

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

3
4 In the Matter of)
)
5 David A. Biegen, Ed.D.)
)
6 Holder of License No. 384)
for the Practice of Psychology)
7 in the State of Arizona)
)
8

Case No. 11-34

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER FOR DECREE OF
CENSURE

9
10 On November 2, 2012, the Arizona Board of Psychologist Examiners (“Board”) held an
11 Informal Interview for RFI No. 11-34 regarding David A. Biegen, Ed.D. (“Licensee”). Dr. Biegen was
12 present at the proceedings with his attorney, Mr. Larry Cohen. At the conclusion of the Informal
13 Interview, the Board voted to issue a Decree of Censure.

14 **JURISDICTION**

- 15 1. The Board is authorized to regulate the practice of psychology in Arizona pursuant to
16 A.R.S. § 32-2061, *et seq.*
17 2. Licensee is the holder of license number 384 for the practice of psychology in Arizona.
18 3. The Board has personal and subject matter jurisdiction over Licensee pursuant to
19 A.R.S. § 32-2061, *et seq.*

20 **FINDINGS OF FACT**

- 21 4. Dr. Biegen treated a patient who was the defendant in a lawsuit filed by M.M., the
22 Complainant in this matter.
23 5. Dr. Biegen began treating the patient in January 2000, and continued to treat her for
24 several years. The duration of treatment included time before and during the lawsuit.
25 6. Dr. Biegen was called by the patient’s counsel as a witness during the damages portion
26 of the lawsuit. Dr. Biegen testified at the trial regarding his treatment of the patient, and was cross-
27 examined by opposing counsel.
28 7. Dr. Biegen’s testimony indicated that he was providing information regarding his
treatment, and specified that he was not providing a forensic analysis of the patient.
 8. Dr. Biegen’s progress notes were subpoenaed during the civil matter, but not used

1 during the trial. As a result of the subpoena, Dr. Biegen's patient records were released and provided
2 to the Complainant by her attorney.

3 9. Dr. Biegen's patient records contain errors on dates, are disorganized, and the
4 handwriting is difficult to read. Specifically, several progress notes list more than one date, or the
5 written dates are illegible, and lack the information to determine if they were contemporaneous records
6 of sessions with the patient.

7 10. The patient paid Dr. Biegen in cash for his services; however Dr. Biegen did not create
8 or maintain billing records for these cash transactions. Specifically, Dr. Biegen did not keep a log of
9 the payments made, did not provide receipts to the patient, and did not maintain records of deposits
10 made with the money.

11 **CONCLUSIONS OF LAW**

12 11. The conduct and circumstances described above constitute unprofessional conduct
13 pursuant to A.R.S. §32-2061(A)(13)(h) – (h) Failing or refusing to maintain and retain adequate
14 business, financial or professional records pertaining to the psychological services provided to a client.

15
16 **ORDER FOR DECREE OF CENSURE**

17 Based upon the foregoing Findings of Fact and Conclusions of Law:

18 12. Licensee is hereby issued a **Decree of Censure** regarding the violation of A.R.S. §32-
19 2061(A)(13)(h) as it relates to unprofessional conduct.

20
21 DATED this 26th day of November, 2012.

22
23 **STATE OF ARIZONA BOARD OF
PSYCHOLOGIST EXAMINERS**

24
25 BY: Cindy Olvey, Psy D
Cindy Olvey, Psy. D
Executive Director

26
27 November 26, 2012
Date

1 ORIGINAL of the foregoing filed this
2 26th day of November, 2012, with:

3 The Arizona State Board of Psychologist Examiners
4 1400 West Washington, Suite 235
5 Phoenix, Arizona 85007

6 COPY mailed by Certified Mail
7 No. **70092250000271707285**
8 this 26th day of November, 2012, to:

9 David A. Biegen, Ed.D.
10 Address of Record

11 COPY of the foregoing mailed by regular mail
12 this 26th day of November, 2012, to:

13 Larry J. Cohen
14 The Cohen Law Firm
15 P.O. Box 10056
16 Phoenix, AZ 85064

17 COPY of the foregoing mailed by interagency
18 this 26th day of November, 2012, to:

19 Jeanne Galvin, Esq.
20 Office of the Attorney General
21 1275 West Washington, CIV/LES
22 Phoenix, Arizona 85007

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By: Meghan Martin