

**BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS  
FOR THE STATE OF ARIZONA**

<b>In the Matter of :</b>	)	<b>Case No. 19-12</b>
	)	
<b>GLORIA MALONE, Ph.D.</b>	)	<b>CONSENT AGREEMENT</b>
	)	<b>AND ORDER FOR</b>
<b>Holder of License No. PSY-001082</b>	)	<b>VOLUNTARY SURRENDER</b>
<b>for the Practice of Psychology</b>	)	<b>OF PSYCHOLOGIST</b>
<b>in the State of Arizona</b>	)	<b>LICENSE</b>

On July 12, 2019 the Arizona Board of Psychologist Examiners ("Board") met in open session to discuss the above-referenced case. Gloria Malone ("Respondent") was not present. After discussion, consideration, and deliberation, the Board voted to enter into a Consent Agreement in lieu of further administrative proceedings.

**JURISDICTION**

1. The Board is authorized to regulate the practice of psychology in Arizona pursuant to A.R.S. § 32-2061, *et seq.*, and the rules promulgated thereunder, found in Arizona Administrative Code ("A.A.C." or "rules") at R4-26-101, *et seq.*, to regulate and control the licensing of psychologists in the State of Arizona.

2. Respondent is the holder of license number PSY-001082 for the practice of psychology in the State of Arizona.

3. The Board has personal and subject matter jurisdiction over Respondent pursuant to A.R.S. § 32-2061, *et seq.*, and the rules at A.A.C. R4-26-101, *et seq.*

**RECITALS**

Respondent understands and agrees that:

4. The Board and Respondent enter into this Consent Agreement and Order ("Consent Agreement") to promptly and judiciously resolve this matter, consistent with the public interest and the statutory requirements of the Board.

5. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement.

6. Respondent has a right to a public hearing concerning this case. She further

1 acknowledges that at such formal hearing she could present evidence and cross-examine  
2 witnesses. Respondent irrevocably waives her right to such a hearing.

3 7. Respondent irrevocably waives any right to rehearing or review or to any  
4 judicial review or any other appeal of this matter.

5 8. Respondent has agreed to enter into this Consent Agreement as an economical  
6 and practical means of resolving the issues alleged in the Complaint.

7 9. This Consent Agreement shall be subject to the approval by the Board and shall  
8 be effective only when signed by the Executive Director. In the event that the Board does not  
9 approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall  
10 not be relied upon nor introduced in any action by any party, except that the parties agree that  
11 should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent  
12 shall assert no claim that the Board was prejudiced by its review and discussion of this  
13 document or any records relating thereto.

14 10. The Consent Agreement, once approved by the Board, evidenced by the  
15 signature of the Executive Director or her designee and signed by the Respondent, shall  
16 constitute a public record that may be disseminated as a formal action of the Board and shall be  
17 reported to the National Practitioner Data Bank.

18 11. Respondent voluntarily enters into this Consent Agreement for the purpose of  
19 avoiding the expense, uncertainty, and prolonged time involved in further administrative  
20 proceedings. The issues contained herein are resolved by settlement and not actually litigated.  
21 Any allegations and findings herein may not be used for *res judicata* or collateral estoppel  
22 effect in any subsequent civil proceedings for any claims of professional liability or negligence  
23 by or on behalf of Complainant(s).

24  
25  
26 Gloria M. Malone, Ph.D.  
27 Gloria Malone  
28 Respondent

7.9.19  
Date

1 **FINDINGS OF FACT**

2 12. On June 26, 2019, the Board received Complaint No. 19-12 that alleged acts of  
3 unprofessional conduct that, if found by the Board to be factually supported, could justify the  
4 Board taking action against Respondent.

5 13. The allegations in Complaint No. 19-12 raise issues concerning Respondent's  
6 ability to practice and allege that Respondent committed various statutory and ethical  
7 violations.

8 14. On or about June 24, 2019, a patient, G.C., and his wife arrived at Respondent's  
9 home office for a therapy appointment. When Respondent answered the door, she "was  
10 stumbling, was barefoot and her speech was extremely slurred and she appeared to be  
11 confused...she was incredibly drunk."

12 15. G.C. was concerned about Respondent's behavior so he and his wife decided to  
13 discontinue the session and left. G.C. had concerns about Respondent's welfare and called the  
14 police requesting a welfare check.

15 16. According to the police report, Respondent's "speech was slurred, mumbled and  
16 slow..." Respondent "was having difficulty standing and was very shaky on her feet. She  
17 needed to hold onto the door frame" as she spoke to the officers. Respondent explained to the  
18 officers that she was currently seeing a new patient. The new patient indicated that she was  
19 preparing to leave the session as Respondent "seemed out of it." Respondent was transported to  
20 the hospital for evaluation and testing and released later that day.

21 **CONCLUSIONS OF LAW**

22 17. The conduct and circumstances described in Complaint 19-12, if supported by the  
23 facts alleged, would constitute unprofessional conduct pursuant to:

24 A.R.S. § 32-2061(16)(o) for possibly practicing psychology while impaired or  
25 incapacitated to the extent and in a manner that jeopardizes the welfare of the client or  
26 patient or renders the psychological services provided ineffective.

27 **ORDER**

28 Pursuant to A.R.S. §32-2081(S) the Board has determined that the Respondent's

1 conduct in Case No. 19-12 warrants disciplinary action. Based upon the foregoing Findings of  
2 Fact and Conclusions of Law, the parties agree to the provisions and penalties imposed as  
3 follows:

4 18. Upon the effective date of this Consent Agreement for Voluntary Surrender,  
5 Respondent's license number PSY-00182 for the practice of psychology in the State of Arizona  
6 shall be surrendered. Once the surrender is effectuated, **Respondent shall not practice**  
7 **psychology in the State of Arizona or hold herself out as a licensed psychologist in the**  
8 **State of Arizona.** The effective date of this Consent Agreement for Voluntary Surrender is the  
9 date the Consent Agreement for Voluntary Surrender is accepted by the Board as evidenced by  
10 the signature of the Board's Executive Director.

11 19. **CONSIDERATION IN FUTURE ACTIONS:** Respondent understands that  
12 this Consent Agreement or any part thereof, may be considered in any future disciplinary action  
13 against her.

14 20. **FINAL RESOLUTION:** This Consent Agreement constitutes a final resolution  
15 of this disciplinary matter but does not constitute a dismissal or resolution of other matters  
16 currently pending before the Board, if any, and does not constitute any waiver, expressed or  
17 implied, of the Board's statutory authority or jurisdiction regarding any other pending or future  
18 investigations, actions or proceedings. Further, this Consent Agreement does not preclude any  
19 other agency, subdivision or officer of this State from instituting other civil or criminal  
20 proceedings with respect to the conduct that is the subject of this Consent Agreement.

21 21. **TIME:** Time is of the essence with regard to this Consent Agreement.

22 22. **PUBLIC RECORD:** This Consent Agreement and Order is a public record that  
23 may be publicly disseminated as a formal action of the Board and shall be reported to the  
24 National Practitioner Data Bank.

25  
26 DATED this 12<sup>th</sup> day of July, 2019.  
27  
28



ARIZONA BOARD OF  
PSYCHOLOGIST EXAMINERS

  
Jenna Jones  
Executive Director

ORIGINAL of the foregoing filed  
This 12 day of July, 2019, with:

The Arizona State Board of Psychologist Examiners  
1740 W. Adams St., Suite 3403  
Phoenix, Arizona 85007

COPY mailed by US and certified postal service no. 7016-2140-0000-6959-3933  
This 12 day of July, 2019, to:

Gloria Malone, Ph.D.  
Address on Record  
Respondent

COPY of the foregoing emailed  
This 12 day of July, 2019, to:

Jeanne M. Galvin, AAG  
Arizona Attorney General's Office  
SGD/LES  
2005 North Central Ave.  
Phoenix, Arizona 85004

By: 