



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
1740 WEST ADAMS STREET, SUITE 3403
PHOENIX, AZ 85007
PH: 602.542.8162 FX: 602.542.8279
WEBSITE: WWW.PSYCHBOARD.AZ.GOV

DOUGLAS A. DUCEY
Governor

HEIDI HERBST PAAKKONEN
Executive Director

Complaint Screening Committee REGULAR SESSION MINUTES

June 17, 2020

Held via Zoom

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 8:33 a.m. on June 17, 2020. No executive sessions were held.

2. ROLL CALL

Committee Members Present

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

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

Staff Present

Heidi Herbst Paakkonen, Executive Director
Jennifer Michaelsen, Deputy Director

3. APPROVAL OF MINUTES

- May 15, 2020, Regular Session Minutes

Dr. Davis-Wilson recused from this item. Dr. Gill made a motion, seconded by Ms. Shreeve, to approve the May 15, 2020, regular session minutes as drafted. The motion carried unanimously (2-0), by a voice vote.

4. CASE DISCUSSION/DECISION

a. Laura Fadluto, Ph.D., Complaint No. 20-21

Ms. Shreeve announced that the Board office recently received a fourth continuance request from Dr. Fadluto's attorney, which indicated that Dr. Fadluto is unable to participate today, as she is very ill. Ms. Shreeve indicated that she reviewed and approved the request, noting that complaint no. 20-21 will be reviewed at the Committee's next meeting on July 15, 2020.

b. Kenneth Goldberg, Ed.D., Complaint No. 20-39

Dr. Gill summarized the case, including salient points of the investigation and pertinent records. The Complainant participated, made a statement and answered questions from the Committee. The Licensee and his attorney, Flynn Carey, Esq., participated, made a statement, and answered questions from the Committee.

The Committee expressed concern that, although Dr. Goldberg ultimately provided the records in response to court orders on two different occasions, he did not submit records in a timely manner in either instance, which appears to be a pattern.

Dr. Gill made a motion, seconded by Dr. Davis-Wilson, to forward Complaint 20-39 to the Board for possible violations of A.R.S. § 32-2061(16)(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; and A.R.S. §32-2061(16)(dd), violating an ethical standard adopted by the Board as it pertains to sections 1.02 (Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority) of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct. The motion carried unanimously (3-0), by a voice vote.

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

Ms. Shreeve summarized the case, including salient points of the investigation and pertinent records, noting that this matter was initially reviewed by the Committee at its April 15, 2020 meeting and that the Committee voted to table the matter to a future meeting once the Committee had an opportunity to review the supervision records, which Board staff had subsequently obtained from the agency.

The Complainants participated, made a statement and answered questions from the Committee. The Licensee and her attorney, John Ager, Esq., participated, made a statement, and answered questions from the Committee.

The Committee expressed concern with regards to the billing errors in this case, to include that services provided by Dr. Wiley were billed under Dr. Zecharia's name and NPI number. The Committee noted that Dr. Zecharia did her due diligence by notifying the applicable insurance companies about the use of the NPI number once the issue came to her attention at the agency.

The Committee also expressed concern regarding the adequacy of Dr. Zecharia's supervision over Dr. Wiley, as the supervision documentation is lacking and does not include a supervision contract nor any notes from supervision sessions. Without any documentation, it is difficult to discern what was discussed during supervision or if supervision was actually occurring. To add to that concern, the Complainants were not aware that Dr. Wiley was being supervised by Dr. Zecharia, and the informed consent forms did not specify who was providing the services nor that Dr. Zecharia was the supervisor. The Committee noted that Dr. Zecharia recognizes the need to change to make changes to her practices it relates to supervisory standards and has taken steps to improve her supervision practices and documentation.

Ms. Shreeve made a motion, seconded by Dr. Gill, to forward Complaint 20-35 to the Board for possible violations of A.R.S. § 32-2061(16)(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; A.R.S. §32-2061(16)(k), violating any federal or state laws or rules that relate to the practice of psychology or to obtaining a license to practice psychology as

it pertains to psychologist rule R4-26-209 (General Supervision); and A.R.S. §32-2061(16)(dd), violating an ethical standard adopted by the Board as it pertains to sections 7.06 (Assessing Student and Supervisee Performance) and 10.02 (Therapy Involving Couples or Families) of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct. The motion carried unanimously (3-0), by a voice vote.

The Committee noted that they had concerns regarding Dr. Zecharia's previous billing practices as well as allegations contained in her employment file relating to alleged misconduct while employed by the agency so the Board may address these issues when the complaint is reviewed at a future meeting date.

The Committee took a break from 10:42 a.m. – 10:52 a.m.

d. Steven Gray, Ed.D., Complaint No. 16-15

Dr. Gill summarized the case, including salient points of the investigation and pertinent records, noting that Dr. Gray filed a special action in 2016 challenging the Board's authority to process and adjudicate an anonymous complaint. The Arizona Superior Court found in favor of the Board, and the Arizona Court of Appeals very recently upheld the lower court's decision. Dr. Gill added that Dr. Gray did not appeal to the Arizona Supreme Court and therefore the complaint is back before the Committee for review.

The Complainant was anonymous. The Licensee and his attorney, Charles Hover III, Esq., participated, made a statement, and answered questions from the Committee.

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

e. John Carlson, Ph.D., Complaint No. 20-42

Dr. Davis-Wilson summarized the case, including salient points of the investigation and pertinent records. The Complainant participated, made a statement and answered questions from the Committee. The Licensee participated, made a statement, and answered questions from the Committee.

The Committee expressed concern with the overall inadequacy of Dr. Carlson's clinical documentation for this case to include lack of informed consent, treatment plan, diagnosis, and the clinical justification for the diagnosis. The Committee elaborated that the clinical record had gaps in terms of how the diagnosis was determined, no treatment goals were cited, and the expectations of treatment did not appear to be addressed. Furthermore, Dr. Carlson told the Committee that he was not aware that he needed an informed consent or treatment plan. The Committee noted that Dr. Carlson's practices are outdated and not in line with ethical standards for psychologists.

Dr. Davis-Wilson made a motion, seconded by Dr. Gill, to forward Complaint 20-42 to the Board for possible violations of A.R.S. § 32-2061(16)(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; and A.R.S. §32-2061(16)(dd), violating an ethical standard adopted by the Board as it pertains to sections 3.10 (Informed Consent) and 6.01 (Documentation of Professional and Scientific Work and Maintenance of Records)of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct.

f. Cynthia Williams, Complaint No. T-20-06

Dr. Davis-Wilson summarized the case, including salient points of the investigation and pertinent records. The complainant was not present. The Respondent and her attorney were not present despite being properly notified.

The Committee expressed concern that Ms. Williams may have misrepresented her credentials, as she indicated that she was a "Consultant Psychologist" on her documentation despite the fact that she is not a licensed psychologist in Arizona and only certified as a school psychologist with the Arizona Department of Education. The Committee also expressed concern that that Ms. Williams may be practicing outside of her ability as a school psychologist in conducting this evaluation, given that it was completed at her sole practice and outside of her regular employment at the school district. The Committee discussed that it appears that Ms. Williams may be practicing psychology outside of the exemption permitted by A.R.S. § 32-2075 (Exemptions From Licensure).

After deliberation, Dr. Gill made a motion, seconded by Dr. Davis-Wilson, to forward Complaint T-20-06 to the Board for possibly violations of A.R.S. § 32-2084(C)(1), for possible use of the designation "psychology", "psychological" or "psychologist" by a person not licensed pursuant to Chapter 32, Title 19 of the Arizona Revised Statutes; A.R.S. § 32-2084(C)(2), for possible use of any combination of words, initials and symbols that leads the public to believe the person is licensed to practice psychology in this state, by a person not licensed pursuant to Chapter 32, Title 19 of the Arizona Revised Statutes; and A.R.S. § 32-2075(A)(1), for possibly practicing outside of the license exemption for school psychologists. 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 12:20 p.m.