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## Complaint Screening Committee REGULAR SESSION MINUTES

**August 16, 2023**

*Held by Zoom*

### 1. CALL TO ORDER

The regular session of the Arizona Board of Psychologist Examiners Complaint Screening Committee was called to order by Chairman Dynar at 8:31 a.m. on August 16, 2023. One executive session was held.

### 2. ROLL CALL

#### **Committee Members Present**

Aditya Dynar, Esq. – Chair  
Linda Caterino, Ph.D., ABPP  
Joseph Stewart, Ed.D.

#### **Attorney General's Office**

Jeanne Galvin, Assistant Attorney General (*left the meeting at 9:46 a.m.*)

#### **Staff Present**

Heidi Paakkonen, Executive Director  
Krishna Poe, Project Specialist

### 3. APPROVAL OF MINUTES

#### **a. July 19, 2023 Regular Session and Executive Session Minutes**

Dr. Caterino recused from this item. Mr. Dynar made a motion, seconded by Dr. Stewart, to approve the minutes as drafted. The motion carried unanimously (2-0), by a voice vote.

### 4. CASE DISCUSSION/DECISION

#### **a. Karen Hawk, Psy.D., Complaint No. 23-50**

Dr. Stewart summarized the case, including salient points of the investigation and pertinent records. The Complainant was not present. Dr. Hawk and her attorney, Artie Eaves, participated, made a statement and answered questions from the Committee. The Complainant was not present.

*At 8:52 a.m., Mr. Dynar made a motion, seconded by Dr. Stewart, to go into Executive Session to receive confidential legal advice. Open session reconvened at 9:09 a.m.*

Upon resuming the meeting in public session, the Committee deliberated the case. Dr. Stewart made a motion, seconded by Mr. Dynar, to dismiss the complaint. The motion carried unanimously (3-0), by a voice vote.

**b. M. David McGady, Psy.D., Complaint No. 23-54**

Dr. Caterino summarized the case, including salient points of the investigation and pertinent records. The Complainant participated, made a statement, and answered questions from the Committee. Dr. McGady and his attorney, Faren Akins, participated, made a statement and answered questions from the Committee.

Dr. Akins raised concerns that the Complainant introduced new allegations in her statement to the Committee, noting that Dr. McGady is unable to properly respond to them at this time. Board staff clarified that when new allegations are raised, due process necessitates evaluating the information and providing it to the Respondent for purposes of addressing them.

The deliberation reflected concerns that there may be testing errors and improper application of testing on the part of Dr. McGady with respect to the minor child was evaluated in this case. The Committee also cited the possibility of ineffectiveness on the part of Dr. McGady with respect to providing supervision of the practicum student who was involved in the case. It was also noted that a clinical interview would have been appropriate. After deliberation, Dr. Caterino made a motion, seconded by Mr. Dynar, to forward the case to the Board given possible violations of 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, and also (dd), violating an ethical standard adopted by the board, specific to Code sections 9.02 and 9.08. The motion carried unanimously (3-0), by a voice vote.

**c. Ellen Diamond, Ph.D., Complaint No. 23-52**

Mr. Dynar summarized the case, including salient points of the investigation and pertinent records. The Complainant participated, made a statement, and answered questions from the Committee. Dr. Diamond participated, made a statement and answered questions from the Committee.

After deliberation, Mr. Dynar made a motion, seconded by Dr. Caterino, to forward this case to the Board to consider whether there may be a violation of A.R.S. 32-2061(16)(cc), failing to make available to a client or patient or to the client's or patient's designated representative, on written request, a copy of the client's or patient's record, including raw test data, psychometric testing materials and other information as provided by law; as it relates to the fact that while she indicated she believes she had provided the outstanding billing records to the Complainant, there is not clear evidence of her actually having done so. The motion carried unanimously (3-0), by a voice vote.

**5. ADJOURN**

There being no further business to come before the Committee, Dr. Stewart made a motion, seconded by Mr. Dynar, to adjourn the meeting. The motion carried (3-0) and the meeting was adjourned at 11:32 a.m.