



Governor
Douglas A. Ducey

Arizona Board of Psychologist Examiners

1740 W. Adams St., Suite 3403
Phoenix, Arizona 85007
Phone (602) 542-8163 Fax (602) 542-8279
<https://psychboard.az.gov>

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Complaint Screening Committee REGULAR SESSION MINUTES

Wednesday, March 7, 2018
1740 W. Adams St.
Conference Room B (1st Floor)
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona Board of Psychologist Examiners Complaint Screening Committee was called to order by Madame Chair Shreeve at 8:30 a.m. on March 7, 2018.

2. ROLL CALL

Committee Members Present

Tamara Shreeve, MPA – Chair
Lynn Flowers, Ph.D.
Frederick S. Wechsler, Ph.D., Psy.D., ABPP (cl)

Staff Present

Heather Broaddus, Deputy Director

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

3. APPROVAL OF MINUTES

• February 7, 2018, Regular Session

Dr. Wechsler made a motion, seconded by Dr. Flowers, to approve the February 7, 2018, regular session minutes as drafted. The motion carried 3-0.

4. CASE DISCUSSION/DECISION

a. Don Axsom, Psy.D., Complaint No. 17-09

Dr. Wechsler summarized the case, including salient points of the investigation and pertinent records. The Licensee was present, made statements and answered Committee members' questions. Committee members expressed concern that there is a Complaint pending in Missouri

citing the same type of allegation as this complaint. Additionally, Committee members expressed concern with Dr. Axsom's answer to question #10 of his April 2017, psychologist renewal application. After deliberation, Dr. Wechsler made a motion, seconded by Dr. Flowers, to forward Complaint No. 17-09 to the Board for possible violations of A.R.S. §32-2061(16)(m) for possibly using fraud, misrepresentation or deception to obtain or attempt to obtain a psychology license or to pass or attempt to pass a psychology licensing examination or in assisting another person to do so; A.R.S. §32-2061(dd) for possibly violating an ethical standard adopted by the Board as it pertains to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct 5.01(a) Avoidance of False or Deceptive Statements, and to direct Board staff to contact the Missouri Psychology Board. The motion carried 3-0.

b. Carol Mellen-Sysel, Ph.D., Complaint No. 17-14

Dr. Flowers summarized the case, including salient points of the investigation and pertinent records. The Complainant was present and answered Committee members' questions. The Licensee and her attorney, Steve Beeghley, Esq., were present, made statements, and answered Committee members' questions.

At 10:07 a.m. Ms. Shreeve made a motion, seconded by Dr. Wechsler, to go into Executive Session to obtain confidential legal advice from the Board's attorney. Open session reconvened at 10:13 a.m.

Committee members expressed concern with the representation of paralegal fees and the lack of paralegal fees on the Informed Consent. Dr. Flowers made a motion to dismiss Complaint No. 17-17-14. The motion died due to lack of a second. After deliberation, Dr. Flowers made a motion, seconded by Dr. Wechsler to forward Complaint No. 17-14 to the Board for possible violation of A.R.S. §32-2061(16)(dd) for possibly violating an ethical standard adopted by the Board as it pertains to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct 3.10(a) Informed Consent. The motion carried 3-0.

c. Rebecca Loftis, Psy.D. Complaint No. 17-24

Ms. Shreeve summarized the case, including salient points of the investigation and pertinent records. The Licensee was present, made statements, and answered Committee members' questions. The Committee expressed concerns with Dr. Loftis' failure to report her Driving Under the Influence (DUI) charge within the mandatory time-frame and for her failure to report the DUI on her April 2017, psychologist renewal application. After deliberation, Ms. Shreeve made a motion, seconded by Dr. Wechsler, to forward Complaint No. 17-24 to the Board for possible violations of A.R.S. §32-2061(h) for possibly failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient; A.R.S. §32-2061(16)(m) for possibly using fraud, misrepresentation or deception to obtain or attempt to obtain a psychology license or to pass or attempt to pass a psychology licensing examination or in assisting another person to do so; A.R.S. §32-2061(dd) for possibly violating an ethical standard adopted by the Board as it pertains to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct 5.01(a) Avoidance of False or Deceptive Statements; 6.01 Documentation of Professional and Scientific Work and Maintenance of Records and A.R.S. §32-3208 for failing to report her DUI charge within ten days of the charge being filed. The motion carried 3-0.

d. John Denboer, Ph.D., Complaint No. 17-23

Dr. Wechsler summarized the case, including salient points of the investigation and pertinent records. The Complainant was present, requested to speak, made a statement and answered Committee members' questions. The Licensee and his attorney, J. Arthur Eaves, Esq., were present, made statements and answered Committee members' questions. Committee members

expressed concern with billing practices, Informed Consent and solicitation of services. After deliberation, Dr. Wechsler made a motion, seconded by Dr. Flowers, to forward Complaint No. 17-23 to the Board for possible violations of A.R.S. §32-2061(16)(o) for possibly providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; A.R.S. §32-2061(16)(w) for possibly engaging in direct or indirect personal solicitation of clients or patients through the use of coercion, duress, undue influence, compulsion or intimidation practices; A.R.S. §32-2061(16)(y) for possibly exploiting a client or patient, a student or a supervisee; A.R.S. §32-2061(cc) for possibly 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 and A.R.S. §32-2061 (dd) for possibly violating an ethical standard adopted by the Board as it pertains to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct; 3.10 Informed Consent; 5.06 In-Person Solicitation; 6.01(4) Documentation of Professional and Scientific Work and Maintenance of Records and 9.01(a)(b) Bases for Assessments. The motion carried 3-0.

5. ADJOURN

There being no further business to come before the Committee, Dr. Wechsler made a motion, seconded by Dr. Flowers, to adjourn the meeting. The motion carried (3-0) and the meeting was adjourned at 12:30 p.m.

Tamara Shreeve, MPA - Committee Chair Date