

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

Tamara Shreeve

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



**State of Arizona
Board of Psychologist
Examiners**

1400 West Washington, Suite 240
Phoenix, Arizona 85007

Phone: (602) 542-8162 Fax: (602) 542-8279

www.psychboard.az.gov

Staff

Dr. Cindy Olvey
Executive Director

Heather Duracinski
Licensing Coordinator

REGULAR SESSION MINUTES

Wednesday, October 4, 2013, 8:30 a.m.

Executive Tower

Grand Canyon Conference Room (Basement)

1700 W. Washington St.

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 8:30 a.m. on October 4, 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

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

Sarah Selzer, 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 announced that Dr. Wechsler has been reappointed for his second term on the Board and that the Governor’s office appointed Ms. Tamara Shreeve to serve as a public member on the Board. Dr. Brundage thanked Board members and Staff for their dedication and hard work.

4. CALL TO THE PUBLIC

Dr. 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 the AzPA convention begins October 11, 2013, and that the AzPA’s Presidents Reception is the evening of October 10, 2013.

5. COUNSEL REPORT

Sarah Selzer, Assistant Attorney General, reported that oral argument was held in June pertaining to Jean Hodgson, Ed.D., and that the Court ruled in the Board’s favor. Dr. Hodgson did not appeal the Court’s decision by the September 30, 2013, deadline. Ms. Selzer stated that Anthony Luick, Ph.D. petition for rehearing was denied and that he has until October 15th, 2013, to file an appeal.

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

Dr. Wechsler requested to remove the May 3, 2013, Regular Session Minutes for independent discussion. Mr. Donaldson made a motion, seconded by Dr. Bohanske, to approve the items on the Consent Agenda. The motion carried 8-0.

(a) MINUTES:

March 1, 2013, Executive Session Minutes 11:47 a.m. – 12:35 p.m.
March 1, 2013, Executive Session Minutes 2:45 p.m. – 2:57 p.m.

(b) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL FOR EXAM ONLY

Emery Mahoney, Ph.D.

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

Brandy Gardner, Psy.D.
Deborah Gladding, Psy.D.
Melissa Huie Evans, Psy.D.
Susan Lachica, Psy.D.
Sue Moler, Psy.D.
Linda Salvucci, Ph.D.
David Yee, Psy.D.

iii. REQUESTING APPROVAL FOR LICENSURE BY WAIVER

Margaret O’Connor, Ph.D.

iv. REQUESTING APPROVAL OF SUPERVISED PROFESSIONAL EXPERIENCE HOURS AND LICENSURE

Ricca Klein, Psy.D.
Tricia Merkley, Ph.D.

(c) EXECUTIVE DIRECTOR'S REPORT

(d) INVESTIGATIONS REPORT

(e) LICENSING REPORT

Dr. Wechsler requested that the May 3, 2013, Regular Session Minutes be corrected to reflect that only psychologists who are not licensed with this Board are required to practice within the school setting. Dr. Wechsler made a motion, seconded by Mr. Robichaud, to approve the May 3, 2013, Regular session Minutes as corrected. The motion carried 8-0.

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

RFI 13-13 Rob Morgan, Psy.D.

Dr. Brundage provided a summary to the Board. Dr. Brundage stated that this RFI was initiated by the Board as Dr. Morgan did not report his DUI within the mandatory reporting time-frame.

Dr. Morgan was present telephonically and answered Board members' questions about his familiarity with Arizona's Statutes and Rules as well as whether there have been other offenses, to which he responded no.

The Board deliberated and expressed concern regarding Dr. Morgan's minimization of this incident. Following deliberation, Dr. Bohanske made a motion, seconded by Dr. DiBacco to offer Dr. Morgan a Letter of Concern and that he complete six hours of continuing education. Specifically, Dr. Morgan is requested to complete six (6) hours in the area of Ethics pertaining to driving under the influence or taking a course, if required by the Court, on the effects of alcohol and driving under the influence. The Board requests that he complete this continuing education within six (6) months from the date of the Letter of Concern and that within two weeks of completing the courses he provide the certificates of completion to the Board Office. Dr. Morgan may not count the hours he receives for this continuing education toward the renewal of his license. The motion carried 8-0 on a roll call vote.

RFI BA 13-01 Rebecca Burden, M.S., CCC-SLP

Dr. Wechsler provided a summary to the Board stating that it has been alleged that Ms. Burden is practicing behavior analysis without a license and with no supervision.

Ms. Burden and her supervisor at the HOPE Group, Diana Davis-Wilson, M.Ed., were present, requested to speak, made a statement and answered Board members' questions. Ms. Burden stated that she is a licensed speech pathologist and a certified behavior analyst. Ms. Burden stated that she understands that she did not document in her paperwork that she was under supervision. Ms. Burden stated that she utilizes behavior analytic techniques while providing speech pathology services. Ms. Davis-Wilson confirmed that she was supervising Ms. Burden while Ms. Burden was employed at the HOPE Group and answered Board members questions regarding supervisory procedures.

Board members deliberated. Board members clarified that Ms. Burden is a current applicant for licensure as a behavior analyst. Board members expressed concern that Ms. Burden has misrepresented herself and may not have received appropriate supervision. Board members expressed concern that Ms. Burden's letterhead states that she is a BCBA but does not indicate that she is not licensed as a behavior analyst.

At 10:26 a.m. Mr. Donaldson made a motion, seconded by Dr. Beljan to go into Executive Session to obtain confidential legal advice. The motion carried 8-0. Open session reconvened at 11:01 a.m.

After deliberation, Dr. Bohankse made a motion, seconded by Dr. Beljan to issue a Cease and Desist Order and that Ms. Burden provide evidence to the Board that her letterhead has been amended. The motion carried 7-1 with Dr. Wechsler voting no.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO PSYCHOLOGY APPLICATIONS FOR LICENSURE AND POSSIBLE DENIAL OF THE SAME

Christine Dargon, Ph.D.

Dr. Mellott provided a summary to the Board stating that Dr. Dargon is an applicant for licensure by waiver. Dr. Mellott stated that Dr. Dargon is licensed in New Hampshire and that her license in New Hampshire was suspended. Dr. Mellott stated that the Application Review Committee (Committee) determined that Dr. Dargon meets all other requirements for licensure but it was the consensus of the Committee to forward Dr. Dargon's application to the full Board for further consideration of the suspension of her psychology license in New Hampshire.

Dr. Dargon was present and answered Board members' questions. Board members confirmed that Dr. Dargon's intent is to practice in a rural area and asked Dr. Dargon to provide her understanding of multiple relationships, to which Dr. Dargon responded. Dr. Dargon also responded when asked what she has learned from her experience in New Hampshire as well as questions about her record keeping.

Dr. Mellott made a motion, seconded by Dr. Bohanske, to approve Dr. Dargon's application for licensure with the understanding that Dr. Dargon will continue bi-monthly supervision for one year and submit quarterly supervision reports to the Board. The motion carried 8-0.

Nicole Degomez, Ph.D.

Dr. Mellott recused from this agenda item. Dr. DiBacco provided a summary to the Board stating Dr. Degomez's internship may not meet the statutory requirements.

Dr. Degomez, her Director of Clinical Training, Eugene Moan, Ed.D. were present and her supervisors Heather Nash, Ph.D. and Bruce Packard, Ed.D. were present telephonically. Dr. Degomez supervision and training agreement were discussed. Board members expressed concern that Dr. Degomez's internship did not meet the statutory supervision requirements.

At 12:04 p.m. Dr. Wechsler made a motion, seconded by Mr. Donaldson to go into Executive Session to obtain confidential legal advice. The motion carried 7-0-1 with Dr. Mellott recused. Open session reconvened at 12:34 a.m.

Dr. Wechsler made a motion, seconded by Dr. Beljan, to allow Dr. Degomez to withdraw her application within seven days; if Dr. Degomez does not withdraw her application it will be denied for failure to meet the internship requirement, A.R.S. §32-2071(F). The motion carried 7-0-1 on a roll call vote with Dr. Mellott recused.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ISSUES IDENTIFIED BY THE BOARD'S CONTINUING EDUCATION COMMITTEE AS A RESULT OF THE 2011-2013 CONTINUING EDUCATION AUDIT INCLUDING DISCUSSION OF TOPICS ALLOWABLE UNDER A.A.C. R4-26-207 FOR CATEGORIES I AND II AS WELL AS DOMESTIC VIOLENCE AND CHILD ABUSE REQUIREMENTS AND THE HISTORY OF THOSE REQUIREMENTS

Jonathan Masters, Psy.D.

Dr. DiBacco provided a summary to the Board stating that Dr. Masters was selected as part of the 2011-2013 Continuing Education Audit. Dr. DiBacco stated that Dr. Masters listed elder abuse as meeting the domestic violence/child abuse requirement. Dr. DiBacco stated that the Continuing Education Committee voted to forward this item to the full Board for further review to determine whether elder abuse meets the domestic violence/child abuse requirement.

Dr. Olvey provided historical information to the Board pertaining to how the domestic violence/child abuse requirement came into effect.

Board members deliberated. Board members discussed domestic violence as violence that occurs in situations where people are living together. Board members expressed opinions of a more strict definition of domestic violence. After deliberation, Dr. Mellott made a motion, seconded by Dr. Bohanske to approve Dr. Master's continuing education as meeting the rule requirement. The motion carried 7-1 with Dr. DiBacco voting no.

Dr. Bohanske made a motion, seconded by Dr. Beljan, to form an Ad Hoc Committee to further define domestic violence and make a recommendation to the Board. Motion failed 3-5 with Dr. Wechsler, Dr. Mellott, Mr. Donaldson, Dr. Brundage and Mr. Robichaud voting no.

Dr. Wechsler made a motion, seconded by Mr. Donaldson, to further define domestic violence in rules. The motion carried 8-0.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ELECTION OF OFFICERS FOR 2014, INCLUDING SECRETARY, VICE-CHAIR AND CHAIR

Dr. DiBacco nominated Mr. Donaldson to serve as Secretary of the Board for 2014, no other nominations were made and the nomination carried 8-0. Mr. Robichaud nominated Dr. Wechsler to serve as Vice-Chair of the Board for 2014 and Dr. Mellott nominated Dr. DiBacco to serve as Vice-Chair of the Board for 2014. Dr. Wechsler declined the nomination, the nomination for Dr. DiBacco to serve as Vice-Chair of the Board for 2014 carried 8-0. Mr. Donaldson nominated Dr. Bohanske to serve as Chair of the Board for 2014, no other nominations were made and the vote carried 8-0.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING POSSIBLE FUTURE LEGISLATION INCLUDING REPORT BY THE BOARD'S LEGISLATIVE COMMITTEE PERTAINING TO A MEETING HELD WITH REPRESENTATIVES OF THE ARIZONA PSYCHOLOGICAL ASSOCIATION TO DISCUSS POSSIBLE LEGISLATIVE ISSUES

Dr. Olvey provided a summary to the Board stating that every year state agencies are contacted by the Governor's Office inquiring whether the Board intends to run legislation. Dr. Olvey provided the Board with examples of statute changes the Board has previously discussed.

Dr. Olvey reported that the Board's Legislative Committee met with representatives of the Arizona Psychological Association (AzPA) to discuss changes proposed by the Board. Generally, representatives were supportive of the proposed changes. The Board deliberated whether it would like to run legislation. AzPA will not run legislation pertaining to prescriptive authority for psychologists in 2014, but will host stake holder meetings.

Behavior analysts presented that the Behavior Analyst Certification Board (BACB) is increasing its requirements for individuals seeking certification and recommends revising the statute. Behavior analysts recommended adopting the standards of the BACB. Following discussion, the Board asked that draft language be developed for the Board to adopt the BACB standards including draft language that would indicate if the Board objects to the standards, the Board may develop its own standards.

Faren Akins submitted correspondence to the Board with recommendations of statute changes. After consideration, the Board declined to adopt Mr. Akins' recommendations for statute changes. It was the consensus of the Board to move forward with drafting language for proposed statute changes. Board members directed Dr. Olvey to meet with behavior analysts to discuss legislative changes to behavior analyst statutes.

12. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PSYCHOLOGIST LICENSURE APPLICATION FOR CLARIEMARIE CLARK, PH.D.

Dr. Wechsler provided a summary to the Board. Upon review of Dr. Clark's Core Program Requirements and syllabus, the Board noted that "Prevention, Advocacy & Supervision" (Pres 6120) does not meet the statutory requirements for Scientific and Professional Ethics and Standards in Psychology. Additionally, upon review of Dr. Clark's Comprehensive Exam, the Board determined that it does not meet the requirements of Comprehensive Exam pursuant to A.R.S. §32-2071(A)(4). At this time Dr. Clark remains 2 quarter hours deficient in the Ethics requirement.

Dr. Mellott made a motion, seconded by Mr. Robichaud, to issue a Final Request for Additional Information and Documentation (FRAID) letter to Dr. Clark indicating that she is 2 quarter hours deficient in Ethics and that in order to meet statutory requirement she will need to take a course in Ethics pertaining to psychology. The motion carried 8-0.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION PERTAINING TO MAKING FALSE STATEMENTS TO THE BOARD-AN ISSUE IDENTIFIED BY THE BOARD'S CONTINUING EDUCATION COMMITTEE AS A RESULT OF THE 2011-2013 CONTINUING EDUCATION AUDIT

Dr. Brundage provided a summary to the Board stating that the Continuing Education Committee expressed concern that licensees are falsely reporting meeting the continuing education requirements on the 2013-2015 Renewal Application. Some licensees have not met the requirements of 60 CE credits and make up the deficiency once notified of the audit. A review of A.A.C. R4-26-205(E) indicates that a licensee may complete the requirements within 90 days of a notice of disallowance but not if the credit was not taken.

After deliberation, Mr. Robichaud made a motion, seconded by Mr. Donaldson, to delegate to the Board's Executive Director, in consultation with the Continuing Education Committee Chair and the Board's Assistant Attorney General, authority to open a Request for Investigation regarding auditees who appear to have falsified information on future renewal applications. The motion carried 6-1-1 with Dr. DiBacco voting no and Dr. Mellott abstained.

14. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REVIEW OF DRAFT PSYCHOLOGY RULES AS WELL AS A REQUEST FOR A COMMITTEE OF THE BOARD TO PROVIDE EXPERTISE AS DRAFT RULES ARE DEVELOPED

Dr. Olvey provided a summary. After deliberation, Dr. Wechsler made a motion, seconded by Dr. DiBacco, to form a Committee comprised of Dr. Bohanske, Dr. Wechsler, Dr. DiBacco and Dr. Mellott, to review draft rules and provide input to the Board. The motion carried 8-0.

15. NEW AGENDA ITEMS FOR FUTURE MEETINGS

No new agenda items were requested

16. ADJOURN

There being no further business to come before the Board, a motion was made by Dr. Bohanske, seconded by Mr. Robichaud, to adjourn the meeting at 4:35 p.m. The motion carried 8-0.

Respectfully submitted,

**John P. DiBacco, Ph.D.
Board Secretary**