

KATIE HOBBS
Governor

STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
1740 WEST ADAMS STREET, SUITE 3403
PHOENIX, AZ 85007
PH: 602.542.8162 FX: 602.926.8095
WEBSITE: www.psychboard.az.gov

HEIDI HERBST PAAKKONEN, M.P.A.
Executive Director

Regular Session Meeting Minutes

Held virtually via Zoom on September 21, 2023

Board Members

Bryan Davey, Ph.D., BCBA-D – Chair
Aditya Dynar, Esq. - Secretary
Linda Caterino, Ph.D., ABPP
Donald Stenhoff, Ph.D., BCBA-D
Diana Medina, Ph.D.
Ramona N. Mellott, Ph.D.
Joseph Stewart, Ed.D.
Todd Wynn, M.A.

Board Staff

Heidi Herbst Paakkonen, M.P.A., Executive Director
Jennifer Michaelsen, M.P.A. Deputy Director
Krishna Poe, Program Projects Specialist
Kathy Fowkes, Psychologist Licensing Specialist
Zakiya Mallas, Behavior Analyst Licensing Specialist

Board Attorney

Jeanne Galvin, Assistant Attorney General

1. CALL TO ORDER

Dr. Davey called the meeting to order at 12:00 p.m.

2. ROLL CALL

The following Board members participated in the virtual meeting: Chairman Davey, Dr. Caterino, Dr. Stenhoff, Mr. Dynar, Dr. Medina, Dr. Stewart and Mr. Wynn.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Heidi Herbst Paakkonen, Executive Director; Jennifer Michaelsen, Deputy Director, Jeanne Galvin, Assistant Attorney General; Diane DeDea, Assistant Attorney General and Independent Advisor; and Krishna Poe, Projects Specialist.

3. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION PERTAINING TO COMPLAINT NOS. 22-30, 23-44, 24-03 FOR NEAL OLSHAN, PH.D., INCLUDING BUT NOT LIMITED TO, THE POSSIBLE SUMMARY SUSPENSION OF HIS LICENSE TO PRACTICE PSYCHOLOGY, REFERRAL TO FORMAL HEARING, OR OTHER ADMINISTRATIVE REMEDIES AVAILABLE TO THE BOARD

Dr. Davey stated that this agenda item concerns Dr. Neal Olshan, the Respondent for three open complaints before the Board, two of which are currently in formal hearing status; accordingly, the Board is represented in this matter by independent legal advisor, Assistant Attorney General Diane DeDea. He stated that Jeanne Galvin represents the State of Arizona for this matter.

Dr. Davey noted that on May 5, 2023 the Board ordered Dr. Olshan to undergo a fitness for duty evaluation. The evaluation report was received by Board staff on September 11, 2023 and provided to Dr. Olshan and his attorney the following day. Shortly after receiving the report, through Andrew Breavington, his attorney, Dr.

Olshan engaged in negotiations with Board staff and its legal counsel for purposes of arriving at a possible settlement for all of the open investigations consisting of a voluntary surrender of his psychologist license with a future effective date of December 20, 2023. Dr. Davey explained that the proposed Consent Agreement representing the negotiated settlement terms and received on September 20, 2023 with Dr. Olshan's signature, will require Board approval; if accepted, it serves as the final disposition of all three cases.

Mr. Breavington was present and asked the Board to accept the agreement. While it is his position that the evaluation report has deficiencies, Dr. Olshan has elected to now retire from practice. He noted the very recent discovery of two non-substantive errors in the document that are being addressed and corrected by Board staff.

On behalf of the State of Arizona, Ms. Galvin indicated that it is in support of the Consent Agreement and its voluntary surrender terms. She stated that it reflects the negotiations that transpired between staff, the Respondent Dr. Olshan, and their respective attorneys. She asserted that the Findings of Fact represent those that were found in the investigations of the complaints, and the Conclusions of Law in the document correspond to those findings. Ms. Galvin explained that a surrender of licensure is considered to be a revocation and that action is reportable to the National Practitioner Data Bank (NPDB). In response to a question, Ms. Galvin explained that the terms of the agreement enable Dr. Olshan's request to transfer the care of his current clients to other providers, and to complete the commitments he has made to the Mesa Municipal Court. She noted that the proposed Consent Agreement specifies that Dr. Olshan shall not accept new clients nor accept any new assignments from the court.

MOTION: Mr. Dynar moved for the Board to approve the signed Consent Agreement.
SECOND: Dr. Medina

DISCUSSION: Dr. Davey acknowledged the significant amount of time over many months invested by Board staff and its legal advisors concerning this matter, as well as that of Dr. Olshan and his attorney.

ROLL CALL VOTE:

Dr. Davey – yes

Dr. Caterino – yes

Mr. Dynar – yes

Dr. Medina – yes

Dr. Stewart – yes

Dr. Stenhoff – yes

Mr. Wynn – yes

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

4. ADJOURNMENT

MOTION: Mr. Wynn moved to adjourn the meeting.

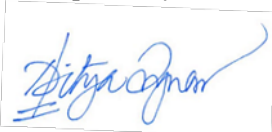
SECOND: Dr. Stewart

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse.

MOTION PASSED.

The meeting adjourned at 12:16 p.m.

Respectfully submitted,



Adi Dynar, Esq.
Secretary