



STATE OF ARIZONA
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Complaint Screening Committee REGULAR SESSION MINUTES

April 19, 2022

Held via Zoom

1. CALL TO ORDER

The regular session of the Arizona Board of Psychologist Examiners Complaint Screening Committee was called to order by Dr. Meier at 8:01 a.m. on April 19, 2022. Two executive sessions were held.

2. ROLL CALL

Committee Members Present

Matthew A. Meier, Psy.D. – Chair
Diana Davis-Wilson, DBH, BCBA

Committee Members Absent

Tamara Shreeve, MPA

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

Staff Present

Heidi Herbst Paakkonen, Executive Director
Jennifer Michaelsen, Deputy Director

3. APPROVAL OF MINUTES

- March 25, 2022 Regular and Executive Session Minutes

Dr. Davis-Wilson made a motion, seconded by Dr. Meier, to approve the March 25, 2022 regular session minutes as drafted. The motion carried unanimously (2-0), by a voice vote.

There was not a quorum to approve the executive session minutes. This item was tabled for approval at a future meeting.

4. CASE DISCUSSION/DECISION

a. Raymond Branton, Psy.D., Complaint No. 22-12

Dr. Meier summarized the case, including salient points of the investigation and pertinent records, noting that the Committee reviewed this case at their last meeting on March 25th. It was the consensus of the Committee at that time to table the matter and issue a subpoena to the

Complainant, commanding her to provide the supporting documentation referenced in her complaint that was not previously submitted despite multiple requests from Board staff.

The Committee did not have any additional questions for the Complainant, who was present. Dr. Branton and his attorney, Andrew Turk, participated and made a statement. The Committee did not have questions for Dr. Branton.

After deliberation, Dr. Meier made a motion, seconded by Dr. Davis-Wilson to dismiss this matter, as there are no violations of rule or statute. The motion carried unanimously (2-0), by a voice vote.

b. Jeanette Higgins, Psy.D., Complaint No. 22-20

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. Dr. Higgins and her attorney, Mandi Karvis, Esq., participated, made a statement, and answered questions from the Committee.

The Committee expressed concern with regard to the manner in which the psychological evaluation Dr. Higgins performed for a minor child, based on a referral from the Arizona Department of Child Safety, was conducted. The Committee noted that the report was lacking essential content, Dr. Higgins did not interview all applicable collaterals such as the child's father, and she performed an evaluation in an area that appears to be outside of her competence. The Committee discussed that Dr. Higgins agreed to perform the evaluation when assigned by the agency for whom she works in a contracted capacity despite not having previous experience conducting evaluations for families engaged in contentious family court proceedings.

After deliberation, Dr. Meier made a motion, seconded by Dr. Davis-Wilson, to forward Complaint No. 22-20 to the Board for further review regarding potential violations of A.R.S. § 32-2061(16)(g), engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training and experience; and A.R.S. § 32-2061(16)(dd), violating an ethical standard adopted by the Board as it pertains to sections 2.01 (Boundaries of Competence) and 9.01 (Bases for Assessment) of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct. The motion carried unanimously (2-0), by a voice vote.

c. Linda Russek, Ph.D., Complaint No. 22-13

Dr. Davis-Wilson 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. Dr. Russek and her attorney, Anne McClellan, participated, made a statement, and answered questions from the Committee.

At 10:03 a.m., Dr. Davis-Wilson made a motion, seconded by Dr. Meier, to go into Executive Session to discuss confidential health information. Open session reconvened at 10:24 a.m.

Upon reconvening in open session, Dr. Russek answered additional questions from the Committee.

The Committee expressed concern with regard to several aspects of this case to include that Dr. Russek appeared to engage in a dual relationship with the Complainant during the course of therapy, and then engaged in a friendship shortly after therapy ended. Significant boundaries were crossed, to include when Dr. Russek utilized the assistance of the Complainant's ex-husband to provide technical assistance when she decided to invest Cryptocurrency at the Complainant's

suggestion, she attended shooting lessons with the Complainant, and she invited the Complainant to attend a dinner at her home to explain Cryptocurrency to Dr. Russek's friends who were interested in learning about the subject. Dr. Russek appeared to have difficulty articulating the purpose of her contact with the Complainant outside of therapy to the Committee and how it was of therapeutic value. The clinical record does not make any reference to such activities if they serve therapeutic value. Furthermore, some of the conversations that took place between Dr. Russek and the Complainant after sessions ended could be considered therapeutic in nature and confusing to the Complainant. The Committee noted that they understood why it was not clear from the Complainant's perspective when therapy ended. The Committee commented that, while Dr. Russek has completed a significant number of continuing education in the areas of boundaries and ethics, it appears from her answers that she does not grasp the gravity of the situation and rationalized her actions, which resulted in harm to the Complainant.

After deliberation, Dr. Davis-Wilson made a motion, seconded by Dr. Meier, to forward Complaint No. 22-13 to the Board for further review regarding potential violations of A.R.S. § 32-2061(16)(e), gross negligence in the practice of a psychologist; A.R.S. § 32-2061(16)(h), 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), 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)(y), exploiting a client or patient, student or a supervisee; and A.R.S. § 32-2061(16)(dd), violating an ethical standard adopted by the Board as it pertains to sections 3.05 (Multiple Relationships) and 3.08 (Exploitative Relationships) of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct. The motion carried unanimously (2-0), by a voice vote.

The Committee directed Board staff to obtain all applicable insurance information from both parties, as it is not clear when the Complainant's therapy with Dr. Russek ended.

The Committee took a comfort break at 10:39 a.m. and resumed at 10:50 a.m.

d. Alan Lewis, Ph.D., Complaint No. 22-21

Dr. Davis-Wilson 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.

At 11:01 a.m., Dr. Davis-Wilson made a motion, seconded by Dr. Meier, to go into Executive Session to discuss confidential health information. Open session reconvened at 11:09 a.m.

Upon reconvening in open session, the Complainant answered additional questions from the Committee.

Dr. Lewis participated, made a statement, and answered questions from the Committee.

The Committee discussed that while there does not appear to be a violation of rule or statute in this case, there is concern with several aspects of the evaluation that Dr. Lewis conducted for a minor child to include his administration of the ADOS-2 testing, limited interaction with the child during the evaluation process, lack of guidance was provided to the parent regarding what behaviors that should be monitored in the child going forward, and that he did not provide a clear timeframe in the report regarding when the child should be re-evaluated. After deliberation, Dr. Meier made a motion, seconded by Dr. Davis-Wilson, to forward Complaint No. 22-21 to the Board with a recommendation to issue Dr. Lewis a non-disciplinary Letter of Concern and Order for Continuing Education. The motion carried unanimously (2-0), by a voice vote.

5. ADJOURN

There being no further business to come before the Committee, Dr. Davis-Wilson made a motion, seconded by Dr. Meier, to adjourn the meeting. The motion carried (2-0) and the meeting was adjourned at 12:18 p.m.