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Complaint Screening Committee REGULAR SESSION MINUTES

Wednesday, August 9, 2017
Capitol Center Building
Basement Conference Room – Side B
15 S. 15th Ave.
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona Board of Psychologist Examiners Complaint Screening Committee was called to order by Chairman Bohanske at 9:00 a.m. on August 9, 2017.

2. ROLL CALL

Committee Members Present

Bob Bohanske, Ph.D., FNAP – Chair
Tamara Shreeve, MPA
Frederick S. Wechsler, Ph.D., Psy.D., ABPP

Staff Present

Cindy Olvey, Psy.D., Executive Director
Lynanne Chapman, Deputy Director
Krishna Poe, Administrative Assistant

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

3. APPROVAL OF MINUTES

- a. Ms. Shreeve noted that the June 7, 2017, Regular Session meeting minutes, as drafted, did not fully reflect the substance of the motion approved during the Committee's review of Complaint No. 17-02 regarding Abigail Atkins, Ed.D. Approval of the June 7, 2017, Regular Session meeting minutes will be tabled until a future Committee meeting, after correction of the omission identified by Ms. Shreeve.
- b. Ms. Shreeve made a motion, seconded by Dr. Bohanske, to approve the June 7, 2017, Executive Session meeting minutes as drafted. The motion carried unanimously (2-0-1), by a voice vote, with Dr. Wechsler abstaining.

4. CASE DISCUSSION/DECISION

a. John DenBoer, Ph.D., Complaint No. 16-39

Dr. Wechsler summarized the case, including salient points of the investigation and pertinent records. The Complainant was not present. The Licensee and his attorney, J. Arthur Eaves, Esq., were present, made statements, and answered Committee member questions. After deliberation, Dr. Wechsler made a motion, seconded by Dr. Bohanske, to forward this case to the full Board for possible violations of A.R.S. §32-2061(15)(o), for possibly providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; A.R.S. §32-2061(15)(x), for possibly engaging in false, deceptive or misleading advertising; and A.R.S. §32-2061(15)(dd), for possibly violating an ethical standard adopted by the Board, as it pertains to the American Psychological Association's 2002 Ethical Standards of Psychologists and Code of Conduct, Standards 3.06 (Conflict of Interest); 3.08 (Exploitative Relationships), 3.10 (Informed Consent), 4.01 (Maintaining Confidentiality), 5.01 (Avoidance of False or Deceptive Statements), 5.06 (In-Person Solicitation), 9.02 (b) and (c) (Use of Assessments), and 9.06 (Interpreting Assessment Results). The motion carried unanimously (3-0), by a voice vote.

b. John DenBoer, Ph.D., Complaint No. 16-53

Dr. Wechsler summarized the case, including salient points of the investigation and pertinent records. The Complainant was not present. The Licensee and his attorney, J. Arthur Eaves, Esq., were present, made statements, and answered Committee member questions. After deliberation, Dr. Wechsler made a motion, seconded by Dr. Bohanske, to forward this case to the full Board for possible violations of A.A.C. R4-26-106, for possibly conditioning the release of a client or patient record on payment for services by the client, patient, or a third party; A.R.S. §32-2061(15)(h), for possibly failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient; A.R.S. §32-2061(15)(o), for possibly providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; A.R.S. §32-2061(15)(r), for possibly failing to obtain a client's or patient's informed and written consent to release personal or otherwise confidential information to another party unless the release is otherwise authorized by law; and A.R.S. §32-2061(15)(dd), for possibly violating an ethical standard adopted by the Board, as it pertains to the American Psychological Association's 2002 Ethical Standards of Psychologists and Code of Conduct, Standards 6.01 (Documentation of Professional and Scientific Work and Maintenance of Records); 6.03 (Withholding Records for Nonpayment), and 9.10 (Explaining Assessment Results). The motion carried 2-1, by a voice vote, with Ms. Shreeve voting no. The Committee also requested that the Licensee provide a copy of the original Medical Office Space Agreement that was in place between the Licensee and the Valbuena Wellness Center and a copy of the written authorization signed by the Complainant which authorized the Licensee to release the evaluation report to the Complainant's attorney.

c. Aileen Lee, Ph.D., Complaint No. 17-07

Ms. Shreeve summarized the case, including salient points of the investigation and pertinent records. The Complainant was not present. The Licensee and her attorney, J. Arthur Eaves, Esq., were present and made statements. Committee members had no questions. After deliberation, Ms. Shreeve made a motion, seconded by Dr. Wechsler, to dismiss the complaint upon finding no violation of statute or rule. The motion carried unanimously (3-0), by a voice vote.

d. Abigail Atkins, Ed.D., Complaint No. 17-02

Ms. Shreeve summarized the case, stating that this case was previously reviewed at the June 7, 2017, Complaint Screening Committee meeting, where Committee members voted to dismiss the allegations made in the complaint, with the exception of the matter pertaining to Licensee's responsibility to inform the Complainant that she had begun treatment of the Complainant's minor child, which the Committee tabled to obtain further legal advisement. The Complainant was present but did not wish to make a statement. The Licensee and her attorney, J. Arthur Eaves, were also present and Mr. Eaves made a brief statement. Jeanne Galvin, Assistant Attorney General for the Board, indicated that she agreed with the legal interpretation provided by Mr. Eaves related to the outstanding issue. After deliberation, Ms. Shreeve made a motion, seconded by Dr. Wechsler, to dismiss the complaint upon finding no violation of statute or rule. The motion carried unanimously (3-0), by a voice vote.

5. ADJOURN

There being no further business to come before the Committee, Dr. Wechsler made a motion, seconded by Ms. Shreeve, to adjourn the meeting. The motion carried (3-0) and the meeting was adjourned at 12:23 p.m.

Respectfully submitted,

Bob Bohanske, Ph.D.

Date