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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 Broaddus
Licensing Coordinator

Krishna Poe
Administrative Assistant

REGULAR SESSION MINUTES

February 21, 2017, 3:00 p.m.
1400 W. Washington, Suite 280
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman Bohanske at 3:03 p.m. on February 21, 2017.

2. ROLL CALL

Board Members Present

Bob Bohanske, Ph.D., FNAP – Chair
Lynn L. Flowers, Ph.D. – Vice-Chair
Janice K. Brundage, Ph.D., Secretary
Joseph C. Donaldson
Tamara Shreeve, MPA
Frederick S. Wechsler, Ph.D., Psy.D., ABPP

Staff Present

Dr. Cindy Olvey, Executive Director
Lynanne Chapman, Deputy Director
Heather Broaddus, Licensing Coordinator
Krishna Poe, Administrative Assistant

Attorney General’s Office

Jeanne Galvin, Esq.

Board Members Absent

Paul Beljan, Psy.D., ABPdN, ABN
Ramona N. Mellott, Ph.D.
Rob Robichaud, M.A. CJ, SHRM-CP, PHR

3. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO COMPLAINT NO. 16-50 PERTAINING TO CHRISTINE DARGON, PH.D., INCLUDING, BUT NOT LIMITED, TO THE POSSIBLE SUMMARY SUSPENSION OF HER LICENSE TO PRACTICE PSYCHOLOGY, REFERRAL TO FORMAL HEARING OR OTHER ADMINISTRATIVE REMEDIES AVAILABLE TO THE BOARD

Ms. Chapman provided a summary stating that Dr. Dargon became licensed in Arizona in 2013. Dr. Dargon was licensed in New Hampshire prior to becoming licensed in Arizona. Dr. Dargon was disciplined in New Hampshire where she was on a Consent Agreement for three years. Dr. Dargon gained licensure in Arizona with the stipulation that she receive supervision for one-year. Dr. Dargon completed her supervision in Arizona and subsequent to the completion of her supervision, the Board office received two complaints pertaining to Dr. Dargon. Both complaints are pending Formal Hearing. Complaint 16-50 was received subsequent to the two complaints pending Formal Hearing. The allegations in Complaint 16-50 include Dr. Dargon terminating treatment with and then obtaining guardianship over one of her patients and moving the patient into her home. The Board reviewed Complaint 16-50 at its January 13, 2017, Board meeting and voted to offer Dr. Dargon a Consent Agreement for the voluntary suspension of

her license. In the event that Dr. Dargon does not sign the Consent Agreement the Board voted to convene a meeting for the summary suspension of her license. Dr. Dargon did not sign the Consent Agreement. Additionally, the Board requested that Dr. Dargon provide all of the records in this matter. Ms. Chapman stated that the Board office did not receive videos, texts, or billing/payment records, but all other records were received.

Dr. Dargon was present telephonically and her legal counsel, Doug Tobler, was present. Mr. Tobler spoke and stated that Dr. Dargon moved the patient into her home because the patient was homeless. Mr. Tobler asserted that Dr. Dargon saved the patient's life. Mr. Tobler stated that there has been no ethical violation but Dr. Dargon is willing to enter into a Consent Agreement stipulating that she refrain from seeing patients but still allows her to teach. Mr. Tobler requested that the Board not suspend Dr. Dargon's license until it receives all of the facts.

Board members asked about the patient transferring her vehicle to Dr. Dargon. Dr. Dargon stated that the patient transferred the vehicle to Dr. Dargon's name without her knowledge. Board members asked how the patient was able to put the vehicle in her name without her knowledge. Dr. Dargon said the car was registered in her name but her name was not on the title. Dr. Dargon stated that as soon as she became aware the patient transferred her vehicle to her name, she went to the Department of Motor Vehicle to remedy the matter. Board members asked about the Power of Attorney that she obtained for the patient, as reported in the patient's 2015 hospital records. Dr. Dargon stated that she terminated therapy prior to obtaining the Power of Attorney. Additionally, Dr. Dargon claimed that the patient was interviewed by investigators and a court appointed attorney before allowing Dr. Dargon to become the patient's Power of Attorney. Dr. Dargon stated that she never charged the patient for any sessions. Board members asked if the sessions that were videotaped were used in her teaching. Dr. Dargon said no, but that she did not think it would be problematic if she wanted to utilize the videos in her teaching. Dr. Dargon attested that the patient's psychiatrist prescribes all of the patient's medications. Additionally, she stated that Spectrum is being investigated because they did not provide services for the patient. Board members noticed that the termination of therapy letter is dated August 27, 2016, and then Dr. Dargon obtained guardianship, effective September 22, 2016. Board members asked Dr. Dargon whether she consulted with another psychologist regarding the timeframe of the termination of therapy and obtaining guardianship. Dr. Dargon indicated that she consulted with a master level therapist.

Board members deliberated and expressed concern that there is no indication that Dr. Dargon consulted with other health professionals in this matter. Board members expressed concern with Dr. Dargon's lack of knowledge with the public health care system for seriously mental ill individuals. Board members expressed concern with Dr. Dargon's record keeping as many of her notes are written on hotel stationary. Board members determined that Dr. Dargon violated ethical boundaries.

Dr. Bohanske made a motion, seconded by Ms. Shreeve, to accept the Interim Findings of Facts and Conclusions of Law in the interim Consent Agreement with the amendment to include poor record keeping based on the information and evidence presented today. The motion carried 6-0.

Dr. Bohanske made a motion, seconded by Ms. Shreeve, based on the Interim Findings of Fact and Conclusions of Law this matter requires emergency action to summarily suspend Dr. Dargon's license to practice psychology. The motion carried 6-0 on a roll call vote.

Dr. Bohanske made a motion, seconded by Dr. Flowers, to move this matter to the Office of Administrative Hearings to schedule a Formal Hearing to be commenced as expeditiously as possible from the date of the issuance of this Order. The motion carried 6-0

Dr. Wechsler made a motion, seconded by Dr. Flowers, to direct the Board's Assistant Attorney General, Jeanne Galvin, to seek revocation of Dr. Dargon's license at the Formal Hearing. The motion carried 6-0.

4. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO COMPLAINT NO. 16-50 AND THE POSSIBLE CONSOLIDATION WITH COMPLAINTS NO. 14-32 AND 15-02 FOR FORMAL HEARING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

Assistant Attorney General, Jeanne Galvin, did not advise the Board on this matter as she is representing the State. John Tellier, Arizona Attorney General’s Licensing and Enforcement Section Chief Counsel, advised the Board in this matter. Ms. Chapman provided a summary stating that Dr. Dargon has two complaints, No. 14-32 and 15-02, pending Formal Hearing. Ms Chapman asked that all three complaints, No. 14-32, 15-02 and 16-50, be consolidated as all of them are pending Formal Hearing. Ms. Shreeve made a motion, seconded by Dr. Flowers, to consolidate Complaints No. 14-32, 15-02 and 16-50. The motion carried 6-0.

5. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO A SETTLEMENT AGREEMENT PROPOSED BY ALLAN GELBER, PH.D. PERTAINING TO COMPLAINT NO. 16-46 AND THE BOARD’S RESPONSE TO SAME INCLUDING, BUT NOT LIMITED TO, ACCEPTANCE, REJECTION, OR OFFERING A COUNTEROFFER AND POSSIBLE RESCISSION OF MOTION TO REFER TO FORMAL HEARING

Assistant Attorney General, Jeanne Galvin, did not advise the Board on this matter as she is representing the State. John Tellier, Arizona Attorney General’s Licensing and Enforcement Section Chief Counsel, advised the Board in this matter. Ms. Chapman provided a summary stating that on November 23, 2016, the Board reviewed the allegations and referred Complaint NO. 16-46 to Formal Hearing. Subsequent to the Board meeting, the Board office received a Proposed Consent Agreement from Dr. Gelber’s legal counsel.

The patient, S.B. and her legal counsel, Steve Myers, were present, requested to speak and made statements. S.B. provided a history of the relationship and of the allegations to the Board. Mr. Myers spoke and said that he has represented many licensed professionals and opined that requiring a chaperone to supervise licensees does not work.

Dr. Gelber and his legal counsel, Jay Rosenthal, were present, requested to speak and made a statement. Mr. Rosenthal stated that he did not prepare for the patient making a statement to the Board and asked that the Board only consider the Complaint. Mr. Rosenthal stated that Dr. Gelber admitted to violating A.R.S. §32-2061(f). He reminded the Board that law enforcement is not involved in the allegations. Mr. Rosenthal summarized the Proposed Consent Agreement.

After deliberation, Dr. Wechsler made a motion, seconded by Mr. Donaldson, to reject the Proposed Consent Agreement and directed Board counsel to seek revocation of Dr. Gelber’s license at the Formal Hearing. The motion carried 6-0.

6. ADJOURN

There being no further business to come before the Board, Dr. Brundage made a motion, seconded by Dr. Wechsler, to adjourn the meeting at 4:47 p.m. The Motion carried 6-0.

Respectfully submitted,

Janice K. Brundage, Ph.D.
Secretary