's statute, A.R.S. §32-2081(B). Dr. Olvey stated that Senator Crandall's concerns were addressed. Specifically, Dr. Olvey elaborated on the Board's policy in handling complaints when the psychologist is Court ordered. Additionally, Senator Crandall was provided information on how many complaints have been returned to the complainant, how many complaints have been filed with the Court, and how many complaints have been referred to the Board by the Court.

**15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING BOARD MEMBER APPOINTMENTS**

Dr. Olvey stated that the Board office has not been notified of appointments at this time.

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

There were no new items for future meetings

**17. ADJOURN**

There being no further business to come before the Board, a motion was made by Dr. Bohanske, seconded by Dr. Mellott, to adjourn the meeting at 4:58 p.m. The motion carried 6-0.

**Respectfully submitted,**

**Janice K. Brundage, Ph.D.  
Board Chair**