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BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS
FOR THE STATE OF ARIZONA

3 In the Matter of
4 Karen Hawk, Psy.D.
5 Holder of License No. PSY-005195
6 For the Practice of Psychology
7 in the State of Arizona,
8 Respondent.

Case No.: 22-09

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER FOR
PROBATION, PRACTICE
MONITORING, AND CONTINUING
EDUCATION**

9 On August 5, 2022, the Arizona Board of Psychologist Examiners (“Board”) held an Informal
10 Interview for Complaint No. 22-09 regarding Karen Hawk, Psy.D. (“Respondent”). Respondent appeared
11 virtually with her legal counsel, Mandi Karvis, Esq. The Complainant appeared telephonically. After the
12 Informal Interview, the Board voted to issue Respondent the following Findings of Fact, Conclusions of
13 Law, and Order for Probation, Practice Monitoring, and Continuing Education (“Order”).

14 **JURISDICTION**

15 1. The Board is the state agency authorized pursuant to Arizona Revised Statute (“A.R.S.”) §
16 32-2061 *et seq.*, and the rules promulgated thereunder in the Arizona Administrative Code (“A.A.C.” or
17 “rules”) at R4-26-101 *et seq.*, to regulate and control the licensing of psychologists in the State of Arizona.

18 2. Respondent is the holder of license number PSY-005195 for the practice of psychology
19 in the State of Arizona.

20 3. The Board has personal and subject-matter jurisdiction over Respondent pursuant to
21 A.R.S. § 32-2061 *et seq.*, and the rules at A.A.C. R4-26-101, *et seq.*

22 **FINDINGS OF FACT**

23 4. Respondent was issued her psychologist license by the Board on December 2, 2019. She
24 has maintained a private practice in Gilbert, Arizona, called Resilience Counseling and Assessment, LLC.

25 5. Between May 2021 – September 2021, Responded provided therapy services that were not
26 court-ordered to a minor female client (“Client”), who was 15 years old at the onset of treatment. Both

1 parents consented to the treatment. The parents were already engaged in contentious custody proceedings
2 at the time Client's treatment started.

3 6. Shortly after Client's therapy started with Respondent, on May 25, 2021, Mother filed a
4 petition in family court to modify legal-decision making and parenting time.

5 7. During a September 3, 2021, family court hearing, Respondent testified regarding Client's
6 treatment after receiving a subpoena to testify from Mother's attorney. Respondent did not request the
7 Court to quash the subpoena nor did she obtain the parents' written consent to testify.

8 8. Approximately one hour before the September 3, 2021, hearing, Respondent filed a report
9 with the Arizona Department of Child Safety ("DCS") regarding an incident that occurred approximately
10 two weeks prior in which Client attempted to jump out of Father's vehicle while it was running.
11 Respondent represents that the DCS report was made due to emotional abuse by Father and Stepmother.

12 9. Following Respondent's testimony, Father withdrew his consent for Respondent to treat
13 Client so treatment ended immediately.

14 10. Shortly thereafter, on September 28, 2021, the Board received Father's complaint against
15 Respondent, Complaint No. 22-09. alleged, *inter alia*, that:

- 16 a. Father's relationship with Client went from normal to strained once Client started
17 therapy with Respondent;
- 18 b. Respondent testified as a witness for Mother, claiming that Father and his wife
19 ("Stepmother") were emotionally abusive to Client;
- 20 c. Respondent failed to obtain the consent of both parents prior to sharing confidential
21 information at the September 3, 2021 hearing;
- 22 d. Respondent's testimony further harmed the relationship between Father and Client;
- 23 e. Respondent barred Father from participating in therapy with Client but allowed Mother
24 to continue participating;
- 25 f. Respondent failed to provide Father with Client's treatment plan and goals despite
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1 multiple requests.

2 11. On January 19, 2022, the Board's Complaint Screening Committee ("Committee")
3 conducted the initial review of the case and voted to forward it to the Board for further review. The
4 Committee expressed concern with several aspects of the case to include that Respondent did not obtain
5 the parents written consent to provide testimony for their family court hearing after receiving a subpoena
6 from Mother's attorney; Respondent appeared to send email correspondence to the parents regarding
7 Client's confidential treatment using an unsecure email account and did not have policies and procedures
8 in place to protect Client's confidential health information; and various issues related to Client's treatment
9 plan to include that it was not clear if both parents signed the treatment plan or if they were made aware
10 of the treatment goals to be discussed in therapy. The Committee directed Board staff in the interim to
11 seek the consultation of a forensic psychologist in this case regarding standards of practice relating to the
12 release of information and responding to subpoenas for family court matters. The Committee discussed
13 that the selected psychologist would submit a report of their findings and provide testimony related to
14 their findings at a future Board meeting when the case was reviewed. The consultation was completed by
15 psychologist Robert DiCarlo, Ph.D.

16 12. On May 6, 2022, the Board conducted an initial review for Complaint No. 22-09.
17 Respondent and her attorney appeared virtually, as did Father. Dr. DiCarlo was also present and provided
18 a summary of his findings to the Board, noting that it was requested that he provide an opinion as to
19 whether Respondent practiced within the standard of care. Dr. DiCarlo summarized Respondent's
20 strengths as a clinician and her role in this matter to include that she: set clear boundaries with each parent
21 based on her assessment of each parent; made efforts to include both parents in email communications
22 even when one parent would exclude the other in a written correspondence; and asked for a subpoena
23 when Mother informally requested that she testify at an upcoming court hearing. Dr. DiCarlo noted that
24 the family Court judge found Respondent's testimony to be credible. Dr. DiCarlo discussed that the case
25 presented many complexities and that while Respondent demonstrated some strengths in her management
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1 of the matter, he opined that his greatest concern was Respondent's failure to consider the multiple
2 hypotheses in determining the cause of Client's behavior. Respondent concluded that Client was suffering
3 from emotional abuse but Dr. DiCarlo explained that psychologists have to consider all factors when
4 formulating a patient's potential diagnosis. Additionally, Dr. DiCarlo opined that Respondent gave more
5 weight to Mother's input and perspective when it came to Client and never admonished Mother or tried
6 to educate Mother as she did with Father. Dr. DiCarlo also expressed concern that Respondent did not
7 obtain written consent from both parents to testify in Court and did not have any policies or procedures
8 regarding electronic transmission of confidential healthcare information. In response to questioning from
9 the Board, Dr. DiCarlo opined that a psychologist can request a subpoena be quashed or could request that
10 the Court order the testimony instead. The Board voted to forward the case to an Informal Interview based
11 on several potential violations constituting unprofessional conduct.

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13 13. On August 5, 2022, the Board conducted an Informal Interview for Complaint No. 22-09
14 and voted to issue Respondent this disciplinary Order. The Board found that:

- 15 a. Respondent had limited experience working with families involved in high conflict
16 custody proceedings when she first began treating Client;
- 17 b. Respondent did not consult with a forensic psychologist on this case as it became
18 more challenging;
- 19 c. Respondent demonstrated a bias against Father and failed to consider alternative
20 hypotheses regarding Client's behavior and the family dynamics;
- 21 d. Respondent did not assist Client in improving her relationship with Father and
22 Stepmother, but rather, alienated Father further;
- 23 e. With respect to the Treatment Plan, it was undated and Respondent could not confirm
24 to the Board when it was developed; the Treatment Plan was not signed by either
25 parent; nor did Respondent consider the parents' goals for treatment;
- 26 f. The clinical record contained several errors;

- 1 g. Despite repeated requests from Father, Respondent failed to promptly provide the him
2 with the Treatment Plan and goals for treatment;
- 3 h. Respondent did not obtain the parents' written consent before testifying in court, and
4 the opinions she offered during her testimony were based upon insufficient information
5 gathering and analysis;
- 6 i. The report to DCS was not made in a timely manner and occurred approximately two
7 weeks after the incident in question, which Respondent acknowledged was an oversight
8 on her part.

9 **CONCLUSIONS OF LAW**

10 14. The conduct and circumstances described above constitute unprofessional conduct
11 pursuant to:

- 12 a. A.R.S. § 32-2061(16)(e), gross negligence in the practice of a psychologist;
- 13 b. A.R.S. § 32-2061(16)(h), failing or refusing to maintain and retain adequate business,
14 financial or professional records pertaining to the psychological services provided to a
15 client or patient;
- 16 c. A.R.S. § 32-2061(16)(o), engaging in activities as a psychologist that are unprofessional
17 by current standards of practice;
- 18 d. A.R.S. § 32-2061(16)(r), failing to obtain a client's or patient's informed and written
19 consent to release personal or otherwise confidential information to another party unless
20 the release is otherwise authorized by law;
- 21 e. A.R.S. § 32-2061(16)(cc), failing to make available to a client or patient or the client's
22 or patient's designated representative, on written request, a copy of the client's or
23 patient's record, including raw test data, psychometric testing materials and other
24 information as provided by law;
- 25 f. A.R.S. § 32-2061(16)(dd), violating an ethical standard adopted by the Board as it
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1 pertains to sections 4.01 (Maintaining Confidentiality), 4.02 (Discussing the Limits of
2 Confidentiality), 4.05 (Disclosures), and 6.01 (Documentation of Professional and
3 Scientific Work and Maintenance of Records) of the American Psychological
4 Association Ethical Principles of Psychologists and Code of Conduct.

5 **ORDER**

6 Pursuant to A.R.S. § 32-2081(K), the Board has determined that the Respondent's conduct in
7 Complaint No. 22-09 warrants disciplinary action. Based on the foregoing Findings of Fact and
8 Conclusions of Law, IT IS ORDERED THAT:

9 15. **PROBATION:** Respondent's license as a psychologist is placed on probation for a
10 minimum period of twelve (12) months beginning on the effective date of this Order. The effective date
11 of this Order is thirty-five (35) days from the date that it is mailed to Respondent unless there are
12 intervening legal proceedings.

13 16. **PRACTICE MONITOR:** While on probation, Respondent shall work with a Practice
14 Monitor **pre-approved** by the Board's Executive Director or designee and who will provide professional
15 guidance and input to Respondent with respect to forensic psychology, working with children and
16 families, complex family dynamics, understanding HIPAA compliance, appropriate treatment planning,
17 maintaining objectivity, recordkeeping, and any other topic deemed pertinent by the Practice Monitor.
18 The Practice Monitor shall submit to the Executive Director a detailed monitoring program outlining the
19 monitoring goals and objectives and how achievement of them will be measured, and the activities
20 Respondent will be required to complete. The written monitoring program shall be provided to the
21 Executive Director within thirty (30) days of contracting with Respondent to serve as Practice Monitor.
22 Additionally, The Practice Monitor shall review all applicable meeting audio and/or minutes for
23 Complaint no. 22-09, which will be provided by Board staff, in advance of submitting the written
24 monitoring plan.

25 17. Respondent shall submit the name of the psychologist who shall serve as the Practice
26 Monitor to the Board's Executive Director for approval within ten (10) business days of the effective date

1 of this Order. Within twenty (20) business days of the effective date of this Order, Respondent shall enter
2 into the Practice Monitor agreement. The Practice Monitor shall have no familial or business relationship
3 with Respondent.

4 18. Respondent shall meet with the Practice Monitor at least twice per month for a minimum
5 of two hours each session during the probationary period. The Practice Monitor shall review a minimum
6 of five of Respondent's recent patient records each quarter and discuss with Respondent the Monitor's
7 findings, conclusions, and recommendations for improvement. The Practice Monitor shall also discuss
8 Respondent's general business/clinical practices and recordkeeping. The Practice Monitor shall submit
9 to the Board quarterly written reports of the meetings, to include topics covered and any modifications
10 made to Respondent's practice. The Practice Monitor shall provide written reports to the Board within
11 30 days after the end of each quarter. The first quarter shall begin on the date of the first session between
12 the Respondent and the Practice Monitor. Before the conclusion of the probationary period, the Practice
13 Monitor is to complete a final written report to the Board summarizing their interaction with Respondent,
14 topics discussed, areas of progress, matters of remaining concern, and overall impressions. The final
15 report shall be submitted to the Board at least 30 days prior to the Board meeting at which the Board will
16 consider Respondent's written request to terminate probation as set forth in paragraph 21. Respondent
17 shall present this Order to the Board-approved Practice Monitor before the first meeting. The first
18 meeting between Respondent and the Practice Monitor shall occur within 45 days of the effective date
19 of this Order.

20 19. If, during the probationary period, the Practice Monitor is unable or unwilling to continue
21 to act as Respondent's Practice Monitor, within ten (10) business days of the Practice Monitor's
22 termination of the practice monitor relationship, Respondent shall contact the Executive Director in
23 writing and present another potential Practice Monitor for approval. Respondent shall notify the Board
24 of her new Practice Monitor within twenty (20) business days of receiving approval. The sessions
25 between Respondent and the Practice Monitor that occurred prior to the effective date of this Order shall
26 not count toward those sessions required under this Order.

1 20. **CONTINUING EDUCATION:** Prior to the end of the term of probation and, in addition
2 to the continuing education requirements that are required by rule for license renewal, Respondent shall
3 complete an additional twenty-four (24) hours of continuing education in the areas of forensic
4 psychology, working with families involved in custody proceedings, and recordkeeping. All continuing
5 education courses must be **pre-approved** by the Board’s Executive Director or designee. Within fourteen
6 (14) days of completing this continuing education, Respondent shall submit the certificates of completion
7 to the Executive Director.

8 21. **TERMINATION OF PROBATION:** Unless otherwise ordered by the Board, at the end
9 of 12 months and upon the Practice Monitor’s recommendation, Respondent shall petition the Board, in
10 writing, and request termination from probation and monitoring. If the Board determines that Respondent
11 has not complied with the requirements of this Order, the Board may either (a) continue the probation, or
12 (b) institute proceedings for noncompliance with this Order, which may result in the suspension,
13 revocation, or other disciplinary or remedial action.

14 22. **EFFECTIVE DATE:** The effective date of this Order is 35 days after the date that an
15 executed Copy of the Order is mailed to Respondent.

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

18 24. **FINAL RESOLUTION:** This Order constitutes a final resolution of these disciplinary
19 matters but does not constitute a dismissal or resolution of other matters currently pending before the
20 Board, if any, and does not constitute any waiver, expressed or implied, of the Board’s statutory authority
21 or jurisdiction regarding any other pending or future investigations, actions, or proceedings. Further, this
22 Order does not preclude any other agency, subdivision, or officer of this State from instituting other civil
23 or criminal proceedings with respect to the conduct that is the subject of this Order.

24 25. **COSTS:** The Respondent shall be responsible for all costs incurred as a result of her
25 compliance with this Order.

26 26. **NON-COMPLIANCE:** If Respondent fails to comply with the terms of this Order, the

1 Board may properly institute proceedings for noncompliance, which may result in suspension, revocation,
2 or other disciplinary or remedial actions. Violation of this Order is a violation of A.R.S. § 32-
3 2061(16)(aa), which is “violating a formal board order, consent agreement, term of probation or stipulated
4 agreement issued under this chapter.”

5 27. **NON-RENEWAL OR LATE RENEWAL:** If Respondent fails to renew her license
6 while under the terms of this Order and subsequently applies for late renewal of license or a new license,
7 the remaining terms of this Order shall be imposed if the late renewal or reapplication for license is
8 granted.

9 28. **TOLLING:** If Respondent for any reason stops practicing psychology Arizona for more
10 than 30 consecutive days or leaves Arizona to reside or practice psychology outside of Arizona, the
11 periods of temporary or permanent residency or practice outside Arizona or the non-practice within
12 Arizona do not reduce the duration of the terms under this Order. Respondent shall notify the Board in
13 writing within five (5) business days of the dates of departure or the dates of non-practice in Arizona.

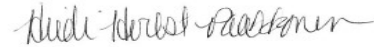
14 29. **PUBLIC RECORD:** This Order is a public record that may be publicly disseminated as
15 a formal action of the Board and reported to the National Practitioner Data Bank.

16 30. **RIGHT TO PETITION FOR REHEARING OR REVIEW:** Respondent is hereby
17 notified that she has the right to petition for a rehearing or view. Pursuant to A.R.S. § 41-1092.09, the
18 petition for rehearing or review must be filed with the Board’s Executive Director within 30 days after
19 service of this Order. Pursuant to A.A.C. R4-25-308, the petition must set forth legally sufficient reasons
20 for granting a rehearing. Service of this Order is effective five days after date of mailing. If a motion for
21 rehearing is not filed, this Order becomes effective 35 days after it is mailed to Respondent.

22 Respondent is further notified that the filing of a motion for rehearing is required to
23 preserve any rights of appeal to the Superior Court.

1 DATED THIS 19 day of August, 2022.

3 ARIZONA BOARD OF
4 PSYCHOLOGIST EXAMINERS

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Heidi Herbst Paakkonen
7 Executive Director

8 **ORIGINAL** of the foregoing filed electronically
9 this 19 day of August 2022, with:

10 The Arizona State Board of Psychologist Examiners
11 1740 W. Adams St., Suite 3403
12 Phoenix, Arizona 85007

13 **COPY** mailed by Regular & Certified Mail No. 9489009000276379774999
14 this 19 day of August 2022, to:

15 Karen Hawk, Psy.D.
16 Address on Record
17 Respondent

18 **COPY** of the foregoing mailed by USPS regular mail
19 this 19 day of August 2022, to:

20 Mandi J. Karvis, Esq.
21 Wicker Smith
22 One N. Central Avenue, Suite 885
23 Phoenix, AZ 85004
24 mkarvis@wickersmith.com
25 Attorney for Respondent

26 **COPY** of the foregoing via email (jeanne.galvin@azag.gov)
this 19 day of August 2022, to:

Jeanne M. Galvin
Assistant Attorney General
2005 North Central Ave. SGD/LES
Phoenix, Arizona 85004
Attorney for the State of Arizona

By: 