

BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS
FOR THE STATE OF ARIZONA

In the Matter of:)	No. 24F-2411-PSY
)	No. 24F-2415-PSY
Nicole Lane Huggins, Psy.D.)	
)	FINDINGS OF FACT, CONCLUSIONS
Holder of License No. PSY-003948)	OF LAW AND ORDER FOR
for the Practice of Psychology)	REVOCATION
in the State of Arizona)	
)	
)	
Respondent)	
)	

At its meeting on August 2, 2024, the Arizona Board of Psychologist Examiners (“Board”) considered the Findings of Fact, Conclusions of Law, and Recommended Decision of the Administrative Law Judge contained in the Administrative Law Judge Recommended Decision dated July 22, 2024. Nicole Lane Huggins (“Respondent”), holder of license number PSY-003948, appeared with her attorney, Briana Campbell. The State was represented by Assistant Attorney General Jeanne Galvin. Elizabeth Campbell, Assistant Attorney General, Licensing & Enforcement Section, served as the Board’s independent legal advisor.

Having reviewed the administrative record and the arguments of the State, the Board voted to adopt the Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Arizona Board of Psychologist Examiners (the Board) has the authority to regulate and control the licensing of psychologists in the State of Arizona pursuant to A.R.S. § 32-2061 *et seq.* The Board also has the authority to impose disciplinary sanctions against the holders of licenses for unprofessional conduct under A.R.S. § 32-2081.

2. Respondent Nicole Huggins was licensed as a psychologist in the State of Arizona in 2008.

1 3. Respondent also maintained a psychologist license in Hawaii, issued on October
2 10, 2023, and held a Temporary Authorization to Practice with PSYPACT issued May 1, 2023 –
3 May 1, 2024.

4 4. On or about October 6, 2023, the Board received Complaint No. 24-11 against
5 Respondent, filed by a representative of Respondent’s former employer, Bierman Autism Centers
6 (Agency). According to the complaint, Respondent was terminated by Agency for multiple
7 performance issues, including failure to complete an evaluation report and no-showing/late
8 cancellations for scheduled appointments with clients.

9 5. On or about November 14, 2023, Respondent submitted a written response to
10 Complaint No. 24-11. In the response, Respondent included a timeline of events and ultimately
11 requested that the complaint be dismissed.

12 6. On or about November 3, 2023, the Board received Complaint No. 24-15 against
13 Respondent, filed by her ex-husband (JM) a licensed psychologist in the State of Arizona.
14 According to the complaint, Respondent engaged in criminal activity by allegedly unlawfully
15 gaining access to JM’s email account. As of the date of the hearing, it did not appear that
16 Respondent had been charged for this alleged conduct.

17 7. Respondent had been charged with two Class 1 misdemeanors relating to her
18 alleged violation of an Order of Protection obtained by Complainant JM. These criminal
19 charges were pending through Gilbert Municipal Court.

20 8. On or about December 29, 2023, Respondent submitted a written response to
21 Complaint No. 24-15. In the response, Respondent asserted that JM was on a “personal
22 and professional vendetta” against her. Respondent indicated that she was formally and
23 voluntarily relinquishing her license. Respondent denied any guilt regarding the allegations
24 against her, but because it was the best course of action for her and her “ongoing process of
25 narcissistic abuse recovery.”

26 9. On or about February 14, 2024, Board staff emailed Respondent requesting that she

1 supply an update regarding the status of the criminal case by February 20, 2024. Respondent did not
2 reply to this email and did not supply the information.

3 10. On or about March 20, 2024, the Board's Complaint Screening Committee (CSC)
4 reviewed Complaint Nos. 24-11 and 24-15. Respondent did not appear despite being properly
5 noticed of the meeting. After deliberation and by unanimous vote, the CSC approved a motion to
6 forward both complaints to the Board for further review regarding potential acts of
7 unprofessional conduct with a recommendation that Respondent be required to submit to a
8 fitness for duty evaluation. The CSC directed Board staff to issue a Subpoena to Respondent for
9 her appearance before the Board to provide testimony regarding the two complaints.

10 11. At its public meeting on May 3, 2024, the Board reviewed Complaint Nos. 24-11
11 and 24-15. Respondent failed to comply with the Subpoena issued on March 20, 2024 compelling
12 her appearance at the meeting. The Board expressed concern that Respondent failed to
13 cooperate with its investigations and failed to provide information to the Board when requested,
14 failed to comply with a lawfully-issued Board subpoena to appear, and that the turmoil
15 Respondent cited in her personal life may have interfered with her ability to safely practice
16 as a psychologist. The Board also found that Respondent's refusal to comply with a
17 Board subpoena and to supply investigation- relevant information to the Board indicated that
18 she may have been incapable of being regulated.

19 12. After deliberation, by unanimous vote, the Board approved a motion to accept
20 the CSC's recommendation to issue an Interim Order for Fitness for Duty Evaluation
21 (Interim Order) requiring Respondent to submit to a fitness for duty evaluation with a Board-
22 approved provider. The evaluation was required to assess Respondent's fitness for duty and her
23 ability to safely and competently practice psychology and to address any other concerns within
24 their report. The Interim Order stated that "[w]ithin seven (7) calendar days of the effective
25 date of Interim Order, Respondent shall schedule an appointment with one of the Board-
26 approved providers . . . for an evaluation." The Interim Order also stated that "[w]ithin three (3)

1 calendar days of scheduling of the evaluation, Respondent shall notify the Board in writing of the
2 name of the evaluator and the date/time of the evaluation.”

3 13. The Interim Order further stated as follows:

4 **FAILURE TO COMPLY WITH ONE OR MORE OF THESE**
5 **TERMS, INCLUDING FAILING TO TIMELY SCHEDULE THE**
6 **APPOINTMENT, FAILURE TO TIMELY NOTIFY THE BOARD OF**
7 **THE NAME OF THE EVALUATOR AND DATE/TIME OF THE**
8 **[EVALUATION] OR FAILURE TO APPEAR FOR OR COMPLETE**
9 **THE EVALUATION ABSENT EXIGENT CIRCUMSTANCES, SHALL**
10 **BE DEEMED A VIOLATION OF A BOARD ORDER AND SHALL**
11 **RESULT IN THE SUMMARY SUSPENSION OF RESPONDENT’S**
12 **PSYCHOLOGIST LICENSE. THE BOARD FOUND THAT SUCH A**
13 **VIOLATION WOULD JEOPARDIZE THE PUBLIC’S HEALTH, SAFETY**
14 **AND WELFARE AND WOULD REQUIRE EMERGENCY ACTION.**

15 14. The due date for Respondent to comply with the appointment notification
16 requirement cited above was May 15, 2024. In violation of the Interim Order, Respondent failed to
17 communicate any information to the Board on or before May 15, 2024 to demonstrate
18 having met any of the requirements.

19 15. On or about May 17, 2024, the Board issued Interim Findings of Fact,
20 Conclusions of Law and Order for Summary Suspension of License (Summary
21 Suspension) based on Respondent’s failure to comply with the Interim Order.

22 16. The Board referred the matter to the Office of Administrative Hearings, an
23 independent agency, for an evidentiary hearing.

24 17. The Board issued a Complaint and Notice of Public Hearing, setting a
25 hearing at 8:30 a.m. on June 17, 2024. The Board mailed copies of the Complaint and Notice of
26 Public Hearing to Respondent at her address and email addresses of record.

18 18. Respondent did not request that the hearing be continued. Although the start of the
19 hearing was delayed 15 minutes, Respondent did not appear personally or through an attorney.
20 Consequently, Respondent did not present any evidence to defend her license.

21 19. In the Complaint and Notice of Public Hearing, the Board alleged Respondent

committed unprofessional conduct as defined by A.R.S. § 32-2061(16)(aa)¹ and A.R.S. § 32-2061(16)(bb)².

20. A hearing was held on June 17, 2024. The Board submitted 14 exhibits and presented the testimony of Jennifer Michaelson, Deputy Director.

21. Ms. Michaelson testified as to the Board's efforts to communicate with Respondent regarding this matter. Ms. Michaelson noted that at different points, Respondent indicated she wished to voluntarily surrender license, but she failed to complete the steps necessary to do so. Ms. Michaelson noted Respondent's failure to comply with the Board's requirements evidenced her inability to be regulated.

CONCLUSIONS OF LAW

1. This matter lies within the Board's jurisdiction under A.R.S. § 32-2061 *et seq.*

2. The Board bears the burden of proof and must establish cause to penalize Respondent's license by a preponderance of the evidence.³

3. "A preponderance of the evidence is such proof as convinces the trier of fact that the contention is more probably true than not."⁴

4. A preponderance of the evidence is "evidence which is of greater weight or more convincing than evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not."⁵

5. The Board established by a preponderance of the evidence that Respondent engaged in unprofessional conduct as alleged in the Complaint and Notice of Public Hearing. As such, the Board established cause to impose a disciplinary sanction against

¹ A.R.S. § 32-2061(16)(aa) defines "unprofessional conduct" to include "[v]iolating a formal board order, consent agreement, term of probation or stipulated agreement issued under this chapter."

² A.R.S. § 32-2061(16)(bb) defines "unprofessional conduct" to include "[f]ailing to furnish information in a timely manner to the board or its investigators or representatives if requested or subpoenaed by the board as prescribed by this chapter."

³ See A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119(A) and (B)(1); see also *Vazanno v. Superior Court*, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

⁴ MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

⁵ BLACK'S LAW DICTIONARY 1120 (8th ed. 2004).

Respondent's license under A.R.S. § 32-2081(N).⁶

ORDER

Based on the foregoing, **IT IS ORDERED** that the May 17, 2024, Order for Summary Suspension of License in Case Nos. 24-11 and 24-15 be upheld.


IT IS FURTHER ORDERED that License No. PSY-003948 for the Practice of Psychology in the State of Arizona issued to Respondent Nicole Lane Huggins is **REVOKED**.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review. Pursuant to A.R.S. §41-1092.09, the petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of the Order. Pursuant to A.A.C. R4-26-308, the petition must set forth legally sufficient reasons for granting a rehearing. Service of the Order is effective five (5) days after date of mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to the Respondent. Respondent is further notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the Superior Court.

DATED this 5 day of August 2024.

Arizona Board of Psychologist Examiners

By: 
Heidi Herbst Paakkonen, M.P.A.
Executive Director

⁶ A.R.S. § 32-2081(N) provides that if the Board determines a licensee has committed an act of unprofessional conduct, the Board may revoke or suspend the license, censure the license, or place the licensee on probation.

1 **ORIGINAL** of the foregoing filed electronically
2 this 5 day of August 2024, with:

3 Office of Administrative Hearings
4 1740 West Adams
Phoenix, AZ 85007

5 **COPY** of the foregoing mailed by USPS regular mail & certified mail # 9589071052701952583266
6 And email
this 5 day of August 2024, to:

7 Nicole Huggins, Psy.D.
8 Address of Record/Email Address of Record
Respondent

9 **COPY** of the foregoing sent via USPS regular mail and email
10 this 5 day of August 2024, to:

11 Brianna Campbell, Esq.
12 Rose Law Group PC
13 7144 E Stetson Drive, Suite 300
Scottsdale, AZ 85251
14 bcampbell@roselawgroup.com
Attorney for Respondent

15 **COPY** of the foregoing sent via email
16 this 5 day of August 2024, to:

17 Jeanne Galvin
18 Assistant Attorney General
1275 W. Washington, CIV/LES
19 Phoenix, AZ 85007
Attorney for the State of Arizona
jeanne.galvin@azag.gov

20 **COPY** of the foregoing sent via email
21 this 5 day of August 2024, to:

22 Elizabeth Campbell
23 Assistant Attorney General
1275 W. Washington, CIV/LES
Phoenix, AZ 85007
24 Board's Independent Advisor
Elizabeth.Campbell@azag.gov
25

26 By: Jennifer Michaelson