

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

3 **IN THE MATTER OF:**

4 **ANN EBERHARDT, PSY.D.**

5
6 Psychologist Applicant for Licensure

7 In the State of Arizona.
8

**CONSENT AGREEMENT AND BOARD
ORDER FOR LICENSURE WITH
PRACTICE RESTRICTION AND
PROBATION**

9 In the interest of a prompt and judicious settlement of the above-captioned matter before the
10 Arizona Board of Psychologist Examiners (“Board”) and consistent with public interest, statutory
11 requirements and responsibilities of the Board, and pursuant to A.R.S. § 32-2061 *et seq.* and A.R.S.
12 §41-1092.07(F)(5), Ann Eberhardt (“Applicant”), applicant for psychologist licensure, and the
13 Board enter into this Consent Agreement and Order or Licensure and Probation (“Order”) as a
14 resolution of this matter.

15 **RECITALS**

16 1. Applicant has read and understands this Order and has had the opportunity to
17 discuss this Order with an attorney.

18 2. Applicant understands that she has a right to a public administrative hearing
19 concerning this matter at which hearing she could present evidence and cross examine witnesses.
20 Applicant irrevocably waives her right to such hearing and the right to such an administrative
21 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other
22 administrative and/or judicial action, concerning matters to the Order.

23 3. Applicant understands that this Consent Order or any part of the Order may be
24 considered in any future disciplinary action by the Board against her.

25 4. Applicant understands this Consent Order addresses allegations of unprofessional

1 conduct against Applicant. The investigation into these allegations against Applicant shall be
2 concluded upon the Board's adoption of this Consent Order.

3 5. Applicant acknowledges and agrees that the acceptance of this Consent Order is
4 solely to settle this Board matter and does not preclude the Board from instituting other
5 proceedings, unrelated to the matter herein, as may be appropriate now or in the future, unless
6 Applicant fails to comply with this Consent Order, pursuant to A.R.S. § 32-2016(16)(aa).

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

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

19 8. This Order is subject to the approval of the Board and is effective only when
20 accepted by the Board and signed by the Executive Director. In the event that the Board does not
21 approve this Order, it is withdrawn and shall be of no evidentiary value and shall not be relied
22 upon nor introduced in any action by any party, except that the parties agree that should the Board
23 reject this Consent Order and this case proceeds to hearing, Applicant shall assert no claim that the
24 Board was prejudiced by its review and discussion of this document or any records relating thereto.

25 9 If a court of competent jurisdiction rules that any part of this Order is void or

1 otherwise unenforceable, the remainder of the Order shall remain in full force and effect.

2 10. Applicant understands that this Order is a public record that will be publicly
3 disseminated as a formal action of the Board and may be reported as required by law to the
4 National Practitioner Data Bank.

5 11. Applicant understands that one or more violation(s) contained within the Order
6 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §32-2061(16)(aa).

7 12. Applicant agrees that the Board will adopt the following Findings of Fact,
8 Conclusions of Law and Order.

9
10 ACCEPTED AND AGREED BY APPLICANT

11
12 

13 _____
Ann Eberhardt, Psy.D.

11 / 03 / 2023

Date

14
15 **FINDINGS OF FACT**

16 The Board has jurisdiction over Applicant and the subject matter pursuant to:

- 17 1. A.R.S. § 32-2061 *et seq.* A.R.S. § 32-2061 *et seq.*
- 18 2. Applicant submitted an application for psychologist licensure on November 17,
19 2022.
- 20 3. Applicant answered “Yes” to the application question “Has any state or province
21 ever denied or rejected your application for a professional license, certification, or registration?”
- 22 4. In 2018, the Arizona Board of Behavioral Health Examiners (AzBBHE) revoked
23 Applicant’s Licensed Associate Counselor license after finding Applicant engaged in conduct that
24 impaired her ability to safely and competently practice her profession.
25

1 5. Applicant answered “Yes” to the application question “Have you ever entered into a
2 consent agreement or stipulation arising from a complaint against your professional license
3 certification or registration?”

4 6. In 2021, Applicant reapplied to the AzBBHE for licensure as a Licensed Associate
5 Counselor. AzBBHE approved the application under a 24-month stayed suspension and under
6 probation and with restrictions that are set forth in more detail in the Board’s files. Applicant’s
7 license was eventually revoked after she failed to comply with the terms of probation as she
8 engaged in conduct that impaired her ability to safely and competently practice her profession.

9 7. Applicant answered “Yes” to the application question “Are you currently awaiting
10 trial, under indictment, have been convicted of, pled no contest or guilty to any felony or a
11 misdemeanor other than a minor traffic offense (a DUI is no a minor traffic offense) or ever entered
12 into a diversion program instead of prosecution, including any convictions that have been
13 expunged, pardoned or deleted?”

14 8. In 2019, Applicant was convicted of misdemeanor resisting arrest.

15 9. Applicant answered “Yes” to the application question “Have you ever been
16 involuntarily terminated or have you resigned in lieu of termination from any psychological or
17 behavioral health position or related employment?”

18 10. In 2015, Applicant disclosed having been terminated from her employment with
19 Cope Community Services after being disciplined. Also, in 2017 Applicant was asked to resign in
20 lieu of termination from her employment as the Pascua Yaqui Tribe Centered Spirit Mental Health
21 Clinic. In January of 2018, Applicant was terminated from employment with Southwest Key
22 Programs. In September of 2022, Applicant was terminated from her post-doctoral training
23 program.
24
25

1 11. Applicant made additional disclosures on the application that also serve as
2 justification for this Consent Order, the specifics of which are contained in the Board files and are
3 deemed relating to protected health information.

4 12. On May 5, 2023, the Board met in open session to review Applicant's application
5 file. After reviewing relevant information and deliberating, the Board issued an Interim Order to
6 Applicant for a Fitness for Duty evaluation by a Board-approved evaluator.

7 13. On July 7, 2023 and August 4, 2023, the Board met in open session to review
8 Applicant's application file and the results of the Fitness for Duty evaluation. After reviewing all
9 relevant information and deliberating, the Board voted to grant Dr. Eberhardt a restricted license as
10 a psychologist with the stipulation she agree to certain terms and conditions of probation as
11 described in this Consent Agreement and Order.

12
13 **CONCLUSIONS OF LAW**

14 The Board has personal and subject matter jurisdiction in this case pursuant A.R.S. § 32-
15 2061 *et seq.*, and is authorized to require an applicant for licensure to undergo any combination of
16 mental, physical or psychological competence examinations at the applicant's expense and shall
17 conduct investigations necessary to determine the competence and conduct of the licensee pursuant
18 to A.R.S. § 32-2071.01.

19
20 **ORDER**

21 **License Issuance with Practice Restriction**

22 Applicant's psychologist license PSY-005637 is granted and immediately placed on
23 probation and subject to the terms of this Order. However, Applicant's license SHALL NOT ISSUE
24 until such time Applicant has secured a Practice Supervisor as set forth in paragraphs 15 and 16
25 below. Not until the Board-approved Practice Supervisor has entered into a contract with Applicant

1 for supervision, shall Applicant's license issue. Applicant shall comply with all requirements
2 established at A.R.S. §32-2061 *et seq.* and Board rule.

3 **Probation**

4 14. Upon issuance, Respondent's license shall be placed on probation for a minimum
5 period of twelve (12) months. The license shall be subject to the following terms and conditions.

6 **Supervised Practice**

7 15. Applicant shall identify an Arizona licensed psychologist who shall serve as
8 Applicant's Practice Supervisor for a minimum period of 12 months from the date that Applicant
9 obtains employment as a licensed psychologist. The psychologist Practice Supervisor must have an
10 unrestricted license in good standing, and shall be **pre-approved** by the Board staff.

11 16. The supervision provided shall meet the requirements of A.R.S. § 32-2071(G) at
12 subsections 1-4 and 6-7. The supervision shall also meet the requirements of A.R.S. § 32-
13 2071(G)(5) except that there be a minimum of one hour of in-person, individual supervision
14 provided by the practice supervisor for each ten (10) hours of supervised professional experience by
15 Applicant.

16 17. The Practice Supervisor shall submit quarterly reports for review and approval by
17 the Executive Director, in consultation with the Board Chair. The reports shall be filed with the
18 Board on the 15th of each month following the end of each quarter and for the duration of the
19 practice supervision period. The reports shall address Applicant's ability to practice competently
20 and safely, as well as her ability to recognize ethical and diversity concerns within her clinical
21 practice.

22 18. If, during the period of probation, Applicant resigns, is involuntarily terminated,
23 resigns in lieu of termination, or goes on extended leave of absence for whatever reason, Applicant
24 shall, within five (5) business days of the aforementioned acts, inform the Board in writing of her
25 change of employment status and provide the reasons for her termination, resignation in lieu of

1 termination or extended leave of absence.

2 **Prescriber Treatment**

3 19. During the probationary period, Applicant shall comply with her individual and
4 medication treatment recommendations per her providers. Applicant shall cause the prescribing
5 professional to notify the Board of any medication changes ordered by the provider. The
6 notification shall be made in writing within seven (7) business days of the change in medication.

7 20. Applicant shall meet in person with the professional prescriber in accordance with
8 the frequency identified in the provider's treatment plan.

9 21. The prescribing professional shall submit quarterly reports for review and approval
10 by the Executive Director, in consultation with the Board Chair. The reports shall be filed with the
11 Board on the 15th of each month following the end of each quarter.

12 22. The reports shall include issues presented in this Order, in addition to Applicant's
13 current mental health status, medications prescribed, Applicant's compliance with medications, and
14 compliance with treatment recommendations. The prescribing professional shall report to the Board
15 immediately (within 24 hours) if they believe that Applicant is unable to practice psychology safely
16 and competently.

17 23. Within 30 days prior to Applicant's written request for release from the Order, the
18 prescribing professional shall submit a final report for review and approval by the Board. In
19 addition to the issues addressed in previous reports, the final report shall also contain a
20 recommendation as to whether the Applicant should be released from this Order.

21 24. If the prescribing professional determines that they cannot continue treatment with
22 Applicant, they shall notify the Board within 10 days of the end of Applicant's treatment and
23 provide the Board with an interim final report.

24 25. In the event that, during the period of this Order, Applicant's prescribing
25 professional discontinues treatment, Applicant shall submit the name of a new prescribing

1 professional for **pre-approval** by the Executive Director within 30 days of the discontinued
2 treatment.

3 Therapy

4 26. During the term of probation, Applicant shall engage in treatment with a licensed
5 behavioral health professional. Within thirty (30) days of the effective date of this Order, Applicant
6 shall submit the name of the behavioral health professional for **pre-approval** by the Executive
7 Director.

8 27. The focus of the therapy shall include the issues identified in the evaluator's
9 Psychological Fitness for Duty report. Applicant shall meet in person with the licensed behavioral
10 health professional twice monthly for the period of probation, unless otherwise specified by the
11 licensed behavioral health professional.

12 28. The licensed behavior health professional shall submit quarterly reports and a final
13 summary report to the Board for review and approval. The reports shall be filed with the Board on
14 the 15th of each month following the end of each quarter. The quarterly reports shall be detailed and
15 include updates on Applicant's progress, topics addressed, and areas of concern (if any). The
16 licensed behavioral health professional shall report immediately (within 24 hours) to the Board if,
17 in their professional opinion, Applicant becomes unable to practice psychology safely and
18 competently. The final report shall also contain a recommendation as to whether the Applicant
19 should be released from this Order.

20 Continuing Education Coursework

21 29. Within the first 180 days of the term of this Order, Applicant shall complete twelve
22 (12) hours of continuing education, six (6) of which are in the area of ethical psychology practice,
23 and six (6) in the treatment of diverse populations within the psychology field. All continuing
24 education courses must be **pre-approved** by the Board's Executive Director or
25

1 designee. Within fourteen (14) days of completing this continuing education, Respondent shall
2 submit the certificates of completion to the Executive Director.

3 **Reevaluation**

4 30. Applicant shall be re-evaluated by either her previous fitness for duty evaluator, or
5 an alternative Arizona licensed psychologist **pre-approved** by the Board's Executive Director or
6 designee prior to requesting that the order of probation be lifted. The evaluation shall explore
7 Applicant's mental health status and her ability to practice safely.

8 **Term/Review by the Board**

9 31. Applicant is subject to the terms of this Order for a minimum period 12 months from
10 its effective date unless it is terminated before as a result of proceedings initiated pursuant to A.R.S.
11 §§ 32-2086 and 32-3081. Prior to the Applicant being released from this Order, Applicant shall
12 submit a written request to the Board at least 30 days prior to the date Applicant is eligible to be
13 released from the Order. Applicant shall provide evidence that she has successfully complied with
14 all of the terms and conditions of this Order. The Board has the sole discretion to determine whether
15 all of the terms and conditions of the Order have been met and whether Applicant has adequately
16 demonstrated that she has addressed the concerns that necessitated this Order. In the event that the
17 Board determines that any of the conditions of this Order have not been met, the Board may
18 conduct such further proceedings as it determines are appropriate to address those matters.

19 **Interviews**

20 32. The Board shall review this matter at least six (6) months after the effective date of
21 this Order and at various intervals thereafter, as may be determined by the Board staff. Applicant
22 shall appear before the Board for interviews upon request, upon reasonable notice.

23 **Payment for Services**

24 33. Applicant shall bear all costs associated with her compliance with the terms required
25 in this Order at time service is rendered, if required.

1
2 **Examination**

3 34. Applicant shall submit to mental, physical, and medical competency examinations at
4 such times and under such conditions as directed by the Board or Board approved evaluator to assist
5 the Executive Director in monitoring compliance with the terms of this Order and Applicant's
6 ability to safely engage in the practice of psychology.

7 **Obey All Laws**

8 35. Applicant shall obey all federal, state and local laws, and all rules governing the
9 practice of psychology in the State of Arizona.

10 **Address and Phone Changes**

11 36. Applicant shall immediately notify the Board in writing of any change in home or
12 employment addresses and telephone numbers within ten (10) business days of the change.

13 **Failure to Comply**

14 37. Applicant is notified that failure to comply with this Consent Agreement and Order
15 is a violation of A.R.S. §32-2081(16)(aa), which is violating a formal board order, consent
16 agreement, term of probation or stipulated agreement..." that may subject Respondent to further
17 disciplinary action.

18 **Notification of Cessation of Practice**

19 38. If Applicant discontinues practicing psychology within Arizona, Applicant is
20 required to notify the Board in writing within thirty calendar days of the cessation of practice.
21 Should Applicant cease practicing psychology in the State of Arizona, the terms of this Consent
22 Agreement and Order are tolled. In the event Applicant returns to practice in Arizona, the Board
23 shall determine whether to reinstate this Order. If Applicant applies for reinstatement or renewal of
24 her license after having ceased practice, the Board shall consider her failure to fully comply with
25 the Consent Agreement in determining whether she qualifies for renewal or reinstatement of her

1 license.

2
3 By:

Heidi Herbst Paakkonen

11/6/2023

4 Heidi Herbst Paakkonen, Executive Director
5 Arizona Board of Psychologist Examiners

Date

6
7 **ORIGINAL** filed electronically
8 this 6 day of November 2023 with:

9 Arizona Board of Psychologist Examiners
10 1740 W. Adams St., Ste 3403
Phoenix, AZ 85007

11 **EXECUTED COPY** of the foregoing sent electronically by email (ann.eberhardt@gmail.com) to:

12 Ann Eberhardt
13 Address of Record
Applicant

14 **EXECUTED COPY** of the foregoing sent electronically by email (kwhalen@weilerlaw.com) to:

15 Kelsey Whalen, Esq.
16 Attorney for Applicant

17 **EXECUTED COPY** of the foregoing sent electronically by email (jeanne.galvin@azag.gov) to:

18 Jeanne M. Galvin, Esq.
19 Assistant Attorney General
Attorney for the State of Arizona

20 By:

Jennifer Michaelson

21 #11323017