

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

3  
4 In the Matter of: ) **CONSENT AGREEMENT, FINDINGS**  
5 **Erin Lanphier, Ph.D.** ) **OF FACT, CONCLUSIONS OF LAW,**  
6 Former Holder of License No. PSY-003890 ) **ORDER FOR DECREE OF CENSURE**  
7 for the Practice of Psychology ) **AND APPROVAL OF LICENSURE**  
8 in the State of Arizona ) **APPLICATION**  
9 Applicant for Psychologist Licensure )

10  
11 On September 1, 2023, the Arizona Board of Psychologist Examiners (“Board”) met  
12 virtually in open session to discuss the application for psychologist licensure submitted by Erin  
13 Lanphier, Ph.D. (“Applicant”). Applicant appeared virtually with her legal counsel. The parties  
14 agree to enter into this Consent Agreement as a resolution in this matter.

15 **JURISDICTION**

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

20 2. Applicant is the former holder of expired license number PSY-003890 for the  
21 practice of psychology in the State of Arizona. Applicant submitted a new application for  
22 psychologist licensure on July 17, 2023

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

25 **RECITALS**

26 Applicant understands and agrees that:

27 1. The Board and Applicant enter into this Consent Agreement to promptly and  
28 judiciously resolve these matters, consistent with the public interest and the statutory

1 requirements of the Board.

2           2.       Applicant has the right to consult with an attorney before entering into this  
3 Consent Agreement.

4           3.       Applicant has a right to a formal public hearing concerning this case where she  
5 could present evidence and cross-examine witnesses. Applicant irrevocably waives any right to  
6 such a hearing, rehearing or review or to any judicial review or other appeal of this matter upon  
7 this Consent Agreement becoming effective.

8           4.       This Consent Agreement shall be subject to the Board's approval and shall be  
9 effective only when signed by the Executive Director and accepted by the Board. In the event  
10 that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no  
11 evidentiary value and shall not be relied upon nor introduced in any action by any party, except  
12 that the parties agree that if the Board rejects this Consent Agreement and this case proceeds  
13 to hearing, Applicant shall assert no claim that the Board was prejudiced by its review and  
14 discussion of this document or any records relating thereto.

15           5.       The Consent Agreement, once approved by the Board, evidenced by the signature  
16 of the Executive Director or her designee and signed by the Applicant, shall constitute a public  
17 record that may be disseminated as a formal action of the Board and shall be reported to the  
18 National Practitioner Data Bank.

19           6.       Applicant voluntarily enters into this Consent Agreement for the purpose of  
20 avoiding the expense, uncertainty, and prolonged time involved in further administrative  
21 proceedings. The issues contained herein are resolved by settlement and not actually litigated.  
22 Any allegations and findings herein may not be used for *res judicata* or collateral estoppel effect  
23 in any subsequent civil proceedings for any claims of professional liability or negligence.

24           7.       Although Applicant does not agree that all of the allegations in this matter are  
25 supported by the evidence, Applicant acknowledges that it is the Board's position that if these  
26 matters proceeded to formal hearing, the Board could offer sufficient evidence to support a  
27 conclusion that certain of Applicant's conduct constituted unprofessional conduct. Therefore,  
28

1 Applicant has agreed to enter into this Consent Agreement as an economical and practical means  
2 of resolving the issues alleged in this matter.

3 8. Applicant acknowledges and agrees that the acceptance of this Consent  
4 Agreement is solely to settle this Board matter and does not preclude the Board from instituting  
5 other proceedings as may be appropriate now or in the future.

6 9. Applicant understands that this Consent Agreement does not constitute a  
7 dismissal or resolution of any other matters currently pending before the Board, if any, and does  
8 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction  
9 regarding any other pending or future investigation, action or proceeding.

10 10. Furthermore, and notwithstanding any language in this Consent Agreement, this  
11 Consent Agreement does not preclude in any way any other state agency or officer or political  
12 subdivision of this state from instituting proceedings, investigating claims, or taking legal action  
13 as may be appropriate now or in the future relating to this matter other matters concerning  
14 Applicant, including but not limited to, violations of Arizona's Consumer Fraud Act. Applicant  
15 acknowledges that, other than with respect to the Board, this Consent Agreement makes no  
16 representations, implied or otherwise, about the views or intended actions of any other state  
17 agency or officer or political subdivision of the state relating to this matter or other matters  
18 concerning Applicant.

19 11. Applicant acknowledges and agrees that, upon signing this Consent Agreement  
20 and returning this document to the Board's Executive Director, she may not revoke acceptance  
21 of the Consent Agreement or make any modifications to the document regardless of whether the  
22 Consent Agreement has been signed by the Executive Director. Any modification to this  
23 original document is ineffective and void unless mutually agreed by the parties in writing.

24 12. If a court of competent jurisdiction rules that any part of this Consent Agreement  
25 is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full  
26 force and effect.

27 13. Applicant understands that any violation of this Consent Agreement constitutes  
28

1 unprofessional conduct and may result in disciplinary action, pursuant to A.R.S. §32-  
2 2061(16)(aa).

3 14. Applicant agrees that the Board will adopt the following Findings of Fact,  
4 Conclusions of Law and Order.

5  
6 ACCEPTED AND AGREED BY APPLICANT:

7  
8  
9   
10 Erin Lanphier, Ph.D.  
11 Applicant

Date: 9/13/23

12  
13 **FINDINGS OF FACT**

14 1. Applicant's License No. PSY-003890 was issued on June 12, 2007. Applicant's  
15 license expired on May 31, 2022, as she did not submit an application for renewal on or before  
16 May 31, 2022.

17 2. As of June 1, 2023 Applicant's License No. PSY-003890 was no longer eligible for  
18 reinstatement, pursuant to A.A.C. R4-26-205(H)(1).

19 3. On January 13, 2023, Applicant contacted Board staff by email and indicated she  
20 was concerned that License No. PSY-003890 had expired. On that same day, Board staff replied  
21 to Applicant by email and confirmed License No. PSY-003890 expired on May 31, 2022. The  
22 same email outlined the requirements and process to request a reinstatement of License No. PSY-  
23 003890. The email also advised "Since the license is expired, it would be a violation of A.R.S.  
24 Section 32-2084 to practice independently without a current license issued by this Board."  
25

26 4. On June 29, 2023 Applicant replied to the above email with a request to meet with  
27 Board staff to confirm the reinstatement instructions for License No. PSY-003890. That same  
28 day Board staff replied by email advising that as of May 31, 2023 License No. PSY-003890 was

1 no longer eligible for reinstatement, and instructions were provided on how to apply anew for  
2 licensure. Board staff confirmed the same information in a telephone conversation with Applicant  
3 on June 29, 2023.

4 5. Applicant submitted a new application on July 17, 2023. In a letter dated July 17,  
5 2023, submitted with her application for licensure, Applicant stated she was not aware until  
6 January 13, 2023 that License No. PSY-003890 expired on May 31, 2022. Applicant also stated  
7 she was not aware until June 29, 2023, that she could not practice on her expired license because  
8 she did not read the entirety of Board staff's email on January 13, 2023. Applicant further  
9 admitted to having practiced as a psychologist while unlicensed, stating "On average, I engage  
10 in only about 7 direct patient care hours weekly." In a letter dated August 14, 2023, Applicant's  
11 attorney affirmed Applicant provided a total of 334 one-hour sessions to her 39 psychology  
12 patients between June 1, 2022 and June 29, 2023 while unlicensed.

#### 13 CONCLUSIONS OF LAW

14 1. The conduct and circumstances above constitute a violation of A.R.S. §32-  
15 2061(16)(k), which is violating any federal or state laws or rules that relate to the practice of  
16 psychology as it relates to A.R.S. §32-2084(A), which provides that it is a violation of law for a  
17 person not licensed pursuant to this chapter to engage in the practice of psychology.  
18

#### 19 ORDER FOR DECREE OF CENSURE

20 1. Pursuant to A.R.S. § 32-2084 and based on the foregoing Findings of Fact and  
21 Conclusions of Law, the Board has determined that the Applicant's conduct warrants disciplinary  
22 action. The parties agree that Applicant is hereby issued a Decree of Censure.

23 2. **IT IS FURTHER ORDERED** approving Applicant's pending application for  
24 licensure as a psychologist in the State of Arizona upon her signing the Consent Agreement and  
25 the Consent Agreement becoming effective. The effective date of this Consent Agreement the  
26 date the Consent Agreement is signed by the Executive Director or her designee. The license shall  
27 issue as soon as practicable after the effective date of the Consent Agreement. Any modification  
28 to this original document is ineffective and void unless mutually approved by the parties in

1 writing. Should Applicant refuse to enter into the Consent Agreement, this matter will return to  
2 the Board to determine how to proceed with her pending application.

3 3. **CONSIDERATION IN FUTURE ACTIONS:** Applicant understands that this  
4 Consent Agreement, or any part thereof, may be considered in any future disciplinary action  
5 against her.


6 4. **FINAL RESOLUTION:** This Consent Agreement constitutes a final resolution  
7 of this matter but does not constitute a dismissal or resolution of other matters currently pending  
8 before the Board, if any, and does not constitute any waiver, expressed or implied, of the Board's  
9 statutory authority or jurisdiction regarding any other pending or future investigations, actions, or  
10 proceedings. Further, this Consent Agreement does not preclude any other agency, subdivision,  
11 or officer of this State from instituting other civil or criminal proceedings with respect to the  
12 conduct that is the subject of this Consent Agreement.

14 5. **TIME:** Time is of the essence with regard to this Consent Agreement.

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

18 DATED this 14 day of September 2023.

20 ARIZONA BOARD OF  
21 PSYCHOLOGIST EXAMINERS

22  
23 By:   
24 Heidi Herbst Paakkonen  
25 Executive Director

26  
27 **ORIGINAL** filed electronically  
28 this 14 day of September 2023 with:

Arizona State Board of Psychologist Examiners

1 1740 W. Adams St., Suite 3403  
2 Phoenix, Arizona 85007

3 **COPY** mailed by USPS regular mail  
4 this 14 day of September 2023 to:

5 Erin Lanphier, Ph.D.  
6 Applicant  
7 Address on Record

8 **COPY** of the foregoing mailed by USPS regular mail  
9 this 14 day of September 2023 to:

10 Andrew Breavington, Esq.  
11 Mitchell Stein Carey Chapman  
12 Attorneys at Law  
13 2600 North Central Avenue, Suite 1000  
14 Phoenix, AZ 85004  
15 Attorney for Applicant

16 **COPY** of the foregoing via email ([jeanne.galvin@azag.gov](mailto:jeanne.galvin@azag.gov))  
17 this 14 day of September 2023 to:

18 Jeanne M. Galvin  
19 Assistant Attorney General  
20 2005 North Central Ave. SGD/LES  
21 Phoenix, Arizona 85004  
22 Attorney for the State of Arizona

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By: Jennifer Michaelson