

Board Members

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Rob Robichaud
Tamara Shreeve, MPA
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

Lynanne Chapman
Deputy Director

Heather Duracinski
Licensing Coordinator

REGULAR SESSION MINUTES

Friday, February 7, 2014, 8:30 a.m.
Arizona State Capitol – Executive Tower
1700 W. Washington St.
Grand Canyon Conference Room, Basement
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Dr. Bohanske at 8:34 a.m. on February 7, 2014. Three Executive Sessions were held.

2. ROLL CALL

Board Members Present

Bob Bohanske, Ph.D., – Chair
John P. DiBacco, Ph.D – Vice – Chair
Paul Beljan, Psy.D., ABPdN, ABN
Janice K. Brundage, Ph.D.
Ramona N. Mellott, Ph.D
Frederick S. Wechsler, Ph.D., Psy.D., ABPP

Staff Present

Dr. Cindy Olvey, Executive Director
Heather Duracinski, Licensing Coordinator

Attorney General’s Office

Jeanne Galvin, Esq.

Board Members Absent

Joseph C. Donaldson – Secretary
Rob Robichaud
Tamara Shreeve, MPA

3. REMARKS/ANNOUNCEMENTS

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

Board Assessment Forms – Dr. Bohanske 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. Bohanske presented a plaque to Dr. Brundage for her service as the 2013 Board Chair and a plaque for her service as a Board member. Dr. Bohanske announced that Dr. Brundage was recently reappointed to the Board. Dr. Bohanske thanked Board members and Staff for their dedication and hard work.

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

The minutes were removed from the Consent Agenda due to lack of a quorum for minutes only. Dr. Wechsler made a motion, seconded by Dr. Brundage, to approve the remaining items on the Consent Agenda. The motion carried 6-0.

(a) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. APPROVAL OF MINUTES

~~December 6, 2013, Regular Session Minutes~~

~~December 17, 2013, Regular Session Minutes~~

ii. REQUESTING APPROVAL FOR EXAM ONLY

Gregory Benson, Ph.D.

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

Jacob Boney, Psy.D.

Amanda Dewbray, Psy.D.

Gustavo Franza, Psy.D.

Daniel Gross, Psy.D.

Jan Hanvey, Ph.D.

Ashurina Miller, Psy.D.

Lynn Oelke, Ph.D.

Adam Perkins, Ph.D.

Ashley Shenberger, Psy.D.

Katherine Spector, Psy.D.

Andrew Thrasher III, Ph.D.

Shelley Wolfe, Ph.D.

(b) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

Megan Bailey, M.Ed.

Erin Cook, M.A.

Amanda Fullbright, M.Ed.

Adryon Ketcham, M.A.

Hannah Robicheau, M.Ed.

(c) REQUEST FOR EXTENSION OF TIME TO TAKE EPPP EXAM FROM RICARDO MENDIVIL, PSY.D.

(d) EXECUTIVE DIRECTOR'S REPORT

(e) INVESTIGATIONS REPORT

(f) LICENSING REPORT

5. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CORRESPONDENCE RECEIVED FROM JOHN DENBOER, PH.D. REGARDING SELF-REPORT OF CITATION

Ms. Hinckley provided a summary to the Board stating that Dr. Denboer was charged with a DUI. Ms. Hinckley stated that Dr. Denboer timely reported his DUI charge to the Board.

Dr. Denboer was not present but his legal counsel, Larry Cohen, was present, requested to speak, made a statement and answered Board members' questions. Mr. Cohen discussed the actions that Dr. Denboer has taken to ensure that this does not happen again. Mr. Cohen stated that Dr. Denboer will keep the Board apprised of any Court findings in his case.

Board members deliberated and determined that Dr. Denboer reported his DUI charge to the Board in a timely manner. Board members determined that Dr. Denboer has taken the appropriate action in this case. Board members agreed to accept an informal agreement from Dr. Denboer that he will keep the Board apprised of his case.

After deliberation, Dr. Wechsler made a motion, seconded by Dr. Mellott, to take no further action in this case and to accept an informal agreement from Dr. Denboer that he will keep the Board apprised of his case. The motion carried 6-0.

6. CALL TO THE PUBLIC

Dr. Bohanske 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 Politics in Psychology Day was held on February 6, 2014. Dr. Canter stated that AzPA will be holding a continuing education event in Flagstaff on March 22, 2014.

7. COUNSEL REPORT

Ms. Galvin reported that at the August 9, 2013, Board meeting the Board issued Anthony Luick, Ph.D. a Decree of Censure. Dr. Luick appealed the Board's decision to the Superior Court and has requested an Evidentiary Hearing. On December 30, 2013, Ms. Galvin and the Board's Executive Director, Cindy Olvey, attended proceedings at the Superior Court in Tucson for Oral Argument. Ms. Galvin reported that the Judge is taking the case under advisement. Ms. Galvin stated that she is still awaiting the Judge's decision and will keep the Board apprised as the case progresses.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING THE 2011-2013 CONTINUING EDUCATION AUDIT FOR CHRISTINE McCABE, Ph.D. AND HER REQUEST FOR MEDICAL INACTIVE STATUS

Dr. Brundage provided a summary to the Board stating that Dr. McCabe was selected to participate in the 2011-2013 continuing education (CE) audit. Dr. Brundage stated that Dr. McCabe did not provide CE documentation and that Dr. McCabe was given 90 days to provide supporting documentation. Dr. Brundage stated that Dr. McCabe did not provide CE documentation within the 90 days and is instead requesting Medical Inactive Status. Dr. Brundage stated that Dr. McCabe provided a timeline of events

that occurred as well as supporting documentation such as an Order of Protection, Divorce Decree, letters from her treating physicians and other relevant documentation.

Dr. McCabe was not present. The Board deliberated and determined that if Dr. McCabe cannot practice as a psychologist then she cannot complete the required CE. After deliberation, Dr. Mellott made a motion, seconded by Dr. Wechsler, to grant Dr. McCabe's request to place her license on Medical Inactive status. Additionally, upon reactivation of Dr. McCabe's license, she must provide supporting documentation that she can practice as a psychologist. Furthermore, upon reactivation of her license, the Board will further investigate her failure to comply with the 2011-2013 CE audit. The Motion carried 6-0.

It was the consensus of the Board to direct Board staff to notify the Arizona Board of Nursing of Dr. McCabe's request for Medical Inactive Status and failure to comply with the Board's 2011-2013 CE audit as Dr. McCabe is licensed in Arizona as a Registered Nurse.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR LICENSURE AS A PSYCHOLOGIST SUBMITTED BY BRIAN MCDONALD, PSY.D. AND POSSIBLE DENIAL OF THE SAME

Dr. Beljan recused from reviewing this item. Dr. Mellott provided a summary to the Board stating that the Application Review Committee voted to forward Dr. McDonald's application to the full Board for further review as he disclosed on his application that he was charged with two DUI's in 2005 and one DUI in 2011. Dr. Mellott stated that Dr. McDonald provided documentation regarding his charges and subsequent treatment. Dr. McDonald was present, requested to speak, made a statement and answered Board members' questions.

At 9:42 a.m., Dr. Mellott made a motion, seconded by Dr. DiBacco, to go into Executive Session to review confidential records. The motion carried 6-0. Open session reconvened at 9:57 a.m.

Board members asked Dr. McDonald why he was terminated from the Scottsdale Institution. Dr. McDonald stated that he did not receive a formal reason or a termination. After deliberation, Dr. Brundage made a motion, seconded by Dr. Mellott, to approve Dr. McDonald's application to sit for the EPPP and licensure upon receiving a passing score. The motion carried 6-0.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING SECOND REQUEST FOR EXTENSION OF TIME TO TAKE THE EPPP EXAM FROM ROSE MARIE NUNEZ, PSY.D. AND POSSIBLE DENIAL OF THE SAME

Ms. Duracinski provided a summary to the Board stating that the Board previously approved an extension of time for Dr. Nunez to sit for the EPPP. Ms. Duracinski stated that Dr. Nunez is requesting a second extension of time to sit for the EPPP due to extenuating circumstances.

Dr. Nunez was not present. The Board deliberated and asked Ms. Galvin if the Board can grant a second extension and if Dr. Nunez can request a third extension. Ms. Galvin stated that the statute does not contemplate more than one extension but the Board has granted second extension requests in the past when circumstances involve medical issues. After deliberation, Dr. Brundage made a motion, seconded by Dr. Wechsler, to grant Dr. Nunez a second six month extension to sit for the EPPP. The motion carried 6-0.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION PERTAINING TO UPDATE FROM BOARD MEMBERS AND STAFF WHO ATTENDED ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARD'S BOARD OF DIRECTORS MEETING ON JANUARY 31, 2014

Dr. Brundage stated that telepractice was addressed at the meeting as well as Arizona celebrating 50 years since psychology was officially recognized as a profession in Arizona. Dr. Brundage stated that there was discussion regarding test security for the Examination of Professional Practice in Psychology (EPPP). Dr. DiBacco stated that the Board has an excellent reputation nationwide and in Canada. Dr. Bohanske stated that the Board has more authority than other jurisdictions such as being able to hear complaints, participation in the legislative process, and reviewing applications. Dr. Bohanske stated that the DSM-5 will not appear on the EPPP for some time. Additionally, he stated that ASPPB was requested to hold a meeting in Arizona to help celebrate the 50th anniversary. Dr. Olvey added that the Arizona Board has subpoena authority whereas many jurisdictions do not have subpoena authority.

12. PURSUANT TO A.R.S. §38-431.03(A)(1) AND (A)(3), THE BOARD MAY VOTE TO GO INTO EXECUTIVE SESSION FOR DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO STAFF SALARIES AND POSSIBLE INCREASE OF THE SAME

Dr. Bohanske made a motion, seconded by Dr. Brundage, to go into Executive Session at 10:27 a.m. The motion carried 6-0. Open session reconvened at 10:54 a.m.

Dr. Wechsler made a motion, seconded by Dr. Mellott to adopt the recommendations made in Executive Session. The motion carried 6-0.

13. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING COMMEMORATING 50 YEARS (1965-2015) SINCE ENACTMENT OF ENABLING LEGISLATION REGULATING PSYCHOLOGY AS A PROFESSION

Dr. Bohanske provided a summary to the Board stating that the Board's 50th Anniversary Committee met and is recommending that the Board:

- Obtain a booth at a state conference to educate the public on the history and timeline of the Board.
- Hold a Board meeting in Flagstaff and Tucson with a reception following each meeting
- Create a 50th anniversary commemorative certificate that can be purchased by licensees.
- Invite the Board's first Assistant Attorney General, Sandra Day O'Connor, to a Board meeting.
- Invite Mathilda Canter, Ph.D., to conduct a forum at one of the Board's meeting or at an event.

Additionally, Dr. Bohanske stated that the Association for State and Provincial Psychology Boards (ASPPB) has been invited to hold a meeting in Arizona to commemorate the 50th anniversary. Dr. Bohanske stated that ASPPB was already in negotiations to hold its annual meeting in Colorado but may be able to move the meeting in Arizona and hold a meeting in Colorado at a later date.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO THE DOCTOR OF BEHAVIORAL HEALTH (DBH) PROGRAM AND PSYCHOLOGISTS WHO PROVIDE TRAINING IN PROVISION OF PSYCHOLOGICAL SERVICES TO STUDENTS AND GRADUATES OF THE DBH PROGRAM

Dr. Wechsler expressed concerns that students in the DBH program are receiving supervision from licensed psychologists and are being trained to do psychological testing even though the Board has been advised by the Director of the DBH program that the DBH program is not designed for licensure in psychology. Moreover, the DBH program does not offer the coursework or educational training to conduct psychological testing.

The Board deliberated. Board members offered that it is not uncommon for licensed psychologists to supervise other professions. Board members stated that in order to be accepted into the DBH program the student has to be licensed at the Masters level. Board members expressed concern that the DBH program is only an 18 month program. Board members indicated that, at this time, there is no complaint before the Board and the Board concluded its discussion.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO BOARD REPRESENTATION, PARTICIPATION, OR ATTENDANCE AT STAKEHOLDER MEETINGS HOSTED BY THE ARIZONA PSYCHOLOGICAL ASSOCIATION PERTAINING TO PRESCRIPTIVE AUTHORITY FOR PSYCHOLOGISTS

Dr. Olvey provided a summary to the Board stating that Representative, Tom Boyer, will be present at stakeholder meetings that will address four topics pertaining to prescriptive authority for psychologists. Dr. Olvey stated that the first meeting is planned for March and will address the topic of curriculum. Dr. Olvey asked the Board for direction as to whether it would like to have a representative(s) at the stakeholder meetings.

Following deliberation, it was the consensus of the Board not to have official representation at the stakeholder meeting. The Board will invite the Arizona Psychological Association to a meeting to report on the stakeholder meetings.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARD MID-YEAR MEETING AND INVITATION TO PARTICIPATE IN A PANEL DISCUSSION

Dr. Olvey provided a summary to the Board stating that ASPPB has invited a Board member or the Board's Executive Director to attend the ASPPB Midyear meeting and participate in a panel. Dr. Olvey stated the meeting will be held in San Antonio and that the agenda for the meeting is not yet set.

After deliberation, it was the consensus of the Board to send Dr. Wechsler and Dr. Olvey to the meeting as well as Dr. Bohanske, if the budget allows. Dr. Wechsler will participate on the panel.

17. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO LEGISLATIVE UPDATE AND LEGISLATION INCLUDING, BUT NOT LIMITED TO HB 2172 AND HB 2173

Brandy Patrone and Stuart Goodman from Goodman Schwartz Public Affairs were present and provided a legislative update to the Board. Ms. Patrone stated that HB 2172 and HB 2173 passed the House Health

Committee. Ms. Patrone stated that because of the amendment, HB 2172 will go to the Committee of the Whole and may move through the process more slowly than HB 2173. Ms. Patrone stated that Blue Cross/Blue Shield is recommending an amendment to HB 2172 to include language similar to the definition of telemedicine contained in Title 20. Mr. Goodman and Ms. Patrone discussed the Board's options. It was the consensus of the Board that Mr. Goodman contact Blue Cross/Blue Shield and provide information indicating the Board is not in favor of the amendment.

Mr. Goodman stated that HB 2297 would repeal the Board's statute, A.R.S. §32-2081(B), if passed. Mr. Goodman stated that he attended a stakeholder meeting pertaining to HB 2297 on February 6, 2014, with Dr. Olvey present. Stakeholders included representatives from the Supreme Court, the Arizona Psychological Association, and fathers who are interested in this issue. He reported that Representative Smith asked that all parties bring him ideas to consider. Representative of the Court expressed concern about whether judges are in a position to make a judgment about whether a complaint is a legal strategy or whether the psychologist has violated the code of ethics or practice act. A suggestion made at the stakeholder meeting included providing information to assist the judges in making their determinations. The fathers rejected this idea arguing that the system should be returned to allow complaints to be submitted directly to the Board. Mr. Goodman indicated that the Court does not track complaints filed with the Court. As a result, there is no factual data that indicates the efficacy of the current system.

Board members discussed the fact that this statute has been in place for sex offenders for a number of years prior to the current statute. Mr. Goodman discussed that Board minutes from 1999 indicated that a judge from family court approached the Board recommending that the statute be changed. The judge provided language with some similarity to the statute currently in place. The Board did not pursue the statutory change at that time.

Board members indicated that research demonstrates the harm to children who must participate in multiple evaluations in high conflict family court cases. Board members discussed that Judges can let the Board decide if there is a question, or, perhaps, an independent psychologist in the forensic area could serve as a resource to the Judge in making that decision. Judges could be provided a set of standards that represent standards of practice for forensic evaluation. Board members expressed concern that fewer psychologists may be willing to perform court related work because of the liability risk involved, if this statute were repealed.

Board members discussed contacting the Court to schedule a meeting to offer to work with the Courts. It was the consensus of the Board that contact be made with the Court to schedule a meeting to offer information and serve as a resource to the Court in the implementation of A.R.S. §32-2081(B) beginning with Maricopa County Superior Court and then considering additional counties.

18. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO CORRESPONDENCE RECEIVED FROM GENERAL COUNSEL OF MESA PUBLIC SCHOOLS REQUESTING CLARIFICATION OF BOARD POSITION REGARDING BOARD CORRESPONDENCE PERTAINING TO WORK PERFORMED BY SCHOOL PSYCHOLOGISTS WHO ARE NOT LICENSED BY THE BOARD OF PSYCHOLOGIST EXAMINERS

Dr. Olvey provided a summary to the Board stating that the Board sent a letter to the Arizona Association of School Psychologists regarding its concern about school psychologists practicing outside the exemption provided in A.R.S. §32-2075(A). Dr. Olvey stated that the Board office received a letter from the Mesa Public Schools legal counsel, Tom Pickrell, requesting clarification. More recently, the Board office received a letter from Udall & Shumway, attorney for the Arizona Association of School

Psychologists; however only the letter from Mesa Public Schools will be addressed at the current meeting.

Tom Pickrell, legal counsel for Mesa Public Schools, was present, requested to speak, made a statement and answered Board members' questions. Mr. Pickrell stated that there are 85 schools in the Mesa Public School system and that there is a shortage of school psychologists. Mr. Pickrell elaborated that Mesa Public Schools hires independent contractors to perform services within the school system and that these employees are considered 1099 employees. Board members asked Mr. Pickrell if Mesa Public Schools 1099 employees only practice within the school setting. Mr. Pickrell responded affirmatively.

Richard Dwyer, President of the Arizona Association of School Psychologists, was present, requested to speak, made a statement and answered Board members' questions. Board members asked whether schools provide test materials to school psychologists on contract. Mr. Dwyer stated that in his experience, the Mesa Public School system has provided materials for their 1099 employees with the possible exception of Charter schools or schools in rural areas.

At 3:01 p.m. Dr. Brundage made a motion, seconded by Dr. Beljan, to go into Executive Session to obtain confidential legal advice from the Board's attorney. The motion carried 6-0. Open session reconvened at 3:14 p.m.

Denise Lowell-Britt was present, requested to speak and made a statement. Ms. Lowell-Britt stated that she is an attorney at Udall & Shumway and is serving as legal counsel for the Arizona Association of School Psychologists. Ms. Lowell-Britt stated that there are very rural areas, schools for the deaf and blind and bilingual schools that are in need of school psychologists. She indicated that these schools hire 1099 employees to provide services pursuant to A.R.S. §15-502.

The Board deliberated and stated that the Board has concerns regarding school psychologists who are practicing independently outside the exemption provided by law. The Board determined that no further clarification or action is necessary at this time.

19. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO USE OF DISCREPANCY MODEL IN DETERMINATION OF LEARNING DISABILITIES

Dr. Beljan provided a summary to the Board stating that there is no research that validates the use of the Discrepancy Model in determining learning disabilities. Board members deliberated and determined that there is no complaint before the Board regarding this issue. Board members indicated that school psychologists are trained to conduct various tests. Board members determined that any complaint brought before the Board would be considered.

20. NEW AGENDA ITEMS FOR FUTURE MEETINGS

There were no new agenda items for future meetings.

21. ADJOURN

There being no further business to come before the Board, a motion was made by Dr. Mellott, seconded by Dr. Wechsler, to adjourn the meeting at 3:37 p.m. on February 7, 2014. The motion carried 6-0.

Respectfully submitted,

Joseph C. Donaldson
Board Secretary