



**Governor**  
Douglas A. Ducey

## ***Arizona Board of Psychologist Examiners***

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Heidi Herbst Paakkonen, MPA

## **Complaint Screening Committee REGULAR SESSION MINUTES**

*November 20, 2019*

1740 W. Adams St.  
Conference Room C (1<sup>st</sup> Floor)  
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 Madam Chair Shreeve at 8:30 a.m. on November 20, 2019. One Executive Session was held.

### **2. ROLL CALL**

#### **Committee Members Present**

Tamara Shreeve, MPA – Chair  
Bob Bohanske, Ph.D., FNAP  
Matthew A. Meier, Psy.D.

#### **Attorney General's Office**

Jeanne Galvin, Assistant Attorney General

#### **Staff Present**

Heidi Herbst Paakkonen, Executive Director  
Jennifer Michaelsen, Deputy Director  
Krishna Poe, Administrative Assistant

### **3. APPROVAL OF MINUTES**

- October 23, 2019, Regular Session

Dr. Bohanske made a motion, seconded by Dr. Meier, to approve the October 23, 2019, regular session minutes as drafted. The motion carried unanimously (3-0), by a voice vote.

- October 23, 2019, Executive Session

Dr. Bohanske made a motion, seconded by Dr. Meier, to approve the October 23, 2019, executive session minutes as drafted. The motion carried unanimously (3-0), by a voice vote.

#### 4. CASE DISCUSSION/DECISION

##### a. John DiBacco, Ph.D., Complaint No. 20-08

Dr. Meier summarized the case, including salient points of the investigation and pertinent records. The Complainant was present, made a statement and answered questions from the Committee members. The Licensee and his attorney, Charles Struble, Esq., were present, requested to speak, made a statement and answered Committee members' questions.

After deliberation, Dr. Meier made a motion, seconded by Dr. Bohanske, to dismiss this matter as there are no violations of rule or statute. The motion carried unanimously (3-0), by a voice vote.

##### b. John DenBoer, Ph.D., Complaint No. 19-04

Dr. Bohanske summarized the case, including salient points of the investigation and pertinent records. The Complainant not present. The Licensee and the Licensee's attorney, J. Arthur Eaves, Esq., were present, requested to speak, made a statement and answered Committee members' questions.

Dr. Peter Lichtenberg, the Board's expert case reviewer who specializes in geriatric neuropsychology clinical practice, participated telephonically and summarized his findings of his review of the patients' treatment documentation. Dr. Lichtenberg noted that initial assessments were inadequate, missing key data points and history; there was excessive neuropsychological testing; the program was presented as a dementia prevention program; the treatment plans were not developed to the individual and specific evaluating findings; testing was overly frequent and repetitive; and the billing for the assessments were excessive relative to their scope.

Dr. John Toma, Dr. DenBoer's practice monitor, was present and advised the Committee that generally Dr. DenBoer's documentation practices differ from other neuropsychologists as his referral sources are physicians and neurologists and his writing emulates their style. Dr. Toma noted Dr. DenBoer has instituted some billing process reforms to remedy the violations previously found by the Board. Dr. Toma further stated Dr. DenBoer is enhancing his understanding of ethics and practice standards, and he now has the foundation to practice in compliance with the law. Dr. Toma noted he did not conclude that Dr. DenBoer's research is used as an opportunity to self-refer patients.

Mr. Eaves made a closing statement, indicating that Dr. DenBoer has implemented comprehensive reforms in his practice and in complying with the law and with the terms of his Consent Agreement. He indicated the complaint is motivated by professional jealousy.

Committee members deliberated and expressed concern with Dr. DenBoer's billing practices and overall practices. The members' discussion reflected concerns with whether Dr. DenBoer is in compliance with the Consent Agreement he is currently practicing under. Dr. Toma was questioned as to whether his monitoring activities included review of Dr. DenBoer's billing to determine whether it complies with the terms of the Consent Agreement. Dr. Toma advised that he does not review these records and therefore cannot state whether Dr. DenBoer is in compliance.

*At 10:27 a.m., Ms. Shreeve made a motion, seconded by Dr. Bohanske, to go into Executive Session to receive confidential legal advice. Open session reconvened at 10:36 a.m.*

After further deliberation, Ms. Shreeve a motion, seconded by Dr. Bohanske, to combine this case with the complaints that are included in his current Consent Agreement (Nos. 16-39, 16-53 and 17-23) and to forward them along with Complaint No. 19-04 to the Board for possible violations of A.R.S. § 32-2061(16)(a), for possibly obtaining a fee by fraud or misrepresentation; A.R.S. § 32-2061(16)(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(16)(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 § (16)(p), for Falsely or fraudulently claiming to have performed a professional service, charging for a service or representing a service as the licensee's own when the licensee has not rendered the service or assumed supervisory responsibility for the service; and A.R.S. §32-2061(16)(dd), for possibly violating an ethical standard adopted by the Board as it pertains to section 3.05 (Multiple Relationships) of the American Psychological Association's Ethical Principles of Psychologist and Code of Conduct. The motion carried unanimously (3-0), by a voice vote. The Committee directed staff to place the previous complaints (Nos. 16-39, 16-53 and 17-23) and Complaint No. 19-04 on the same future agenda so they can be addressed together.

Additionally the Committee directed staff to request from Dr. DenBoer clarifying information about his research program that addresses the questions raised during the discussion of this case.

**c. Carol Jernigan, Psy.D., Complaint No. T-20-01**

Ms. Shreeve summarized the case, including salient points of the investigation and pertinent records. The Complainant was present telephonically, made a statement and answered questions from the Committee members. The Respondent was not present.

Ms. Michaelsen noted that Dr. Jernigan and her attorney, Mr. Chelle, were noticed of today's meeting and that she had emailed Mr. Chelle during today's meeting to determine if they would be attending. Ms. Michaelsen noted that she had not received a response from Mr. Chelle.

The Committee expressed concern that Dr. Jernigan is possibly providing psychological services and administering psychological services at her current employment, Grossman and Grossman Ltd. The Committee also expressed concern that Dr. Jernigan was not present today despite being notified of the meeting to answer the Committee's questions. Dr. Meier noted that the information on Grossman & Grossman's website regarding Dr. Jernigan's position has changed. Specifically, the website previously stated that Dr. Jernigan "brings a strong comprehensive testing component to the agency (multiple cognitive domains including memory, language, visual-spatial functions, executive functioning, as well as providing standardized measures of adaptive functioning, abilities, and personality testing". This information has since been removed from the website. The Committee expressed concern that Dr. Jernigan may be providing psychological testing.

After deliberation, Ms. Shreeve made a motion, seconded by Dr. Bohankse, to forward Complaint T-20-01 to the Board for possible violations of A.R.S. § 32-2084(A), for possibly engaging in the practice of psychology; A.R.S. § 32-2084(C)(1), for possible use of the designation "psychology", "psychological" or "psychologist" by a person not licensed pursuant to Chapter 32, Title 19 of the Arizona Revised Statutes; A.R.S. § 32-2084(C)(2), for possible use of any combination of words, initials and symbols that leads the public to believe the person is licensed to practice psychology in this state, by a person not licensed pursuant to Chapter 32, Title 19 of the Arizona Revised Statutes.

## **5. ADJOURN**

There being no further business to come before the Committee, Dr. Meier made a motion, seconded by Dr. Bohanske, to adjourn the meeting. The motion carried (3-0) and the meeting was adjourned at 10:26 a.m.