



STATE OF ARIZONA
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Executive Director

Complaint Screening Committee REGULAR SESSION MINUTES

September 16, 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 Chairman Dynar at 8:30 a.m. on September 16, 2020. One executive session was held.

2. ROLL CALL

Committee Members Present

Aditya Dynar, Esq. – Chair
Bob Bohanske, Ph.D., FNAP
Matthew A. Meier, Psy.D.

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

Staff Present

Heidi Herbst Paakkonen, Executive Director
Jennifer Michaelsen, Deputy Director

3. CASE DISCUSSION/DECISION

a. Patti Rae Watson, Ed.D., Complaint No. 20-50

Dr. Meier 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 and stated that she wanted to read a prepared statement to the Committee, which cited confidential information from the client's chart which includes his diagnoses. Ms. Galvin indicated that Dr. Watson could read the confidential information from her statement in Executive Session and the remainder could be read aloud in open session.

At 8:45 a.m., Mr. Dynar made a motion, seconded by Dr. Bohanske, to go into Executive Session to discuss confidential records/information. Open session reconvened at 9:09 a.m.

Upon reconvening in open session, Dr. Watson read the remainder of her prepared statement. The Committee proceeded with asking Dr. Watson questions.

The Committee expressed concern that Dr. Watson may have provided tele-psychotherapy services to the client once he moved to another state without holding a license in those respective states. Additionally, Dr. Watson is representing these services were life coaching, not psychotherapy, despite the documentation from the client's record not being clear if it was psychotherapy or coaching. Although Dr. Watson represents that she transitioned from providing psychotherapy to life coaching once the client left Arizona, the documentation does not reflect any transition and there was no indication that therapy had terminated. The client did not sign any documentation when services switched to life coaching, and the progress notes for life coaching sessions still list a diagnosis and having a billing code for psychotherapy. The Committee concluded that is not clear that Dr. Watson was providing life coaching, as she has represented, and the records give the appearance that she continued to provide psychotherapy services to the client when he was living in Idaho.

The Committee also expressed concerned that Dr. Watson has had no formal training in life coaching and does not recall providing life coaching services to any other client.

The Committee noted the telehealth/telepsychology training Dr. Watson reported to have completed did not occur until after she starting treating this client.

Dr. Meier made a motion, seconded by Dr. Bohanske, to forward Complaint 20-50 to the Board for 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)(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)(o), providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice. The motion carried unanimously (3-0), by a voice vote.

b. John DenBoer, Ph.D., Complaint No. 16-22

Dr. Bohanske summarized the case, including salient points of the investigation and pertinent records, noting that Dr. DenBoer filed a special action suit in 2016 for this case, in which he challenged the Board's jurisdiction to investigate complaints arising from the court claims process, as it was his position that the Board improperly applied the new statute prescribing the claims process and that the Board lacked authority to investigate the allegations. The Arizona Superior Court found in favor of the Board, and the Arizona Court of Appeals upheld the lower court's decision. Dr. DenBoer subsequently requested that the Arizona Supreme Court take jurisdiction over the matter and review his appeal;

however, the Supreme Court recently declined to hear the case so the lower court's decision in the Board's favor stands and the case is back before the Board for review.

The Complainant participated, made a statement, and answered questions from the Committee. The Licensee's attorney, Jeffrey Hunter, Esq., participated, made a statement, and answered questions from the Committee. Mr. Hunter indicated that Dr. DenBoer would not be participating in today's meeting, as he is sick.

The Committee expressed concern with regard to the neuropsychological evaluation Dr. DenBoer completed for his minor client given that he was only court appointed to serve as the client's counselor, not in an evaluator role. The court records do not reflect that Dr. DenBoer was ordered to conduct a neuropsychological evaluation, and Dr. DenBoer only identified himself as the client's safe haven counselor, not evaluator. The Committee further noted Dr. DenBoer initiated a dual role by being an evaluator and counselor at the same time; therefore his roles were blurred. Furthermore, the Complainant, who is the client's father, represents that he was not previously aware that Dr. DenBoer conducted a neuropsychological evaluation and today is the first time that he is hearing about said evaluation.

The Committee was also concerned that Dr. DenBoer made negative statements about the previous evaluation completed by another licensed neuropsychologist in addition to statements about the client's school placement, which did not appear to be appropriate in his role as the client's counselor.

Lastly, the Committee expressed concern that a court minute entry specifically notes that Dr. DenBoer exhibited unprofessionalism in his role and that there were boundary violations. The Committee noted that it is not typical for the court to raise such concerns regarding a professional in a minute entry; therefore, the Committee's concern is heightened.

The Committee noted that Dr. DenBoer failed to maintain and produce the clinical record for this client. Although Dr. DenBoer indicated that he did not have possession of the records due to a change in business ownership, the Committee noted that it is ultimately the psychologist's responsibility to ensure that the records are properly maintained.

Dr. Meier made a motion, seconded by Dr. Bohanske, to forward Complaint 16-22 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)(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)(r), failing to obtain a client's or patient's informed and written consent to release personal or otherwise confidential information to another party unless the release is otherwise authorized by law; and A.R.S. §32-2061(16)(dd), violating an ethical standard adopted by the Board as it pertains to section 3.05 (Multiple Relationships) of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct. The motion carried unanimously (3-0), by a voice vote.

4. ADJOURN

There being no further business to come before the Committee, Dr. Bohanske made a motion, seconded by Dr. Meier, to adjourn the meeting. The motion carried (3-0) and the meeting was adjourned at 10:00 a.m.