



STATE OF ARIZONA
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Complaint Screening Committee REGULAR SESSION MINUTES

April 15, 2020

1740 W. Adams St.
Conference Room C (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 8:32 a.m. on April 15, 2020. One Executive Session was held.

2. ROLL CALL

Committee Members Present

Tamara Shreeve, MPA – Chair
Diana Davis-Wilson, DBH, BCBA, Ph.D. (*telephonic*)
Stephen Gill, Ph.D. (*telephonic*)

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

Staff Present

Heidi Herbst Paakkonen, Executive Director (*telephonic*)
Jennifer Michaelsen, Deputy Director
Krishna Poe, Program Projects Specialist

3. APPROVAL OF MINUTES

- March 18, 2020, Regular Session Minutes

Dr. Gill recused from this item. Dr. Davis-Wilson made a motion, seconded by Ms. Shreeve, to approve the March 18, 2020, regular session minutes as drafted. The motion carried unanimously (2-0), by a voice vote.

4. CASE DISCUSSION/DECISION

a. Janet Messer, Ph.D., Complaint No. 20-34

Dr. Davis-Wilson summarized the case, including salient points of the investigation and pertinent records. The Complainant participated telephonically, made a statement and requested a continuance because discovery had not occurred yet. Ms. Galvin clarified that the discovery process is not applicable in this matter. After deliberation, Dr. Gill made a motion, seconded by Dr. Davis-Wilson, to deny the request for a continuance. The motion carried unanimously (3-0), by a voice vote.

The Licensee and her attorney, Charles Hover III, Esq., participated telephonically, made a statement, and answered questions from the Committee.

After deliberation, Dr. Gill made a motion, seconded by Dr. Davis-Wilson, to dismiss the complaint as there are no violations of rule or statute. The motion carried unanimously (3-0), by a voice vote.

b. Sarette Zecharia, Ph.D., Complaint No. 20-35

Ms. Shreeve summarized the case, including salient points of the investigation and pertinent records. The Complainant and his fiancé, who filed a joint complaint, participated telephonically, made individual statements and answered questions from the Committee. The Licensee and her attorney, John Ager, Esq., participated telephonically, made a statement, and answered questions from the Committee.

The Committee expressed concern with regards to billing, the adequacy of Dr. Zecharia's supervision, that clients were not made aware of the supervision, and the consent forms do not specify that Dr. Wiley is being supervised by Dr. Zecharia. Ms. Galvin indicated that Board staff could subpoena the supervision records so that the Committee could make a more informed decision regarding the concerns with the overall supervision.

After deliberation, Ms. Shreeve made a motion, seconded by Dr. Gill, to table this matter to a future meeting once the Committee has had an opportunity to review the supervision records. The motion carried unanimously (3-0), by a voice vote.

Board staff directed staff to issue subpoena to the agency for the complete supervision records to include supervision session notes, contracts, policies and procedures, and documentation given to clients regarding the supervision.

c. Marilyn Wiley, Ph.D., Complaint No. 20-36

Ms. Shreeve summarized the case, including salient points of the investigation and pertinent records. The Complainant and his fiancé, who filed a joint complaint, participated telephonically, made individual statements and answered questions from the Committee. The Complainant's ex-wife also participated telephonically, made a statement, and answered questions from the Committee. The applicant participated telephonically, made a statement, and answered questions from the Committee.

At 11:17 a.m., Ms. Shreeve made a motion, seconded by Dr. Davis-Wilson, to go into Executive Session to receive confidential legal advice. Open session reconvened at 11:40 a.m.

The Committee expressed concern with regard to several issues, including misrepresentation of credentials, multiple relationships with clients, social media communication with clients, engaging in activities that do not fall within the ethics of a license professional, multiple roles, role confusion, lack of informed consent provided to clients regarding supervision, providing psychological services without supervision, and the scope of services provided at Dr. Wiley's life coaching business.

After deliberation, Ms. Shreeve made a motion to forward Complaint 20-36 to the Board for a possible violations of A.R.S. §32-2061(16)(g) Engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training and experience; 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; A.R.S. §32-2061(16)(dd) Violating an ethical standard adopted by the Board as it pertains to sections 3.05 (Multiple Relationships), 3.10 (Informed Consent) and 4.05 (Disclosures) of the American Psychological Association's Ethical Principles of Psychologist and Code of Conduct. After further discussion, Dr. Gill agreed to second the motion with a friendly amendment of a possible violation of A.R.S. §32-2061(16)(dd) as it pertains to section 3.11 (Avoiding Harm). Ms. Shreeve accepted the amended motion. The motion carried unanimously (3-0), by a voice vote.

d. John DenBoer, Ph.D., Complaint No. 20-37

Ms. Shreeve stated that the Board office received a request from the Licensee yesterday, requesting a continuance of the review of this case. Dr. DenBoer participated telephonically and explained his reasons for requesting a continuance, specifically that his recent relocation caused him to not receive the notification of this complaint and a confluence of events have resulted in his attorneys not yet having reviewed the complaint. Ms. Michaelsen advised the Committee that she had received emailed replies from both Dr. DenBoer and his attorneys to the electronic notifications she issued concerning this specific complaint, #20-37, which served as acknowledgement of its receipt. Dr. DenBoer apologized to the Committee for having confused this complaint with another as he did not closely check the number to which it was assigned. Ms. Michaelsen reminded the Committee that at the March 13, 2020 Board meeting Robert Beardsley, counsel to Dr. DenBoer concerning several other previously filed complaints, was advised that a response to this complaint was expected by the Board. The Committee members discussed the fact that if the continuation request is denied today, Dr. DenBoer is still afforded all due process considerations, including the opportunity to respond to the allegations, should the complaint be forwarded to the full Board.

Ms. Shreeve made a motion, seconded by Dr. Davis-Wilson to deny Dr. DenBoer's request for a continuance. The motion carried unanimously (3-0), by a voice vote.

Dr. Davis-Wilson proceeded with a summary case, including salient points of the investigation and pertinent records. The Complainant was not present. Dr. DenBoer made a statement and answered questions from the Committee.

The Committee expressed concern with regards to multiple issues, including billing practices, lack of documentation for billed services, necessity of services billed for if the program was designed to be a wellness program, and failure to submit a response to a complaint despite multiple notifications from Board staff.

Dr. Davis-Wilson made a motion, seconded by Dr. Gill, to forward Complaint 20-37 to the Board for possible violations of A.R.S. §32-2061(16)(a) Obtaining a fee by fraud or misrepresentation; (e) Gross negligence in the practice of a psychologist; (h) Failing or refusing to maintain and

retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient; (o) Providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; (p) Falsely or fraudulently claiming to have performed a professional service, charging for a service or representing a service as the licensee's own when the licensee has not rendered the service or assumed supervisory responsibility for the service; and (bb) Failing 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. The motion carried unanimously (3-0), by a voice vote.

4. ADJOURN

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