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Bob Bohanske, Ph.D.  
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Ramona Mellott, Ph.D.

Rob Robichaud

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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**

**Wednesday, August 9, 2013, 8:30 a.m.**

Capitol Center Building  
Grand Canyon Conference Room (Basement)  
15 South 15th Avenue  
Phoenix, AZ 85007

**1. CALL TO ORDER**

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Dr. Brundage at 8:33 a.m. on August 9, 2013. One Executive Session was held.

**2. ROLL CALL**

**Board Members Present**

Janice K. Brundage, Ph.D., – Chair

Bob Bohanske, Ph.D – Vice – Chair (8:30 a.m – 11:15 a.m.)

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 (1:21 p.m.- 3:28 p.m.)

**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** – 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 thanked Board members and Staff for their dedication and hard work.

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

There were no requests for call to the public.

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

Ms. Galvin reported that a decision from Judge McClennan should be forthcoming regarding the matter pertaining to Jean Hodgson, Ed.D.

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

Mr. Donaldson made a motion, seconded by Dr. Mellott, to approve the items on the Consent Agenda. Dr. Beljan and Mr. Robichaud abstained from the April 5, 2013, Regular Session minutes and Drs. Beljan and Mellott abstained from the June 7, 2013, Regular Session minutes. The motion carried 7-0\*.

#### **(a) MINUTES:**

April 5, 2013, Regular Session [\*Vote 5-0-2 with Dr. Beljan and Mr. Robichaud abstained]

June 7, 2013, Regular Session [\*Vote 5-0-2 with Drs. Beljan and Mellott abstained]

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

##### **i. REQUESTING APPROVAL FOR EXAM ONLY**

Ricca Klein, Psy.D.

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

Lori Aman, Ph.D.

Steven Caruso, Ph.D.

Derek Folk, Psy.D.

Alvina Marris, Ph.D.

Tanisha Maxwell, Ph.D.

Jill Pinarowicz, Ph.D.

Rosalinda Reyes, Ph.D.

Jennifer Thompson, Psy.D.

Marcee Turner, Ph.D.

Zoila Rovar-Blank, Ph.D.

##### **iii. REQUESTING APPROVAL OF SUPERVISED PROFESSIONAL EXPERIENCE HOURS AND LICENSURE FOR PATRICIA GROFF, PH.D.**

#### **(c) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS**

Nicole Barton, M.A.  
Jacob Boney, Psy.D.  
Michelle Hogan, M.Ed.  
Lisa Jones, M.Ed.  
Dawna Sterner, M.Ed.

- (d) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST FOR RE-ACTIVATION OF LICENSE FOR ALICIA TORRUELLA, PH.D.**
- (e) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST FOR RE-ACTIVATION OF LICENSE FOR JOE CARABAJAL, PH.D.**
- (f) REQUEST FOR EXTENSION OF TIME TO TAKE EPPP EXAM FROM STUART FRIEDMAN, PSY.D.**
- (g) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST FOR RE-ACTIVATION OF LICENSE FOR JAMES EVANS, PH.D.**
- (h) EXECUTIVE DIRECTOR'S REPORT**
- (i) INVESTIGATIONS REPORT**
- (j) LICENSING REPORT**

#### **7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO CORRESPONDENCE FROM LEN BERGANTINO, Ed.D., ABPP**

Ms. Martin provided a summary to the Board. Dr. Bergantino was present telephonically and his legal counsel, Faren Akins, was present. Dr. Bergantino and Mr. Akins requested to speak, made statements to the Board and answered Board members' questions. Dr. Bergantino stated that he is a political psychologist and musician. Mr. Akins clarified that Dr. Bergantino believes that question 14 of the 2013-2015 renewal application asks psychologists to provide information that is not relevant to their practice as a psychologist.

At 9:04 a.m. Dr. Brundage made a motion, seconded by Dr. DiBacco to go into Executive Session to review confidential records. The motion carried 7-0. Open session reconvened at 9:26 a.m. Dr. Bergantino requested that the Board allow him to retire his license to practice psychology. Following deliberation, Mr. Robichaud made a motion, seconded by Mr. Donaldson, to allow Dr. Bergantino to retire his license upon receipt of a written request from Dr. Bergantino. The motion carried 7-0.

#### **8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO ATTENDANCE AT THE ANNUAL MEETING OF THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS (ASPPB) SCHEDULED FOR OCTOBER 16-20, 2013**

Dr. Olvey provided a summary to the Board stating that the Board may send Board members to ASPPB's annual meeting and asked if the Board would like to send any members. It was the consensus of the Board to send two Board members plus Dr. Olvey. Dr. DiBacco expressed an

interest in attending as well as Mr. Robichaud who will determine if he will be able to attend.

**9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING DR. RICHARD SAMUELS' REQUEST FOR DETERMINATION OF JURISDICTION FOR RFI 13-06 AND RFI 13-07 AND REQUEST FOR CONTINUANCE**

Ms. Martin provided a summary to the Board. Dr. Samuels was present telephonically and his legal counsel, Faren Akins, was present in person. Mr. Akins requested that the Board dismiss the complaint that was filed anonymously. Mr. Donaldson made a motion, seconded by Dr. Beljan, to dismiss the anonymous complaint. The motion failed 1-6 on a roll call vote with Dr. Bohankse, Mr. Donaldson, Dr. Mellott, Dr. DiBacco, Mr. Robichaud and Dr. Brundage voting no. It was the consensus of the Board to accept and maintain jurisdiction when anonymous complaints are submitted.

Mr. Akins argued that the Board does not have jurisdiction in these complaints pursuant to A.R.S. §32-2081(B). Mr. Akins stated that the Court transferred the case to the Public Defender's Office and that Dr. Samuels was retained by the Public Defender's Office. Thus, Mr. Akins argued that Dr. Samuels should be considered as appointed by the Court. After deliberation, it was the consensus of the Board that it has subject matter jurisdiction in these complaints.

Mr. Akins requested that the Board suspend taking action on these complaints until the trial is completed. After deliberation, Dr. Bohanske made a motion, seconded by Dr. Mellott, to postpone review of these complaints until the trial is completed. The motion carried 7-0.

**4. CALL TO THE PUBLIC (Cont.)**

Dr. Brundage returned to the Call to the Public and announced that the Board's Assistant Attorney General, Jeanne Galvin, has been appointed as a public member to the Board of Trustees of the American Board of Professional Psychology. Ms. Andrea Chisolm presented Ms. Galvin a copy of her letter of appointment. The Board congratulated Ms. Galvin.

**10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING RELEASE OF PROBATION FOR YOUNG B. LEE, PH.D.**

Ms. Martin provided a summary to the Board. Dr. Lee was present and his legal counsel, Larry Cohen, was present telephonically. Dr. Lee and Mr. Cohen requested to speak and made a statement. Following deliberation, Dr. Bohanske made a motion, seconded by Dr. Mellott, to release Dr. Lee from probation. The motion carried 7-0.

**11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO THE ADMINISTRATION OF SOME PSYCHOLOGICAL TESTS BY INDIVIDUALS WHO ARE NOT LICENSED AS PSYCHOLOGISTS**

Dr. Olvey provided a summary to the Board stating that at the May 3<sup>rd</sup> Board meeting, the Board directed Board staff to invite a member of the Arizona Neuropsychological Society to provide information on this matter.

Dr. Nicholls, past president of the Arizona Neuropsychological Society, was present and addressed the Board. Dr. Nicholls stated that technicians/psychometrists have been utilized by psychologists since 1912. Dr. Nicholls stated that research indicates that the use of psychometrists reduces errors in testing. Board members asked whether technicians/psychometrists are required to be licensed in other states. Dr. Nicholls responded that few states require licensure. The Board thanked Dr. Nicholls for his presentation.

**12. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO NOMENCLATURE AND USE OF THE TERMS “CLIENT” VS. “PATIENT”**

Dr. Beljan indicated that individuals who are treated by psychologists are considered patients. He underscored the importance of using the term “patient” especially in light of the current changes in health care. Dr. Beljan further stated that some professions would like to restrict psychologists from using the term “doctor”. The Board expressed its concerns and acknowledged the changing and expanding health care environment.

**13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO CONCERNS EXPRESSED BY THE BOARD’S COMPLAINT SCREENING COMMITTEE PERTAINING TO JOHN TOMA, Ph.D. AND LAURA BROOKHAM, Psy.D.**

Mr. Robichaud recused from this agenda item. Dr. DiBacco provided a summary to the Board stating that the Complaint Screening Committee reviewed Requests for Investigation (RFI) submitted by Dr. Toma and Dr. Brookham. He further stated that during the investigation, the Committee expressed concerns relating to conduct by Dr. Toma and Dr. Brookham. Dr. DiBacco elaborated stating that concern was expressed because Dr. Brookham did not appear to know who the client was in her case. Further, concerns were raised pertaining to Dr. Toma about a possible conflict of interest and possible multiple relationships. Concern was also raised about the use of hand scoring of the MMPI by Dr. Toma.

Dr. Toma was present, requested to speak, made a statement and answered Board members’ questions. Dr. Toma indicated that there are fewer errors with hand scoring. Dr. Toma stated that he teaches a course at Argosy University and the course he teaches offers students to do evaluations for the Public Defender’s Office at a very low cost. Dr. Toma stated that the public is made aware that it is a student conducting the evaluation and that all students are supervised by him.

Dr. Brookham was present, request to speak, made a statement and answered Board members’ questions. Dr. Brookham stated that she consulted with Dr. Toma regarding the Court Order to release testing materials. Dr. Brookham indicated that she is fully aware of who her client was in this case.

Dr. Bohanske left the meeting at 11:15 a.m.

After deliberation, it was the consensus of the Board to take no action regarding Dr. Brookham.

After deliberation, Dr. DiBacco made a motion, seconded by Mr. Donaldson, to open a complaint against Dr. Toma to further investigate a possible multiple relationship by having a student conduct an evaluation prior to Dr. Toma conducting an evaluation on the same individual. The motion carried 4-1-1 with Dr. Mellott abstaining and Mr. Robichaud recusing.

**14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING SB 1353 PERTAINING TO REQUIREMENTS FOR INSURANCE COMPANIES TO FUND HEALTH CARE SERVICES PROVIDED THROUGH TELEMEDICINE IN RURAL REGIONS**

Dr. Olvey provided a summary to the Board stating that SB 1353 requires insurance companies to pay for services provided via telemedicine in “rural regions” as defined in the bill. Services include “mental health disorders” which would otherwise be covered if provided in person. The bill becomes effective January 1, 2015.

The Board deliberated and asked that the Board's Telepractice Committee address this issue and bring recommendations to the Board. Dr. Canter was present and stated that telepractice guidelines have been adopted by the American Psychological Association.

**15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CORRESPONDENCE RECEIVED FROM DR. ROSEMARY MCHUGH REQUESTING CHANGES TO THE REPORT ON DENIAL MADE TO THE NATIONAL PRACTITIONERS DATA BANK IN 2006**

Ms. Duracinski provided a summary to the Board stating that Dr. McHugh has requested that the language in the report made to the National Practitioners Data Bank in 2006 pertaining to the Board's denial of her application for licensure be changed. Following deliberation, Dr. Mellott made a motion, seconded by Dr. DiBacco to deny Dr. McHugh's request to change/modify the Board's report to the National Practitioners Data Bank in 2006. The motion carried 6-0.

**16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO BUDGET SUBMISSION FOR FISCAL YEAR 2015**

Dr. Olvey provided a summary to the Board. Dr. Olvey elaborated stating that there are projects that the Board has postponed due to budgetary limitations, such as developing a payment system to accept credit/debit cards and developing an online renewal application. Due to a recent fee increase, the Board may request an appropriation of funds through the budget process in order to implement these projects, as well as fill a currently vacant position on a part-time basis and provide salary increase for staff. Following deliberation, Mr. Robichaud made a motion, seconded by Dr. Beljan, to approve a budget increase request that includes these items. The motion carried 6-0.

**17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING POSSIBLE STATUTORY CHANGES FOR 2014 LEGISLATIVE SESSION AND POSSIBLE EXPANSION OF SCOPE OF CONTRACT FOR LEGISLATIVE SERVICES PROVIDED BY GOODMAN SCHWARTZ PUBLIC AFFAIRS**

Dr. Olvey provided a summary to the Board. After deliberation, Mr. Donaldson made a motion, seconded by Dr. Mellott, to approve expanding the scope of work and extending the current contract for legislative services for Fiscal Year 2014. The motion carried 6-0.

**18. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO JUDGE EIGENHEER'S RECOMMENDED DECISION IN CASE NO. 13F-1228-SYA REGARDING ANTHONY LUICK, PH.D. AND CONSIDERATION AND ACTION CONCERNING THE RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER INCLUDING THE STATE'S MOTION TO MODIFY THE PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER AND POSSIBLE IMPOSITION OF DISCIPLINE AGAINST DR. LUICK'S LICENSE**

Dr. Wechsler joined the meeting telephonically at 1:21 p.m.

Dr. Brundage reviewed procedures with the Board. Dr. Brundage asked all Board members to attest that they have read the materials. All Board members answered affirmatively.

Assistant Attorney General, Jeanne Galvin, represented the State of Arizona in this matter. Ms. Galvin reviewed the Administrative Law Judge's (ALJ) recommendation of dismissal and reviewed the State's motion to reject/modify the ALJ's recommendation. Ms. Galvin stated the reasons for the State's request to reject/modify the ALJ's recommendation.

Attorney for Dr. Luick, Mr. Tom Slutes, appeared telephonically, requested to speak and made a statement. Mr. Slutes stated that the ALJ's recommendation was an unbiased and fair recommendation. Mr. Slutes urged the Board to accept the ALJ's recommendation of dismissal. Dr. Luick was present telephonically, requested to speak, made a statement and answered Board members' questions. Dr. Luick stated that he is no longer practicing as a psychologist and wishes to retire his license. Ms. Galvin clarified that if the Board accepts the ALJ's recommendation of dismissal and allows Dr. Luick to retire his license this matter will not be reported to the National Practitioners Data Bank.

The Board deliberated. Assistant Attorney General, Chris Munns, represented the Board in this matter. Mr. Munns clarified that the Board can review the ALJ's recommendation and either accept, modify or reject it. Mr. Munns clarified that the Board cannot review the investigation. The Board expressed concern in dismissing this matter as it believes that there were statutory violations.

Dr. Wechsler made a motion, seconded by Mr. Donaldson, to accept Findings of Fact 1, 2, 3, and 4 and accept modifications proposed by the State and the State's reasonings and to reject the ALJ's recommendation of dismissal. The motion carried 7-0 on a roll call vote.

Dr. Mellott made a motion, seconded by Dr. Wechsler, to accept Findings of Fact 1, 2, and 3, and to reject Findings of Fact 4-12 and to add Finding of Fact #4 that was recommended by the State. The motion carried 7-0 on a roll call vote.

Dr. Mellott made a motion, seconded by Mr. Robichaud, to issue a Decree of Censure. The motion carries 7-0 on a roll call vote.

Dr. Wechsler left the meeting.

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

Dr. Olvey provided a summary to the Board. Dr. Olvey reviewed the continuing education rule revisions the Board requested including reducing the amount of CE from 60 units to 40 units, eliminating Category II as well as retaining some of the Category II activities requirements into I. Additionally, a statement will be added to the continuing education rules encouraging licensees to utilize different modalities in obtaining continuing education.

## **20. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING POSSIBLE STATUTORY CHANGES FOR 2014 LEGISLATIVE SESSION AND POSSIBLE EXPANSION OF SCOPE OF CONTRACT FOR LEGISLATIVE SERVICES PROVIDED BY GOODMAN SCHWARTZ PUBLIC AFFAIRS (cont.)**

Dr. Olvey provided a summary to the Board stating that the Board is asked whether it would like to run legislation in 2014. Dr. Olvey provided a summary of some of the possible statutory changes that have been identified since the last change in statute in 2009.

Bryan Davey, Ph.D., was present, requested to speak, made a statement and answered Board members' questions. Dr. Davey stated that the Behavior Analyst Certification Board (BACB) is changing some of its requirements for behavior analyst certification. Dr. Davey summarized the changes stating that there will be new degree requirements and an increase in the required hours of course work from 225 to 270 hours with 45 of those hours dedicated to ethics. Dr. Davey requested that the Board consider statutory changes for behavior analysts.

Stuart Goodman was present, requested to speak, made a statement and answered Board members' questions. Mr. Goodman stated that some regulatory agencies were required to lower their licensing requirements during the 2013 Legislative Session and it may be challenging to request an increase in behavior analyst licensing requirements. Mr. Goodman indicated that fee increases may be problematic. Mr. Goodman explained the timeline for developing and introducing legislation.

It was the consensus of the Board to direct Dr. Olvey to coordinate with the Arizona Psychological Association and behavior analysts regarding possible statutory changes.

**19. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO DRAFT RULES FOR PSYCHOLOGY (Cont.)**

Dr. Olvey continued with a summary of draft changes in rules pertaining to continuing education such as:

- Changing language to reflect that a licensee will receive credit for attending a regular in-person Board meeting,
- Acceptable documentation for CE,
- Accepting an attestation in lieu of an affidavit, and
- Language change describing "good cause" in requesting an extension to complete CE.

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

Dr. Beljan requested that an item be placed on the agenda pertaining to the discrepancy model used in schools for special education evaluations.

**22. ADJOURN**

There being no further business to come before the Board, a motion was made by Mr. Donaldson, seconded by Mr. Robichaud, to adjourn the meeting at 4:58 p.m. The motion carried 7-0.

**Respectfully submitted,**

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