



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](http://WWW.PSYCHBOARD.AZ.GOV)

DOUGLAS A. DUCEY  
Governor

HEIDI HERBST PAAKKONEN  
Executive Director

## Complaint Screening Committee REGULAR SESSION MINUTES

*August 18, 2021*

*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 Chairman Dynar at 8:30 a.m. on August 18, 2021. Two executive sessions were held.

### 2. ROLL CALL

#### Committee Members Present

Aditya Dynar, Esq. – Chair  
Linda Caterino, Ph.D., ABPP  
Stephen Gill, Ph.D.

#### Attorney General's Office

Jeanne Galvin, Assistant Attorney General

#### Staff Present

Heidi Herbst Paakkonen, Executive Director  
Jennifer Michaelsen, Deputy Director  
Krishna Poe, Projects Specialist

### 3. APPROVAL OF MINUTES

- July 21, 2021 Regular Session
- July 21, 2021 Executive Session

Dr. Gill recused from this item. Dr. Caterino made a motion, seconded by Mr. Dynar, to approve the July 21, 2021 regular session and executive session minutes as drafted. The motion carried unanimously (2-0), by a voice vote.

#### 4. CASE DISCUSSION/DECISION

##### **a. Kim Kalas, Ed.D., Complaint No. 21-20**

Dr. Caterino summarized the case, noting that the Committee previously reviewed this case at its July 21, 2021 meeting and tabled the matter for review at a future meeting date. The Committee also directed Board staff in the meantime to contact the other mental health professionals involved in this family court case to coordinate their participation and testimony at a future meeting. The Committee noted that Dr. David Dubner (Ph.D.), the Complainant's therapist, the daughter's therapist, Ms. Katherine Meyer (LCSW), and the son's therapist, Ms. Ashleigh Armand (LMSW) were present today.

The Licensee participated, made a statement and answered questions from the Committee. The Complainant subsequently joined the meeting, made a statement and answered questions from the Committee. The Committee proceeded with asking questions of Dr. Dubner.

*At 9:26 a.m., Mr. Dynar made a motion, seconded by Dr. Caterino, to go into Executive Session to review confidential records/information from Dr. Dubner and to subsequently receive confidential legal advice if needed. Open session reconvened at 9:39 a.m.*

Upon reconvening in open session, the Committee proceeded with asking questions of Ms. Armand.

*At 9:42 a.m., Dr. Caterino made a motion, seconded by Mr. Dynar, to go into Executive Session to review confidential records/information from Ms. Armand and subsequently from Ms. Meyer. Open session reconvened at 10:03 a.m.*

Upon reconvening in open session, Dr. Kalas and the Complainant both made follow-up statements to the Committee. After deliberation, Mr. Dynar made a motion, seconded by Dr. Gill, to dismiss this matter, as there are no violations of rule or statute. The motion carried (2-1), by a voice vote, with Dr. Caterino opposing.

*The Committee took a comfort break at 10:19 a.m. and resumed the meeting at 10:25 a.m.*

##### **b. Thomas Brunner, Ph.D., Complaint No. 21-23**

Dr. Gill summarized the case, including salient points of the investigation and pertinent records. The Complainants were not present despite being notified of the meeting. The Licensee and his attorney, Faren Akins, Ph.D., Esq., participated, made a statement and answered questions from the Committee. After deliberation, Mr. Dynar made a motion, seconded by Dr. Gill, to dismiss this matter, as there are no violations of rule or statute. The motion carried unanimously (3-0), by a voice vote.

##### **c. Nicholas Heinecke, Psy.D., Complaint No. 21-26**

Dr. Gill summarized the case, including salient points of the investigation and pertinent records. The Complainant was present, made a brief statement and answered questions from the Committee. The Licensee and his attorney, Faren Akins, Ph.D., Esq., participated, made a statement and answered questions from the Committee. After deliberation, Dr. Gill made a motion, seconded by Dr. Caterino, to dismiss this matter, as there are no violations of rule or statute. The motion carried unanimously (3-0), by a voice vote.

**d. Josh Smith, Psy.D., Complaint No. T-21-03**

Dr. Caterino summarized the case, including salient points of the investigation and pertinent records. She noted that the Board elected to open a complaint at its April 8, 2021 meeting against Respondent for further investigation regarding concerns that the Respondent was possibly practicing as a psychologist without a license and advertising that psychological services were provided at his business, Horizon Education & Psychological Services, LLC (Horizon). It was also noted that Dr. Smith is currently a certified school psychologist with the Arizona Department of Education but not a licensed psychologist with the Board. Respondent previously applied for licensure with the Board in 2018 but did not meet the pass-point requirement on the examination.

The Respondent and his attorney, Sara Stark, Esq., participated, made a statement and answered questions from the Committee.

The Committee expressed several concerns in this case. First, the Horizon business name, as it appears on the documentation registered with the Arizona Corporation Commission, includes the word “Psychological” which is a protected term in Arizona under A.R.S. § 32-2084 that cannot be used by an unlicensed individual. The Committee acknowledged that this business name can be misleading to the public. Secondly, Dr. Smith’s website for Horizon, in addition to other social media platforms, advertised providing psychological and neuropsychological evaluations without a licensed psychologist on staff. The website did not indicate who was providing such evaluations, which gives the impression to the public that Dr. Smith may be providing psychological evaluations despite not being licensed to perform such evaluations. Furthermore, Dr. Smith appeared to be serving as a supervisor for an individual seeking a license when such supervision would not qualify towards licensure, which is how the concerns regarding Dr. Smith and Horizon came to the Board’s attention. The post-doctoral supervision agreement between the individual and Dr. Smith, which was signed by both parties on Horizon letterhead, clearly indicated that Dr. Smith was providing supervision for the individual to apply towards licensure in Arizona. The Committee noted the efforts taken by Dr. Smith since notification of this complaint, to include taking down the Horizon website.

The Committee also expressed concern with regard to the postdoctoral residency that Dr. Smith is completing at Arizona Neuropsychology Centers, LLC (ACN), under the supervision of Dr. John Mather, Ph.D., as one of the client files contained an evaluation report signed by Dr. Smith but not Dr. Mather and the consent documentation did not explain who was providing the service. Furthermore, the referral process between Horizon and ACN was not clear.

After deliberation, Dr. Caterino made a motion, seconded by Dr. Gill, to forward Complaint T-21-03 to the Board for a potential violation of A.R.S. § 32-2084. The motion carried unanimously (3-0), by a voice vote.

*The Committee took a comfort break at 12:08 p.m. and resumed the meeting at 12:15 p.m.*

**e. Susanne Mumby, Psy.D., Complaint No. 21-14**

Mr. Dynar summarized the case, noting that the Committee reviewed this complaint at its July 21, 2021 meeting and tabled the matter for review at today’s meeting as Dr. Mumby was not present on July 21st. Board staff was directed by the Committee to subpoena Dr. Mumby for her attendance today; she confirmed receipt of said subpoena. The Complainants were not present and had notified Board staff that they would not be attending. The Licensee participated, made a statement, and answered questions from the Committee.

The Committee expressed concern that it appears Dr. Mumby did not make adequate attempts to contact all active clients on her caseload before taking leave from her position, nor did she clearly communicate to her supervisor to discuss a plan for transition of care and identify which remaining clients needed to be contacted. If Dr. Mumby did make such efforts, there is no clear documentation to reflect this. As a result, some clients may have experienced an unnecessary interruption of services, or their care may not have been properly transitioned.

After deliberation, Dr. Gill made a motion, seconded by Dr. Caterino, to forward Complaint No. 21-14 to the Board for a potential violation of A.R.S. §32-2061(dd) for possibly violating an ethical standard adopted by the Board as it pertains to sections 3.12 (Interruption of Psychological Services), 10.09 (Interruption of Therapy), and 10.10 (Terminating Therapy) of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct. The motion carried 3-0.

The Committee discussed that a possible resolution for this case could include issuing a non-disciplinary Letter of Concern to Dr. Mumby that addresses appropriate steps for transition of care, avoiding interruption of services, appropriate termination of treatment, and the importance of documenting efforts made by the professional to coordinate client care. The motion carried unanimously (3-0), by a voice vote.

#### **4. ADJOURN**

There being no further business to come before the Committee, Mr. Dynar made a motion, seconded by Dr. Gill, to adjourn the meeting. The motion carried (3-0) and the meeting was adjourned at 12:59 p.m.