

1 **BEFORE THE ARIZONA STATE BOARD OF**
2 **PSYCHOLOGIST EXAMINERS**

3
4 IN THE MATTER OF:

Case No. 22-13

5 **Linda Russek, Psy.D.**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
CONSENT AGREEMENT**

6 Holder of License No. 3524
7 For the Practice of Psychologist
8 Examiners In the State of Arizona.

9 On July 8, 2022, the Arizona State Board of Psychologist Examiners (“Board”) met in open session to discuss the above-referenced matter. Linda Russek, Psy.D. (“Respondent”) was present with her attorney, Anne E. McClellan. After discussion, 10 consideration, and deliberation, the Board voted to enter into a Consent Agreement in 11 lieu of commencing an Informal Interview. 12

13 In the interest of prompt and judicious settlement of the above-captioned matter before the Board and consistent with public interest, statutory requirements and 14 responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07(F)(5), Respondent, 15 holder of License No. PSY-003524 for the practice of psychology in the State of Arizona, 16 and the Board agree to enter into this Consent Agreement as the final disposition of this 17 matter. 18

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20 **JURISDICTION**

21 1. The Board is authorized to regulate the practice of psychology in Arizona 22 pursuant to A.R.S. § 32-2061, *et seq.*, and the rules promulgated thereunder, found in 23 Arizona Administrative Code (“A.A.C.” or “rules”) at R4-26-101, *et seq.*, to regulate and 24 control the licensing of psychologists in the State of Arizona.

25 2. Respondent is the holder of license number PSY-003524 for the practice of 26 psychology in the State of Arizona.

1 except that the parties agree that should the Board reject this Consent Agreement and this
2 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
3 by its review and discussion of this document or any records relating thereto.

4 10. The Consent Agreement, once approved by the Board, evidenced by the
5 signature of the Executive Director or her designee and signed by the Respondent, shall
6 constitute a public record that may be disseminated as a formal action of the Board and
7 reported to the National Practitioner Data Bank.

8 **FINDINGS OF FACT**

9 11. Respondent is a licensed psychologist in the State of Arizona, license
10 number PSY-003524. She has been licensed in Arizona since 2002.

11 12. In December 2021, the Complainant (“AY”) submitted a complaint against
12 Respondent alleging she terminated the professional relationship due to personal financial
13 interests, engaged in business with AY through cryptocurrency, failed to maintain
14 appropriate boundaries with AY, and had a multiple relationship (friendship) with AY.

15 13. From April 15, 2019 until December 19, 2020, Respondent provided
16 individual therapy to Complainant (“AY”). Respondent’s diagnosis of AY included
17 Generalized Anxiety Disorder and PTSD (chronic).

18 14. Respondent included discussions about cryptocurrency in AY’s therapy
19 sessions as a method of connecting with AY given AY’s preoccupation with that topic.

20 15. During the time Respondent was providing therapy to AY, Respondent
21 personally invested in cryptocurrency and communicated with AY regarding
22 cryptocurrency outside of therapy sessions. Respondent did not make any investments
23 with AY (cryptocurrency or other) or engage in business with AY related to
24 cryptocurrency or any other business. However, Respondent utilized the technical
25 assistance of AY’s ex-spouse related to Respondent’s cryptocurrency accounts. AY’s ex-
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1 spouse was never Respondent's client, but during all relevant times, the ex-spouse lived
2 with and provided financial support to AY.

3 16. During the time Respondent was providing therapy to AY, she attended
4 three or four shooting lessons with AY outside of formal therapy sessions. Respondent
5 represents she did so in an effort to further Respondent's treatment goals, and she also
6 represents she had a discussion with AY to ensure she understood the risks of Respondent
7 engaging in this activity outside of formal therapy. It is the Board's position that
8 Respondent should have documented the discussion with AY regarding the risks of
9 Respondent attending the lessons with her, should have included the lessons as part of
10 AY's documented treatment plan if they were in fact part of her treatment plan, and
11 should have maintained clearer boundaries with AY including advising AY to find
12 another person to attend the lessons.

13 17. On December 19, 2020, AY ended therapy with Respondent as documented
14 in Respondent's discharge note for AY. Respondent represents there was a discussion
15 with AY about her ending therapy and that AY agreed with therapy ending. AY alleges
16 she did not understand the professional therapy relationship had ended.

17 18. Approximately five (5) months after AY ended therapy with Respondent,
18 AY attended a dinner at Respondent's home for the purpose of discussing cryptocurrency
19 with Respondent's friends. Respondent acknowledges she should have refrained from
20 inviting AY given their past professional therapy relationship. She did not document
21 having a discussion with AY regarding the risks of attending a dinner at her former
22 therapist's home.

23 19. Approximately six (6) months after AY ended therapy with Respondent,
24 AY called Respondent after being involved in a road rage incident. Respondent asserts
25 she recommended during the call that AY seek professional help from another
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1 professional for potential PTSD related to the event, which AY later did with her
2 naturopathic physician. It is the Board's position that Respondent should have
3 documented the phone call in a note, including documenting that she had recommended
4 AY seek professional help from another professional.

5 20. On April 19, 2022, the Board's Complaint Screening Committee
6 ("Committee") reviewed AY's complaint and voted to refer the matter to the full Board
7 for further review. The Committee expressed concern with regard to several aspects of
8 this case including that Respondent appeared to engage in a dual relationship with A.Y.
9 during the course of therapy, and then engaged in a friendship shortly after therapy
10 ended. The Committee expressed concern that boundaries were crossed when Respondent
11 utilized the assistance of AY's ex-husband at AY's suggestion to provide Respondent
12 technical assistance when she decided to invest Cryptocurrency; she attended shooting
13 lessons with AY; and invited AY to her home for dinner after Respondent alleges therapy
14 ended months earlier. The Committee further expressed concern that AY's clinical
15 record does not make any reference to those activities. Furthermore, the Committee
16 expressed concern that some of the conversations that took place between Respondent
17 and AY after sessions ended may be considered therapeutic in nature and confusing to
18 AY. Finally, the Committee expressed concern regarding whether Respondent's answers
19 to the Committee's questions. Therefore, the Committee referred the matter to the full
20 Board for consideration. During the Board's investigation of AY's complaint,
21 Respondent voluntarily completed (without Board order) more than 65 hours of
22 Continuing Education, including but not limited to courses in the areas of ethics, multiple
23 relationships, boundaries, and documentation.

24 21. During the Board's investigation of AY's complaint, Respondent also
25 voluntarily retained (without Board order) an outside licensed psychologist to provide
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1 consultation services, including reviewing the complaint and AY's records and meeting
2 with Respondent to discuss the ethical implications of the allegations asserted against
3 Respondent in this matter. Respondent met with the licensed psychologist consultant
4 four times, for a total of eight (8) hours of consultation that included discussion of
5 multiple relationships and appropriate client boundaries, the need to utilize an ethical
6 decision-making model when faced with ethical dilemmas, documentation and record-
7 keeping, and changes to improve Respondent's practice. Based on his review of this
8 matter and his multiple consultation meetings with Respondent, the licensed psychologist
9 consultant provided a written report and verbal statement to the Board opining that
10 Respondent does not pose a threat to the public and is a dedicated, altruistic, earnest and
11 well-intentioned psychologist who truly cares for her patients and that, in his opinion, her
12 conduct related to AY does not rise to the level of clinical incompetence or negligent
13 misconduct that would pose a threat to the public. The licensed psychologist consultant
14 recommended that the Board order practice monitoring for a specified period of time and
15 allow Respondent to continue with her practice of psychology.

16 22. On July 8, 2022, the Board met in open session to consider this matter. It
17 expressed concerns that Respondent had engaged in a multiple relationship and failed to
18 maintain appropriate boundaries with AY, failed to ensure AY understood the
19 professional therapy relationship had ended, and failed to ensure proper documentation
20 related to Respondent's discussions and activities with AY relating to the shooting
21 lessons, dinner, and phone call regarding the road rage accident. The Board voted to
22 offer Respondent a Consent Agreement, authorizing the Board's attorney to negotiate the
23 specific terms with Respondent's attorney, and if the Consent Agreement was not
24 accepted, to proceed to an Informal Interview.

1 **CONCLUSION OF LAW**

2 23. The specific conduct and circumstances described in the Findings of Fact in
3 this Consent Agreement, if true, constitute unprofessional conduct pursuant to A.R.S. §
4 32-2061(16)(h) – failing or refusing to maintain and retain adequate business, financial or
5 professional records pertaining to the psychologist services provided to a client or patient.

6 24. The specific conduct and circumstances described in the Findings of Fact in
7 this Consent Agreement, if true, constitute unprofessional conduct pursuant to A.R.S. §
8 32-2061(16)(dd) – violating an ethical standard adopted by the Board as it pertains to
9 section 3.05 (Multiple Relationships) of the American Psychological Association’s
10 Ethical Principles of Psychologists and Code of Conduct.

11 **ORDER**

12 Pursuant to A.R.S. § 32-2081(S), the Board has determined that Respondent’s
13 conduct in this matter warrants disciplinary action and a specified term of practice
14 monitoring is necessary to ensure Respondent’s continued ability to safely engage in the
15 practice of psychology.

16 Based on the foregoing Findings of Fact and Conclusions of Law, IT IS
17 ORDERED THAT:

18 **25. CONTINUING EDUCATION:** Respondent is required to complete 12
19 hours of continuing education in the areas of ethics, boundaries, multiple relationships
20 and documentation. Respondent may not use those 12 hours towards renewal of her
21 license. The Board will accept, as compliance with this Order, 12 of the 65 hours of
22 continuing education Respondent completed during the Board’s investigation of this
23 matter, so long as she has not submitted those hours towards renewal of her license.

24 **26. PROBATION:** Respondent’s licenses as a psychologist is placed on
25 probation for a minimum period of six (6) months from the effective date of this Consent
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1 Agreement and Order. The effective date of this Consent Agreement and Order is the
2 dates it is signed by the Board's Executive Director, or her designee, on behalf of the
3 Board.

4 **27. PRACTICE MONITOR:** Respondent shall work under a Board-approved
5 Practice Monitor for a period of six (6) months to meet with the Practice Monitor (in
6 person or virtually via videoconferencing) once per month for a minimum of two hours
7 per session. The Practice Monitor shall review with Respondent the following areas of
8 practice, as applicable: appropriate boundaries and appropriate documentation, to include
9 review of current patient files. The Practice Monitor shall submit to the Board a written
10 report every three months that includes topics covered, results of monitoring sessions,
11 and any modifications made to Respondent's practice. Prior to the conclusion of the
12 probationary period, the Practice Monitor is to complete a final written report to the
13 Board summarizing their interaction with Respondent, topics discussed, areas of
14 progress, results of monitoring meetings, a recommendation whether to terminate
15 Respondent's probation, and overall impressions. The final report shall be submitted to
16 the Board within twenty (20) days before the scheduled Board meeting at which the
17 Board will consider Respondent's written request to terminate probation. Respondent
18 shall obtain the Board's prior approval of the professional she selects to serve as her
19 Practice Monitor, and Respondent shall present this Consent Agreement and Order to the
20 Board-approved Practice Monitor prior to the start of the first monitoring meeting. The
21 first meeting between the Respondent and Board-approved Practice Monitor shall occur
22 within twenty (20) days of the effective date of this Order.

23 **28. TERMINATION OF PROBATION:** At the end of the six (6) months or
24 after she has served under a Practice Monitor for six (6) months, whichever is later,
25 Respondent may petition the Board, in writing, and request termination from probation
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1 and monitoring. If the Board determines that Respondent has not complied with the
2 requirements of this Consent Agreement and Order, the Board may either (a) continue
3 probation, including the Practice Monitor, or (b) institute proceedings for noncompliance
4 with this Consent Agreement and Order, which may result in the suspension, revocation,
5 or other disciplinary and/or remedial action.

6 **29. CONTINUED APPLICATION OF TERMS:** If, between the effective
7 date of this Consent Agreement and the termination of Respondent's probation by the
8 Board, Respondent fails to renew her license while under this Consent Agreement and
9 subsequently applies for a license, the remaining terms of this Consent Agreement,
10 including probation and monitoring, shall be imposed if the application for licensure is
11 granted.

12 **30. EFFECTIVE DATE:** Respondent understands that the foregoing Consent
13 Agreement shall not become effective unless and until adopted by the Board and
14 executed on behalf of the Board. Any modification to this original document is
15 ineffective and void unless mutually approved by the parties in writing.

16 **31. CONSIDERATION IN FUTURE ACTIONS:** Respondent understands
17 that this Consent Agreement, or any part thereof, may be considered in any future
18 disciplinary action against her.

19 **32. FINAL RESOLUTION:** This Consent Agreement constitutes a final
20 resolution of this disciplinary matter but does not constitute a dismissal or resolution of
21 any other matters that may be currently pending before the Board, if any, and does not
22 constitute any waiver, express or implied, of the Board's statutory authority or
23 jurisdiction regarding any other pending or future investigations, actions, or proceedings.
24 Further, this Consent Agreement does not preclude any other agency, subdivision, or
25 officer of this State from instituting other civil or criminal proceedings with respect to the
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conduct that is the subject of this Consent Agreement. However, the purpose of this Consent Agreement is expressly limited to resolving this matter before the Board, and it is not intended to serve as evidence in any other legal matter.

33. TIME: Time is of the essence with regard to this Consent Agreement.

34. COSTS: The Respondent shall be responsible for all costs incurred as a result of her compliance with this Consent Agreement.

35. NON-COMPLIANCE: If Respondent fails to comply with the terms of this Consent Agreement, the Board may properly institute proceedings for noncompliance, which may result in suspension, revocation, or other disciplinary and/or remedial actions. Violation of this Consent Agreement is a violation of A.R.S. § 32-2061(15) – violation a formal board order, consent agreement, term of probation or stipulated agreement.

36. PUBLIC RECORD: This Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and reported to the National Practitioner Data Bank.

Dated this 12 day of August, 2022.

By Heidi Herbst Paakkonen
Heidi Herbst Paakkonen
Executive Director
Arizona Board of Psychologist Examiners

By Linda G. Russek Psy.D.
Linda Russek, Psy.D.
Respondent

1 ORIGINAL of the foregoing filed electronically
this 12 day of August, 2022 with:

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3 Arizona Board of Psychologist Examiners
1740 W. Adams St., Ste. 3403
4 Phoenix, AZ 85007

5 COPIES of the foregoing mailed electronically and by Regular and
6 Certified Mail # **9489009000276379774609**
this 12 day of August, 2022 to:

7
8 Linda Russek
Address of Record
9 Respondent

10 COPY of the foregoing mailed electronically and by Regular Mail
11 this 12 day of August, 2022 to:

12 Anne E. McClellan, Esq.
13 Jennings, Strouss & Salmon, P.L.C.
One East Washington Street, Suite 1900
14 Phoenix, Arizona 85004
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15 Attorney for Respondent

16 By Jennifer Michaelson
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