

Board Members

Janice K. Brundage, Ph.D.
Chair
Bob Bohanske, Ph.D.
Vice-Chair
John P. DiBacco, Ph.D.
Secretary
Paul Beljan, Psy.D., ABPdN, ABN
Joseph C. Donaldson
Ramona Mellott, Ph.D.
Rob Robichaud
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, May 3, 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 8:32 a.m. on May 3, 2013. One Executive Session was 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
Paul Beljan, Psy.D.
Joseph C. Donaldson
Ramona N. Mellott, Ph.D.
Rob Robichaud
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.

3. REMARKS/ANNOUNCEMENTS

CE Documentation – Madam 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 –Madam Chair 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 –Madam Chair Brundage introduced Rob Robichaud and Paul Beljan, Psy.D., and welcomed them as newly appointed members of the Board. She thanked Board members and Staff for their dedication and hard work.

4. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ANTHONY LUICK, PH.D., AND POSSIBLE SETTLEMENT OF MATTERS RELATING TO RFI 12-28 AND INCLUDING POSSIBLE RECISSION OF THE REFERAL TO FORMAL HEARING

Dr. Olvey provided a summary to the Board. Attorney for Dr. Luick, Tom Slutes, was present telephonically, requested to speak, made a statement and answered Board members questions. Dr. Luick

was not present. Mr. Slutes expressed Dr. Luick's wish to retire his license to practice psychology. Ms. Galvin clarified that a licensee cannot retire or not renew a license while an investigation is pending. Mr. Slutes stated that Dr. Luick has retired but is prepared to defend himself at a Formal Hearing if the Board does not agree to allow him to retire his license. Mr. Slutes stated that Dr. Luick is unwilling to sign a Consent Agreement for the surrender of his license and is asking that the Board allow him to retire his license.

Board members expressed concern with allowing Dr. Luick to retire his license. Board members stated that the Board voted to move this investigation to an Informal Interview for further investigation of a possible dual relationship. Board members stated that Dr. Luick requested this investigation go to Formal Hearing in lieu of an Informal Interview.

After deliberation, Dr. Bohanske made a motion, seconded by Dr. Wechsler to reject Dr. Luick's request to retire his license. Motion carried on a roll call vote 8-0.

5. CALL TO THE PUBLIC

Madam Chair Brundage invited the public to address the Board at this time.

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 is holding a convention on October 11 & 12 and that Larry Cohen is presenting an ethics workshop on May 6th.

6. INFORMAL INTERVIEW – THOMAS THOMPSON, PH.D. RFI 12-29

Madam Chair Brundage reviewed Informal Interview procedures. Dr. Thompson and his legal counsel, Bob Storrs, were present. Madam Chair Brundage swore in Dr. Thompson. She provided a summary to the Board stating that Eric Basta is the Complainant as well as the prosecutor in a death penalty case. She stated 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, Eric Basta, was present, requested to speak, made a statement and answered Board members questions. The Complainant stated that Dr. Thompson was originally retained to provide an opinion on mental retardation. The Complainant stated that the client was prescribed medications upon Dr. Thompson's recommendation. Mr. Basta stated that Dr. Thompson's reports had discrepancies. Mr. Basta stated that the discrepancies were due to the fact that Dr. Thompson administered different tests at different times and did the score sheets years later. Board members asked Mr. Basta if the judge disqualified Dr. Thompson as an expert witness. Mr. Basta stated that the defense team chose not to have Dr. Thompson testify.

Mr. Storrs stated that falsification allegations were dismissed by the Board at the previous meeting. Mr. Storrs stated that Dr. Thompson was not paying attention to details when he submitted the reports but that he was not intentionally trying to be deceitful. Mr. Storrs stated that Dr. Thompson was not retained to do a mental retardation evaluation. Mr. Storrs stated that Mr. Basta would not be aware as to why Dr. Thompson was hired as it is considered confidential information between the Court and Dr. Thompson.

Board members asked Mr. Basta to explain how he knows that Dr. Thompson was hired to conduct a mental retardation evaluation. Mr. Basta stated that Judge Stinley Ordered the defense team to determine whether Dr. Thompson would be called as a witness. Mr. Basta stated that the defense team utilized Dr. Thompson in the mitigation phase of the trial.

Board members acknowledged that Dr. Thompson completed 27 hours of continuing education. Board members asked Dr. Thompson if he has taken additional measures to improve his self-care. Dr.

Thompson stated that his realization that he was not maintaining self-care has helped him to be mindful of his self-care and that it was a one-time incident, not a lifetime pattern. Additionally, Dr. Thompson stated that he has completed his transition and now works solely in a hospital setting four days a week and has three days off.

At 9:41 a.m., Dr. Wechsler made a motion, seconded by Mr. Donaldson to go into executive session to review confidential records. Open session reconvened at 10:00 a.m.

Board members asked Dr. Thompson to elaborate on his role in this case. Dr. Thompson stated that he was retained to evaluate the client's mental status, competency and functioning at the time. Dr. Thompson affirmed that he was not retained to conduct a mental retardation evaluation. Board members asked Dr. Thompson if he offered his opinion on medications. Dr. Thompson stated that he is a neuropsychologist and at the request of attorney's he offered his opinion. Board members questioned Dr. Thompson about various other diagnoses and court proceedings and Dr. Thompson answered.

Board members deliberated and expressed concern regarding Dr. Thompson's professionalism in this case. Board members agreed that Dr. Thompson's quality of work was very poor in this case. Board members stated that Dr. Thompson admitted to losing his self-care and taking on too many responsibilities. Board members expressed concern that Dr. Thompson could lose sight of his self-care in the future.

After deliberation, Dr. Mellott made a motion, seconded by Dr. DiBacco to adopt findings of fact; Failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client by providing the wrong client's raw test results to the Prosecutor, and failing to recognize scoring errors in tests administered to the Defendant which violates A.R.S. §32-2061(h); providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice by failing to properly score the tests, failing to ascertain the need to retest the Defendant, and providing data from the wrong client to opposing counsel in a death penalty trial which violates A.R.S. §32-2061(o) and; Practicing psychology while impaired or incapacitated to the extent and in a manner that jeopardizes the welfare of the client or renders the psychological services provided ineffective by taking on too many responsibilities simultaneously and failing to adequately address each responsibility effectively which violates A.R.S. §32-2061(l). Motion carried 8-0.

Dr. Wechsler made a motion, seconded by Dr. Bohanske, to restrict Dr. Thompson's practice in the area of forensic psychology unless and until he demonstrates to the Board's satisfaction that he has obtained additional training and education, and is current and knowledgeable in the field. Dr. Thompson shall additionally update all informed consent notifications to reflect this practice restriction; Dr. Thompson shall meet with a Practice Supervisor at least once every six months, for a period of two years. This shall include a periodic review of Dr. Thompson's work and evaluate how he is performing professionally and personally. The Practice Supervisor shall provide a written report to the Board every six months. The Practice Supervisor shall be Robert Mayfield, Ph.D., New Mexico psychologist license number 0943. If Dr. Mayfield is unavailable or unwilling to serve as the Practice Supervisor, the Licensee shall notify the Board of his new supervisor within 30 days; Dr. Thompson shall meet with a forensic expert to serve as a Mentor to review the principles and protocols of forensic psychology practice. The Licensee shall obtain a minimum of eight hours of mentoring. The forensic expert Mentor shall be Dr. John Courtney, New Mexico psychologist license number 1232. If Dr. Courtney is unavailable or unwilling to serve as mentor, the Licensee shall inform the Board of another possible mentor within 30 days. The mentor training must be completed within six months of the effective date of this Order. Dr. Courtney shall submit a letter to the Board indicating Dr. Thompson's successful completion of the mentor hours. The motion carries on a roll call vote 7-1 with Dr. Brundage voting no.

7. COUNSEL REPORT

Ms Galvin reported that On April 22, 2013, a Formal Hearing was conducted regarding Dr. Lydia Garrett and that the Board should be receiving the recommendation of the Administrative Law Judge within ten day. Ms. Galvin reported that there was no new information regarding the Dr. Jean Hodgson matter.

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

Dr. Bohanske made a motion, seconded by Mr. Donaldson, to approve the items on the consent agenda. The motion carried 8-0.

(a) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL FOR EXAM AND LICENSURE (UPON A PASSING SCORE)

Amanda Dean, Psy.D.
Matthew Guelker, Ph.D.
Melissa Inman, Ph.D.
Sandra Pahl, Ph.D.
Melanie Anderson Rowe, Psy.D.
Michael Sulkowski, Ph.D.
Jennifer Thompson, Psy.D.

ii. REQUESTING APPROVAL OF LICENSURE BY WAIVER

Glenn Humphrey, Ph.D.
John Martin, Ph.D.
Matthew Van Schoick, Psy.D.

iii. REQUESTING APPROVAL OF LICENSURE BY CREDENTIAL FORM MATTHEW MEIER, Psy.D., NRHSPP

iv. REQUESTING APPROVAL OF SUPERVISED PROFESSIONAL EXPERIENCE HOURS AND LICENSURE FOR AMRA STAFFORD, Psy.D.

- (b) DISCUSSION/DECISION REGARDING REQUEST BY RENEE ROBERTS, ED.D., TO BE RELEASED FROM PROBATION**
- (c) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST FOR RE-ACTIVATION OF LICENSE FOR SHERRY HOLLY-REPS, PH.D.**
- (d) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST FOR RE-ACTIVATION OF LICENSE FOR CATHY WALLS, PSY.D.**
- (e) EXECUTIVE DIRECTOR'S REPORT**
- (f) INVESTIGATIONS REPORT**
- (g) LICENSING REPORT**

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING RENEWAL APPLICATIONS FOR REVIEW BY THE BOARD

- a. Rosalia Pereyra, Psy.D.
Dr. Mellott provided a summary to the Board. Dr. Pereyra was not present. Following deliberation, the Board determined that there is no complaint before the Board. Dr. Mellott made a motion, seconded by Dr. Bohanske to approve Dr. Pereyra's 2013-2015 License Renewal Application. Motion carried 8-0.
- b. David Weinstock, Ph.D.
Dr. Mellott provided a summary to the Board. Dr. Weinstock was present telephonically, requested to speak and made a statement. Dr. Weinstock stated that this lawsuit was dismissed. Following deliberation, the Board determined that there is no complaint before the Board. Dr. Bohankse made a motion, seconded by Dr. Wechsler to approve Dr. Weinstock's 2013-2015 License Renewal Application. Motion carried 8-0.
- c. Heath Kilgore, Psy.D.
Dr. Bohanske recused from this item. Dr. Mellott provided a summary to the Board. Dr. Kilgore was not present. Following deliberation, the Board determined that there is no complaint before the Board. Dr. Mellott made a motion, seconded by Dr. Wechsler to approve Dr. Kilgore's 2013-2015 License Renewal Application. The motion carried 8-0-1 with Dr. Bohanske recused.

Dr. Bohankse did not rejoin the morning session of the meeting but returned for the afternoon session.

- d. Richard Kapp, Ph.D.
Dr. Mellott provided a summary to the Board. Dr. Kapp was not present. After deliberation, Mr. Robichaud made a motion, seconded by DiBacco to table this matter for 60 days. The motion carried 7-0.
- e. Steven Gray, Ed.D.
Dr. Mellott provided a summary to the Board. Dr. Gray was not present. Following deliberation, the Board determined that there is no complaint before the Board. Mr. Donaldson made a motion, seconded by Dr. Wechsler, to approve Dr. Gray's 2013-2015 License Renewal Application. The motion carried 7-0.
- f. Denise Winsky, Ph.D.
Dr. Brundage recused from this item. Dr. Mellott provided a summary to the Board. Dr. Winsky was not present. After deliberation, Dr. Mellott made a motion, seconded by Mr. Donaldson, to approve Dr. Winsky's 2013-2015 License Renewal Application and to approve her request for a continuing education extension. The motion carried 6-0-1 with Dr. Brundage recused.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LEGISLATIVE UPDATE

Dr. Olvey provided a summary to the Board stating that there is no new information on the budget and that the Board's request for more appropriation to address security remains on the table.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING USE OF PSYCHOMETRISTS AND TITLE OF SAME

Dr. DiBacco provided a summary to the Board stating that neuropsychologists utilize psychometrists to conduct psychological testing. Dr. DiBacco expressed his concerns with unlicensed individuals conducting psychological testing. Board members stated that the use of psychometrists is very common. Board members discussed National certification of psychometrists. It was the consensus of the Board to invite a member of the Arizona Neuropsychological Society to a future Board meeting to provide information on this matter.

12. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CERTIFIED SCHOOL PSYCHOLOGISTS

Dr. Wechsler provided a summary to the Board stating that it is unclear what the scope of practice for a school psychologist entails. He elaborated stating that he understands that school psychologists who are not licensed by this Board as psychologists can only provide services within the school setting. Board members deliberated and expressed concern that school psychologists may not be aware that they can only provide services within the school setting if they are not licensed with this Board. It was the consensus of the Board to send an advisory letter to the Arizona Association of School Psychologists.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION FOR LICENSE AS A BEHAVIOR ANALYST SUBMITTED BY KATHLEEN WALSH, MT-BC, M.Ed., AND POSSIBLE DENIAL OF THE SAME

Dr. Wechsler provided a summary to the Board. Dr. Wechsler stated that this is Ms. Walsh's second application. Dr. Wechsler elaborated stating that Ms. Walsh withdrew her previous application in lieu of denial by the Board. Dr. Wechsler stated that the Application Review Committee voted to forward Ms. Walsh's application for further review of her supervised experience.

Ms. Walsh was present, requested to speak, made a statement and answered Board members questions. Ms. Walsh referenced the behavior analyst supervision statute and asked the Board if it had further clarification. Dr. Olvey stated that Dan Davidson, Ph.D., was present to speak on this issue.

Dr. Davidson stated that the intent of the statute was that the maximum amount of hours that can be counted toward supervision per week is 30 and that any time worked beyond the 30 hours does not have to be supervised. Board members stated that the statute pertaining to supervision is very clear and that there is no leniency even in extenuating circumstances.

Board members asked Ms. Walsh how she counted her supervision hours. Ms. Walsh answered and stated that her supervisor, Erin Blocher-Rubin, MBA is present. Mr. Blocher-Rubin spoke stating that the supervision was started before the licensing law became effective. Mr. Blocher-Rubin elaborated that supervision took place over two years due to unavailability of both parties.

After deliberation, Dr. Wechsler made a motion, seconded by Dr. Bohankse, to allow Ms. Walsh to withdraw her application within 7 days or her application will be denied as her application does not meet the statutory requirements of A.R.S. §32-2091.03(A)(2)(D). The motion carried 8-0.

14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PSYCHOLOGIST APPLICATION TO SIT FOR THE EPPP SUBMITTED BY NICOLE DEGOMEZ, PH.D.

Dr. Mellott recused from this item. Dr. DiBacco provided a summary to the Board stating that Dr. Degomez' application was reviewed at the Application Review Committee and that the Committee voted to forward it to the full Board for further review of Dr. Degomez' internship supervision hours.

Dr. Degomez was not present. The Board deliberated. Board members expressed concern that Dr. Degomez' internship was not APA accredited or an APPIC member. Board members expressed concern that Dr. Degomez' internship supervisors did not provide the appropriate supervision.

After deliberation, Dr. Bohanske made a motion, seconded by Dr. Wechsler to request additional information from Dr. Degomez and her supervisors, Heather Nash, Ph.D., Eugene Moan, Ed.D., Bruce Packard, Ed.D., and Rory Madden, Ed.D., regarding the internship program and to refer this matter to a future Board meeting requesting that all parties attend the meeting. The motion carried 7-0-1 with Dr. Mellott recused.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO INTERNSHIPS FROM TRAINING SITES THAT ARE NOT APPROVED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION (APA) OR A MEMBER OF THE ASSOCIATION OF PSYCHOLOGY POSTDOCTORAL AND INTERNSHIP CENTERS (APPIC)

Dr. Bohanske provided a summary to the Board. Board members expressed concern with internships that are not APA approved or APPIC members. Board members expressed concern that non-APA approved internship supervisors and non-APPIC member internship supervisors are not providing the appropriate supervision to interns.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FROM DR. ROBERTA GEORGE-CURRAN FOR EXTENSION TO TAKE THE EPPP

Dr. Wechsler recused from this agenda item. Ms. Duracinski provided a summary to the Board. After deliberation, Dr. Mellott made a motion, seconded by Dr. Bohankse, to approve Dr. George-Curran's request for an extension to take the EPPP. The motion carried 7-0-1 with Dr. Wechsler recused.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO CONSIDERATION OF POSSIBLE INCENTIVE PAY FOR STAFF

Dr. Olvey provided a summary to the Board. After deliberation, Dr. Bohanske made a motion, seconded by Dr. Wechsler to approve the requested incentive pay for Ms. Martin and Ms. Duracinski and to include Dr. Olvey in the incentive pay as well. The motion carried 8-0.

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

Dr. Olvey provided a summary to the Board. Dr. Olvey indicated that the Board may wish to further define:

- organized sequential training
- applied psychology degree
- day
- year
- disaster
- last client activity
- on staff
- licensing period
- secondary supervisor

Dr. Olvey recommended that an individual's place of birth and candidate ID number for the EPPP be included in the rules as confidential information. Dr. Olvey reviewed other revisions regarding residency, retirement, supervisory role, retention schedule, application deadlines, internship guidelines and continuing education.

19. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Dr. Beljan requested that the use of the term client vs. patient be placed on an agenda for a future meeting.

20. ADJOURN

There being no further business to come before the Board, a motion was made by Dr. Wechsler, seconded by Dr. Beljan, to adjourn the meeting at 5:07 p.m. The motion carried 8-0.

Respectfully submitted,

John P. DiBacco, Ph.D.
Board Secretary