

Board Members

Frederick S. Wechsler, Psy.D., ABPP
Vice-Chair
Megan Hunter-Williams
Secretary
Bob Bohanske, Ph.D.
Janice K. Brundage, Ph.D.
John P. DiBacco, Ph.D.
Joseph C. Donaldson
Daniel Larson
Ramona Mellott, Ph.D.



**State of Arizona
Board of Psychologist Examiners**

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Staff

Dr. Cindy Olvey
Executive Director
Meghan Hinckley
Deputy Director
Heather Duracinski
Administrative Assistant

**TELEPHONE CONFERENCE CALL
March 23, 2011**

1400 W. Washington, Ste. 235
Phoenix, Arizona 85007

REGULAR SESSION MINUTES

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Karp at 11:07 a.m. on March 23, 2011. No Executive Sessions were held.

2. ROLL CALL

Board Members Participating by Telephone

Cheryl L. Karp, Ph.D. – Chair
Megan Hunter Williams – Secretary
Bob Bohanske, Ph.D.
Janice K. Brundage, Ph.D.
John P. DiBacco, Ph.D.
Ramona N. Mellott, Ph.D.

Staff Present

Dr. Cindy Olvey, Executive Director
Meghan Hinckley, Deputy Director
Heather Duracinski, Administrative Assistant

Attorney General's Office

Jeanne Galvin, A.A.G.

Board Members Not Participating

Frederick S. Wechsler, Psy.D., ABPP - Vice Chair
Joseph C. Donaldson
Daniel Larson

3. CALL TO THE PUBLIC

There were no requests for from the public to speak.

4. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LEGISLATION

a. HB 1353 (Strike everything bill pertaining to behavior analysts)

Dr. Olvey indicated that there has been recent activity regarding SB 1353, the Striker Bill pertaining to behavior analysts. Dr. Olvey stated that SB 1353 was heard by the House Health and Human Services Committee. Dr. Olvey stated SB 1353 passed the Committee but still has to pass the House and be reconciled with the Senate. Dr. Olvey asserted that the Board could still take a position if deemed necessary.

Dr. Olvey summarized SB 1353 stating that the Bill proposes changes in supervised experience for behavior analysts specifically in three areas.

The first area the bill addresses is behavior analysts would be able to work toward their supervised experience concurrent with attending the required 225 class room hours; the current law requires that classroom hours must be completed before behavior analysts are able to work toward their supervised experience hours.

The second area the bill addresses is the fact that there are three paths for acquiring training that are recognized nationally for the profession; the first path is the only path that is included in the current Arizona law, which requires 1500 hours supervised independent field work and it requires supervision once every two weeks; supervision is not tied to the University program. The second path, called practicum, is tied to the University program with supervision once per week and a total of 1,000 hours, this path is currently not included in Arizona law. The third path, called intensive practicum, is also tied to the University program and requires supervision twice each week for a total of 750 hours, this path is currently not included in Arizona law.

Supervision is the third area the bill addressed. According to the current Arizona statute, after July 1, 2011, supervision must be conducted by a licensed behavior analysts. SB 1353 is proposing that the Board allow supervision be conducted by a certified behavior analyst in states that do not have licensed behavior analysts. This change would only apply to individuals applying for licensure from states that do not have licensed behavior analysts.

Dr. Davidson stated that at the last Board meeting it became clear that Behavior Analysts would not be able to obtain any kind of self regulation due to lack of funds. Dr. Davidson stated that the behavior analyst lobbyist, Stuart Goodman, became aware that the Arizona Psychological Association (AzPA) expressed concern that behavior analysts may be better served under the jurisdiction of a different Board. Additionally, Mr. Goodman relayed to the behavior analysts that AzPA expressed concern with any kind of self regulation that behavior analysts might try to obtain. Mr. Goodman organized a meeting with AzPA, behavior analysts and the Board, AzPA cancelled but Dr. Olvey was present at the meeting to represent the Board. The goal of the meeting was to compile a Bill that would meet the needs of the parties involved by increasing the number of licensed behavior analysts in Arizona to increase funding while still protecting the public. Dr. Davidson asserts that SB 1353 still adheres to a public protection standard that is equal to or greater than an accepted norm in other states. Dr. Davidson implies that if SB 1353 becomes effective as is, it would create more qualified Behavior Analysts which in turn would provide more funding so that behavior analysts could become self regulated or move under the jurisdiction of a different Board. Dr. Davidson asserted that behavior analysts have determined that self regulation is not an option at this time so as an alternative they are working towards financial stability by trying to create more opportunity for a qualified behavior analyst to become licensed. Dr. Davidson apologized that the Bill was submitted at a late hour, he explained that the goal was to first try and organize a meeting with the Board, behavior analysts and AzPA in order to come to an agreement before the Bill was submitted.

Dr. Karp opened the discussion stating that the ASPPB list serve has been very active with comments regarding behavior analysts. Dr. Karp opined that behavioral analysts fit well under the jurisdiction of the Board and that the goal is to work in conjunction with each other.

Dr. Mellott commented that the first area of SB 1353 concerning supervised experience would be an acceptable change. Dr. Mellott opined that the wording "following appropriate coursework" should be added to the wording of the Bill. Dr. Mellott discussed the third area of the bill opining that it may be prudent for Arizona to be sensitive to the fact that it is one of the fastest growing states and that many behavior analysts licensed in another jurisdiction may relocate to Arizona but may not meet Arizona licensing requirements if their supervision was not conducted by a licensed behavior analyst. Dr. Mellott informed the Board that Tennessee requires behavior analysts receive their supervision from a licensed behavior analyst but that Missouri and Nevada do not. Dr. Mellott opined this area of the bill would be an acceptable change. Dr. Mellott discussed the second area of the bill and asserted her concerns. Dr. Mellott clarified that the duration of the supervised sessions should be specified. She opined that 750 hours of supervised experience is not acceptable and asserted that supervision hours should be increased as licensing standards are more stringent than that of certification

requirements. Additionally, Dr. Mellott addressed possible clerical errors in the statute and corrections were noted.

Dr. DiBacco thanked Dr. Davidson for his candor regarding the purpose of SB 1353. Dr. DiBacco addressed his concerns stating that SB 1353 would “water down” licensing requirements which may be contraindicated in terms of protecting the public. Dr. DiBacco stated that Arizona’s licensing requirements are stringent which is favorable for protecting the public. Dr. DiBacco asserted that Arizona’s current statute should remain in place.

Dr. Brundage and Dr. Karp addressed the Board stating that they concur with Dr. DiBacco and Dr. Mellott.

Dr. Karp asked Dr. Davidson why behavior analysts are willing to lessen licensing requirements just to gain additional licensees. Dr. Davidson responded stating that behavior analysts are trying to find a common ground with psychologists. Dr. Davidson stated that changes in requirements will not jeopardize the profession or the safety of the public and that there is no data to suggest that the 750 hour standard puts the public at risk. Additionally, he suggested that if SB 1353 passes then data can be compiled on behavior analysts who met the 750 hour requirement vs. the behavior analyst who met the 1500 hour requirement.

Dr. Mellott asked Dr. Davidson that in 2009 behavior analysts helped draft the original bill and at that time supported the 1500 hour requirement, why change it now? Dr. Davidson answered stating that he believes in the original sunrise application the intent was to become certified behavior analysts who could use all three pathways. When the bill was drafted only the 1500 hour requirement was included Dr. Davidson opined that this was an oversight.

Dr. Olvey responded to Dr. Mellott’s questions and after reviewing the history of the bill, she asserted that the original bill was very basic and that it did list the three paths, then the bill was amended and became a striker bill and specified the 1500 hour requirement only and that behavior analysts were not involved in writing that bill.

Dr. Karp asked Dr. Mellott and Dr. Davidson the course work required for behavior analysts. Dr. Davidson answered stating that at Northern Arizona University (NAU) behavior analysts are required to complete 1500 hours. Dr. Davidson responded stating that NAU does not have the resources to offer a University practicum and that they did not choose the 1500 hour requirement. Dr. Davidson implies that if NAU were to change their requirements then they would also change hours depending on practicum requirements.

Dr. Olvey clarified that an individual who completes NAU’s program only gets a certificate of completion. Dr. Davidson affirmed and stated that upon completion of NAU’s program an individual is not qualified to sit for the national exam.

Dr. Mellott opined that there is some agreement on SB 1353 and has asked that the Board clarify what amendments be made. Dr. Mellott reiterated her concerns.

Jeanne Galvin, A.A.G., clarified some of the wording in SB 1353. Dr. Mellott asked that the wording in paragraph 2 of SB 1353 be looked at closely but not necessarily changed. Dr. Brundage agreed.

Dr. Mellott stated that hours need to be clarified for supervision and at least be in accordance with the national standards. Dr. Davidson clarified what the national standard is.

Dr. Mellott made a motion, seconded by Dr. Brundage, that the Board support the striker bill but with concerns. The motion included the recommendation that the following changes be addressed: review paragraph #2, specifically 32-2091.03(a)(2), strong lack of support for the three options of supervision and recommending keeping the 1500 hour requirement with the option to use practicum

and internship hours and to specify the number of hours worked per week and the hours of supervision. The motion carried (5-0-1), with Dr. DiBacoo voting no.

b. HB 2565 (Pertaining to postsecondary education; students' rights)

Dr. Olvey summarized this agenda item stating that HB 2565 affects postsecondary education and students' rights to their religious view points. The Board office received a call from the Public Policy office of the American Counseling Association (ACA) wherein their staff inquired as to whether the Board had taken a position on the Bill. Specifically, the ACA is opposing the Bill and they are concerned with the wording in a paragraph of the Bill which states, counseling, social work and psychology programs cannot discipline or discriminate against a student because the student refuses to counsel someone about goals that conflict with that student's sincerely held religious beliefs or moral conviction. The ACA discussed a case where a student was disciplined and denied her degree because the student asked to refer a client because it was against her religious beliefs to counsel a person on a particular subject. This case has been in litigation with the student arguing that it was in the best interest of the client but the ACA is arguing that the student trainee is in violation of their ethical code of conduct stating that psychologist's should be required to counsel all populations.

Dr. Karp and the Board office received a letter from the CEO of the American Psychology Association (APA), Norm Anderson, indicating that the APA is in opposition of HB 2565 for reasons similar to those of the ACA.

Dr. Olvey asserted that she attended the Senate Education Committee hearing regarding HB 2565. HB 2565 was amended wherein the words moral conviction was removed and a clause was added indicating that there would be no discipline or discrimination if the student consults with the supervisor instructor or professor to determine the appropriate course of action in order to avoid harm to the client. Dr. Olvey asserted that there was no testimony at the Senate Education Committee hearing regarding HB 2565.

Dr. Olvey stated that she spoke with the legislative liaison with the Arizona Board of Regents. Dr. Olvey affirmed that the Arizona Board of Regents helped to draft the amendment for HB 2565. Additionally, she stated that the Arizona Board of Regents is not taking a position on HB 2565.

Dr. Karp opened discussion to the Board and stated that APA has taken a strong stance opposing HB 2565.

Dr. Mellott abstaining from the discussion and vote as her employers have already taken a stance on HB 2565.

The Board members opined that there could be substantial harm to the client if a psychologist is forced to counsel against their beliefs and best practices would dictate referring the client elsewhere. As a trainee, students may be required to counsel various populations, but it is a strength when a psychology student realizes their limits and refers clients appropriately. In reality psychologists may not always be able to be objective in specific situations.

Dr. DiBacco opined that the Board cannot take a position on HB 2565.

Dr. Brundage made a motion, seconded by Dr. DiBacco, that the Board of Psychologist Examiners remain neutral regarding HB 2565. The motion carried (5-0-1) with Dr. Mellott abstaining.

Dr. Olvey asked the Board for further clarification regarding direction the Board staff should take send a letter to APA stating the Board has taken a neutral stance on HB 2565. The Board agreed a letter should be sent.

5. NEW ITEMS FOR FUTURE MEETING AGENDAS

There were no new items for future agendas.

6. ADJOURN

There being no further business to come before the Board, a motion was made by Dr. Brundage, seconded by Dr. Mellott, to adjourn the meeting at 12:20 p.m. The motion carried (6-0).

Respectfully submitted,

**Megan Hunter-Williams
2011 Board Secretary**