

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

3  
4 In the Matter of:

Case No. 05-24

5 **David Biegen, Ed.D.,**

**AMENDED CONSENT AGREEMENT  
FOR DECREE OF CENSURE**

6 Holder of License No. 384  
7 For the Practice Psychology  
8 In the State of Arizona

Licensee.

9  
10           On January 6, 2006, the Arizona Board of Psychologist Examiners (“Board”) discussed  
11 Case No. 05-24 regarding David Biegen, Ed.D. (“Licensee”) who was represented at the  
12 proceedings by his attorney, Larry Cohen, Esq. After reviewing the information presented, the  
13 Board voted to offer Licensee this Amended Consent Agreement for Decree of Censure.

14                                   **JURISDICTION**

15           1.       The Board is authorized to regulate the practice of psychology in Arizona  
16 pursuant to A.R.S. § 32-2061, *et seq.*

17           2.       Licensee is the holder of license number 384 for the practice of psychology in  
18 Arizona.

19           3.       The Board has personal and subject matter jurisdiction over Licensee pursuant to  
20 A.R.S. § 32-2061, *et seq.*

21                                   **RECITALS**

22           1.       The Board and Licensee enter into this Amended Consent Agreement for Decree  
23 of Censure in order to promptly and judiciously resolve this matter, consistent with the public  
24 interest and the statutory requirements of the Board.

25           2.       The Board will adopt the Findings of Fact, Conclusions of Law and Order set  
26 forth below.



1 CONCLUSIONS OF LAW

2 1. The conduct and circumstances described above constitute unprofessional conduct  
3 pursuant to A.R.S. § 32-2061(A)(13)(aa) – Violating a formal board order, consent agreement,  
4 term of probation or stipulated agreement under this chapter.

5  
6 ORDER

7 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree as  
8 follows:

- 9 1. Licensee is hereby issued a Decree of Censure.
- 10 2. The first sentence of Paragraph 2(A) of the Consent Agreement dated  
11 November 14, 2005 is modified to read as follows: Beginning *on February 6, 2006, and for a*  
12 *term of three (3) years thereafter*, a supervisor approved by the Board or its designee shall  
13 supervise Licensee's practice of psychology.
- 14 3. All other terms of the Consent Agreement dated November 14, 2005 shall  
15 remain unchanged and in full force and effect.

16  
17 **ARIZONA BOARD OF  
18 PSYCHOLOGIST EXAMINERS**

19 David Biegen Ed.D.  
20 David Biegen, Ed.D.

21 Maxine McCarthy  
22 Maxine McCarthy  
23 Executive Director

24 January 15 2006  
25 Date

26 January 19, 2006  
Date

1 ORIGINAL of the foregoing filed this  
2 19<sup>th</sup> day of January, 2006, 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. 7000 1670 0009 3607 7236  
8 this 19<sup>th</sup> of January, 2006 to

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

11 **COPY** of the foregoing mailed this  
12 19<sup>th</sup> day of January, 2006, to:

13 Larry Cohen, Esq.  
14 The Cohen Law Firm  
15 P. O. Box 10056  
16 Phoenix, AZ 85064  
17 Attorney for Dr. Biegen

18 **COPY** of the foregoing mailed this  
19 19<sup>th</sup> day of January, 2006, with:

20 Elizabeth A. Campbell, Esq.  
21 Office of the Attorney General  
22 1275 West Washington, CIV/LES  
23 Phoenix, Arizona 85007

24 By: Shari Courtney

25 S: Consent Agreement/Biegen 05-24 Amended C.A. & Order

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

3  
4 In the Matter of:

Case No. 05-24

5 **David Biegen, Ph.D.,**

**CONSENT AGREEMENT, FINDINGS  
OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

6 Holder of License No. 384  
7 For the Practice Psychology  
8 In the State of Arizona

Licensee.

9  
10 On October 7, 2005, the Arizona Board of Psychologist Examiners ("Board") discussed  
11 Case No. 05-24 regarding David Biegen, Ph.D. ("Licensee") who was present at the Board  
12 proceedings with his attorney, Larry Cohen. The Board voted to offer Licensee the opportunity  
13 to enter into a Consent Agreement and Order of Discipline in lieu of further litigation, and in  
14 resolution of the case herein. Licensee acknowledges that he has the right of retain counsel, and  
15 he has done so. Further, Licensee acknowledges that, by this settlement, he waives all present  
16 and future rights to administrative or court appeal of this matter, including the right of an  
17 informal interview, a hearing, rehearing, or judicial review.

18 **JURISDICTION**

- 19 1. The Board is authorized to regulate the practice of psychology in Arizona  
20 pursuant to A.R.S. §§ 32-2061, *et seq.*
- 21 2. Licensee is the holder of license number 384 for the practice of psychology in  
22 Arizona.
- 23 3. The Board has personal and subject matter jurisdiction over Licensee pursuant to  
24 A.R.S. § 32-2061 *et seq.*  
25  
26

1 **CONSENT AGREEMENT**

2 1. The Board and Licensee enter into this Consent Agreement in order to promptly  
3 and judiciously resolve this matter, consistent with the public interest and the statutory  
4 requirements of the Board.

5 2. Pursuant to A.R.S. §§ 32-2081(G), and 41-1092.07(F)(5), the Board will adopt  
6 the Findings of Fact, Conclusions of Law and Order set forth below.

7 3. Licensee has consulted with his attorney prior to entering into this Consent  
8 Agreement. He has read and understands the Consent Agreement, Findings of Fact, Conclusions  
9 of Law, and Order, and makes this agreement freely and voluntarily. He irrevocably waives his  
10 right to an informal interview, a hearing, rehearing, or judicial review.

11 4. The Consent Agreement and Order will be effective when approved by the Board  
12 and signed by the Board's Executive Director. The Consent Agreement, Findings of Fact,  
13 Conclusions of Law, and Order are a public record.

14 **ARIZONA BOARD OF  
15 PSYCHOLOGIST EXAMINERS**

16 David Biegen, Ph.D.  
17 *David Biegen*

18 Maxine McCarthy  
19 *Maxine McCarthy*  
20 Executive Director

21 Nov 10, 2015  
22 Date

23 November 14, 2005  
24 Date

25 **FINDINGS OF FACT**

26 1. Licensee contracts with Maricopa County to provide education regarding  
restoration services for out-of-custody defendants in criminal cases. One of Licensee's clients in  
this program was T.B.

2. Licensee first saw T.B. on March 24, 2005 and conducted eight restoration  
sessions with her.

1           3.     In response to the Board's Subpoena Duces Tecum dated August 10, 2005  
2 requesting a typewritten verbatim copy of Licensee's notes concerning T.B., Licensee provided  
3 only two notes dated June 1 and June 8, 2006.

4           4.     Licensee admits in a supplemental response to the Board dated September 12,  
5 2005, that when he is "delivering education services he does not routinely take notes".

6           5.     Licensee admits in a supplemental response to the Board dated September 12,  
7 2005, that he does not utilize a written form of Informed Consent, but states that he only  
8 provides his clients with an oral explanation of his educational services.

9           6.     Licensee submitted two reports to the Court regarding T.B. The first report was a  
10 "competency to stand trial" report completed on April 9, 2005, and the second report was a status  
11 report submitted on June 3, 2005.

12           7.     Licensee performed no further restoration work with T.B. after June 8, 2005.

13           8.     Licensee was psychologically impaired to such an extent that his ability to  
14 provide appropriate restoration services to T.B. was jeopardized.

15           9.     Licensee began a romantic relationship with T.B. while providing restoration  
16 services to her.

17           10.    During the time that Licensee was providing restoration services to T.B.,  
18 Licensee admits to having a romantic relationship with T.B. which included having meals  
19 together, shopping and going to T.B.'s home where they watched television or talked. Licensee  
20 further admits that he hugged and kissed T.B.

21           11.    On July 14, 2005, the Board received a complaint against Licensee filed by  
22 T.B.'s husband, R.B. The complaint alleged that Licensee had begun a romantic relationship  
23 with T.B., visited her home at all hours of the day and evening, purchased expensive gifts for  
24 T.B., wrote a note to T.B. on the back of another client's invoice, and left many voice mail  
25 messages for T.B. that contained inappropriate romantic messages.  
26

1           12.       On August 2, 2005, the Board received a Minute Entry from the Maricopa  
2 County Superior Court in Case No. CR2004-012107-001. The Minute Entry stated that the  
3 Court had reviewed exhibits presented including two notes or letters from Licensee to T.B. and  
4 six tape recorded messages that Licensee left on T.B.'s telephone. The letters and messages  
5 were sent or left between June 16 and June 20, 2005. The Court found that the letters and phone  
6 calls were "totally inappropriate given the respective positions of restoration provider and  
7 client".

8           13.       The Court found that Licensee should be sanctioned for "clearly unprofessional  
9 and inappropriate contact with a client". The Court further ordered that Licensee "participate in  
10 and successfully complete counseling for professionalism, specifically, as to boundaries between  
11 psychologist and client" as well as emotional counseling if deemed appropriate by the treating  
12 provider.

13           14.       The Court also ruled that Licensee shall not be appointed by the court to any  
14 new cases until such time as he completed counseling and until the Court is informed of his  
15 disciplinary status by the Board. The Court stated that it would be in Licensee's best interests to  
16 accept any specific remedial services, including a mentor appointed by the Board.

17           15.       Licensee fell below the current standard of practice by:

- 18
- 19                   a)   Violating clinical boundaries by having an unprofessional and  
20                   inappropriate romantic relationship with T.B. while providing  
21                   services to T.B.;
- 22                   b)   Practicing psychology while impaired in a manner that jeopardized  
23                   services provided to T.B.;
- 24                   c)   Failing to utilize a consent form that explained Licensee's educational  
25                   restoration practice in that there would be no therapy or assessment in  
26                   their sessions and that information provided by T.B. to Licensee  
                    would not be kept confidential;



1 d) Betraying professional confidences by writing a note to T.B. on the  
2 back of another client's invoice;

3 e) Failing to maintain and retain professional records pertaining to  
4 sessions Licensee conducted with T.B.

5 16. A reasonable and prudent psychologist in these circumstances would have  
6 realized that he was violating clinical boundaries and would not have had a romantic  
7 relationship with T.B.; would not have practiced psychology while impaired; would have  
8 used an adequate consent form that clearly noted the reason for the referral and clearly  
9 explained the nature of the psychological services that Licensee was going to provide to  
10 T.B.; would not have utilized another client's invoice to write a note to T.B.; and would  
11 have documented a contemporaneous and complete record of his sessions with T.B.

12 **CONCLUSIONS OF LAW**

13 1. The conduct and circumstances described above constitute unprofessional conduct  
14 pursuant to A.R.S. § 32-2061(A)(13)(o) (Providing services that are unnecessary or unsafe or  
15 otherwise engaging in activities as a psychologist that are unprofessional by current standards of  
16 practice.)

17 2. The conduct and circumstances described above constitute unprofessional conduct  
18 pursuant to A.R.S. § 32-2061(A)(13)(l) (Practicing psychology while impaired or incapacitated  
19 to the extent and in a manner that jeopardizes the welfare of the client or renders the  
20 psychological services provided ineffective.)

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

25 4. The conduct and circumstances described above constitute unprofessional conduct  
26

1 pursuant to A.R.S. § 32-2061(A)(13)(b) (Betraying professional confidences.)

2 5. The conduct and circumstances described above constitute unprofessional conduct  
3 pursuant to A.R.S. § 32-2061(A)(13)(r) (Failing to obtain a client's informed and written consent  
4 to release personal or otherwise confidential information to another party unless the release is  
5 otherwise authorized by law.)

6 **ORDER OF DISCIPLINE**

7 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to  
8 the provisions and penalties imposed as follows:

9 1. **PROBATION:** Licensee is placed on probation for a period of 5 years, subject to  
10 the tolling provisions of this Order. In this Order, "toll" means to delay or hold off the running of  
11 the period of probation. If the period of probation is tolled under the terms of this order, the time  
12 during which probation is tolled does not apply to reduce the duration of probation. During the  
13 term of his probation, Licensee's practice shall be supervised for three (3) years.

14 2. **PRACTICE SUPERVISION**

15 A. **Approval of Supervisor:** Beginning not more than 30 days after the  
16 effective date of this Order, a supervisor approved by the Board or its designee shall supervise  
17 Licensee's practice of psychology. Within 15 days of the effective date of this Order, Licensee  
18 shall submit to the Board or its designee for prior approval, the name and current curriculum vita  
19 of no fewer than three psychologists who agree to supervise Licensee's practice under the terms  
20 of this Order if approved. If requested by Board staff, Licensee shall continue to submit names  
21 and vitae until a supervisor is approved. The supervisor shall:

- 23 (1) Be an Arizona-licensed psychologist who is not currently subject  
24 to a disciplinary order of the Board;
- 25 (2) Have no previous business, professional, personal or other  
26 relationship with Licensee;
- (3) Not be the same person as Licensee's psychotherapist, if any;

- (4) Have practiced clinical psychology at least ten years;
- (5) Have previously supervised post-doctoral students in a post-doctoral training experience; and
- (6) Practice in the same field of practice as Licensee.

**B. Supervisor's Duties:** The supervisor shall supervise Licensee's practice of psychology, which shall include the following duties at a minimum:

- (1) Review Licensee's business and client records (including, for example, informed consent forms and session notes) to determine the adequacy and quality of the records and whether the records are consistent with the current standards of practice;
- (2) Review case conceptualizations and treatment plans;
- (3) Evaluate psychological assessments and report writing;
- (4) Review all billings for adequacy and completeness;
- (5) Countersign all assessments, treatment plans, session notes, reports, correspondence, and billings; and
- (6) Sit in with Licensee on at least ten hours of client sessions in the first three months of supervision.

The supervisor shall document in each client record the date and nature of each supervisory contact. The supervisor may request that Licensee audio tape or video tape client sessions. The supervisor shall have the right of access to all Licensee's records relating to his practice of psychology and to all health care professionals involved in the treatment of Licensee's clients. For supervisory purposes, the supervisor shall make scheduled and unscheduled visits to Licensee's office.

**C. Minimum Contact Hours:** Licensee shall meet in person with the supervisor at least two hours per week for the first year of supervision. For the remainder of the supervision, the supervisor may reduce the number of meetings to at least one hour per week, and shall document the rationale for reduction in the frequency of meetings.

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4           **D.     Supervision Agreement:** Prior to beginning supervision, Licensee and the  
5 supervisor shall enter into a written supervision agreement that sets forth the terms of supervision  
6 specified in this Order and such other terms as Licensee and the supervisor find appropriate.  
7 Financial arrangements shall be specified in the agreement. Prior to beginning supervision,  
8 Licensee shall provide a copy of the agreement to the Board.

9           **E.     Reports:** The supervisor shall submit monthly written reports to the  
10 Board regarding the appropriateness of Licensee's practice of psychology. For the first year of  
11 supervision, the supervisor shall submit two reports per month, which must be received at the  
12 Board's office not later than the first day and the fifteen day of each month. For the remainder  
13 of the supervision, the supervisor shall submit one report per month, which must be received at  
14 the Board's office not later than the first day of each month. At a minimum, the reports shall  
15 include an anonymous description of each person seen or treated by Licensee, including age and  
16 gender; the reason the person seeks psychological services; adequacy of session notes, billing  
17 and insurance documents, case conceptualization, and treatment plan developed for each client;  
18 number of persons seen by Licensee; appropriateness of boundaries; and the date and duration of  
19 each supervisory contact between the supervisor and Licensee. The reports shall also include  
20 issues of areas of concern to the supervisor.  
21

22           **F.     Costs:** Licensee shall promptly pay all costs associated with supervision.  
23 Failure to promptly pay these costs shall be considered a violation of probation.  
24

25           **G.     Disclosure of Supervision and Probation:** Licensee shall not provide  
26 psychological services to any person without first providing the person a written statement  
disclosing that Licensee's practice of psychology is supervised under a Board Order of Probation

1 and the nature of that supervision. The written statement shall also provide the supervisor's  
2 name and the procedure for contacting the supervisor. Licensee shall obtain each person's  
3 signature on a copy of the written statement, acknowledging receipt, and retain the signed  
4 document in his records. Licensee shall document the supervisory relationship in each client's  
5 record. If any supervisory act specified in the Order requires the consent of the client, Licensee  
6 shall obtain prior informed consent in writing. Prior to beginning supervision, Licensee shall  
7 provide a copy of this Order to the supervisor. Licensee shall execute a release authorizing the  
8 supervisor to divulge to the Board all information required under this Order and such other  
9 information as the Board or its designee may request.  
10

11           **H. Replacement Supervisor:** If the supervisor quits or is otherwise no  
12 longer available, Licensee shall obtain approval from the Board or its designee for a new  
13 supervisor within 30 days. If no new supervisor is approved within 30 days, Licensee shall not  
14 practice until a new supervisor has been approved by the Board or its designee. During this  
15 period of non-practice, probation will be tolled and will not commence again until the period of  
16 non-practice is completed.

17           **I. Supervision Records:** The supervisor shall maintain supervision records  
18 indefinitely.  
19

20           **3. PSYCHOTHERAPY:**

21           **A. Therapy:** Within 15 days of the effective date of this Order, Licensee  
22 shall submit to the Board or its designee for prior approval, the name and qualifications of a  
23 psychologist who has agreed to serve as a psychotherapist for Licensee if approved. Licensee  
24 shall continue to submit names and qualifications until a psychotherapist is approved. The  
25 therapist shall:

- 26                   (1) Be an Arizona-licensed psychologist who is not currently subject  
to a disciplinary order of the Board;

1 (2) Have no previous business, professional, personal or other  
2 relationship with Licensee;

3 (3) Not be the same person as Licensee's practice monitor or  
4 supervisor, if any.

5 **B. Duration and Frequency:** Psychotherapy shall consist of at least one  
6 fifty-minute session per week for a period of at least 26 weeks, beginning not later than 15 days  
7 after the psychotherapist is approved. Thereafter, and upon petition by the Licensee to the  
8 Board, the therapy shall continue or terminate as determined by the Board upon recommendation  
9 of the psychotherapist. The Board may order re-evaluation upon receipt of the recommendation.  
10 Neither Licensee nor the psychotherapist may reduce the frequency or duration of therapy except  
11 as approved by the Board in advance in writing.

12 **C. Reports:** Licensee shall furnish a copy of this Order to the  
13 psychotherapist prior to beginning therapy. Licensee shall execute a release authorizing and  
14 requesting that the psychotherapist provide to the Board any information the Board or its  
15 designee deems appropriate, including quarterly reports of Licensee's therapeutic progress. The  
16 psychotherapist shall submit quarterly written reports to the Board regarding Licensee's  
17 therapeutic progress, which must be received at the Board's office not later than the first day of  
18 March, June, September, and December. If the psychotherapist has reason to believe that the  
19 Licensee cannot continue to safely practice psychology, the psychotherapist shall immediately  
20 notify the Board by telephone and in writing.

22 **D. Inability to Safely Practice:** If the Board believes from information  
23 provided by the supervisor, the psychotherapist, or other evaluator that Licensee may be unable  
24 to safely practice psychology, the Board may summarily suspend Licensee's license, pending  
25 proceedings for revocation or other action. Licensee shall immediately cease accepting new  
26 clients and, in accordance with professional standards, shall appropriately refer or terminate  
existing clients

1 within 30 days. Following hearing, Licensee shall not resume practice until the Board, upon  
2 recommendation of a Board-appointed evaluator, determines that Licensee is able to safely  
3 practice. During this suspension period, probation will be tolled and will not commence again  
4  
5 until the suspension is completed.

6           **E.     Replacement Psychotherapist:** If the psychotherapist quits or is  
7 otherwise no longer available, Licensee shall obtain approval from the Board or its designee for a  
8 new psychotherapist within 30 days. If no new psychotherapist is approved within 30 days,  
9 Licensee shall not practice until a new psychotherapist has been approved by the Board or its  
10 designee. During this period of non-practice, probation will be tolled and will not commence  
11 again until the period of non-practice is completed. Licensee shall promptly pay all costs  
12 associated with this monitoring requirement.

13  
14           **F.     Continuing Jurisdiction:** If, prior to termination of probation, Licensee  
15 is found to be mentally unfit to resume the practice of psychology without restrictions, the Board  
16 shall retain continuing jurisdiction over Licensee and the period of probation shall be extended  
17 until the Board determines that Licensee is mentally fit to resume the practice of psychology  
18 without restrictions.

19  
20           **4.     RESTRICTION OF CLIENT POPULATION:**

21           Licensee's practice of psychology shall be restricted as follows:

22           **A.     Chaperone:** Beginning on the effective date of this Order and at a  
23 minimum during the first three years of probation, Licensee may not provide psychological  
24 services to female clients unless there is a chaperone approved by the Board physically present  
25 during any face to face contacts with female clients. At the end of three years, in order to  
26 discontinue the services of the chaperone,

1 Licensee shall undergo a psychological evaluation that includes both cognitive and emotional  
2 functions by an Arizona-licensed psychologist designated by the Board. Upon a review of the  
3 psychological report, the Board will determine whether to discontinue the services of the  
4 chaperone.

5           **B.     Approval of Chaperone:** No later than 15 days of the effective date of  
6 this Order, Licensee shall submit to the Board or its designee for prior approval, the name and  
7 current qualifications of no fewer than three persons who have agreed to serve as chaperone  
8 under the terms of this Order, if approved by the Board. If requested by Board staff, Licensee  
9 shall continue to submit names and qualifications until a chaperone is approved. The chaperone  
10 shall:

- 12                           (1) Have no previous business, professional, personal or  
13                           other relationship with Licensee; and
- 14                           (2) Not be the same person as Licensee's psychotherapist.

15           **5.     CONTINUING EDUCATION:**

16           Licensee shall successfully complete not less than **eighteen (18) hours** of  
17 continuing education sponsored by an approved continuing education provider in each of the  
18 following areas:

- 19                           **A.     *Boundary issues in the psychologist/client relationship***
- 20                           **B.     *Ethics in the practice of psychology***

21           The continuing education must be preapproved by the Board or its designee. Within 30 days of  
22 the effective date of this Order, Licensee shall submit to the Board or its designee for prior  
23 approval a plan for meeting this continuing education requirement. In-person attendance is  
24 specifically required; correspondence or self-study or home study course work shall not count  
25 toward meeting this requirement. The continuing education must be in addition to the continuing  
26 education required for license renewal.



1           6.     EMPLOYMENT OR SUPERVISION OF TRAINEES: Licensee shall not  
2 employ or supervise or apply to employ or supervise a psychological assistant, intern, post-  
3 doctoral student, or trainee during the term of this probation. In accordance with professional  
4 standards, Licensee shall terminate any such relationship in existence on the effective date of this  
5 Order.

6           7.     OBEY ALL LAWS: Licensee shall obey all federal and state laws pertaining to  
7 the practice of psychology.

8           8.     INTERVIEW: Licensee shall appear in person for interviews with the Board or  
9 its designee upon request at various intervals and with reasonable notice.

10          9.     COMPLIANCE CERTIFICATION: Thirty days after the effective date of this  
11 Order and on first day of each month thereafter, Licensee shall submit a written statement under  
12 penalty of perjury to the Board certifying whether Licensee has complied with this Order. The  
13 statement must be received at the Board's office by the due date.

14          10.    ACCESS TO RECORDS: Upon reasonable request, the Board and its  
15 representative shall have access to Licensee's records related to the practice of psychology.

16          11.    PAYMENT OF COMPLIANCE COSTS: Licensee shall promptly pay all costs  
17 of compliance with this Order. Failure to promptly pay the costs shall be considered a violation  
18 of probation.

19          12.    CURRENT ADDRESS AND PHONE NUMBER: Within five days of  
20 changing home or business address or telephone number, Licensee shall notify the Board in  
21 writing OF THE CHANGE.

22          13.    NON-RENEWAL OR LATE RENEWAL: If Licensee fails to renew his  
23 license while on probation and subsequently applies for late renewal of license or a new license,  
24 the remaining term of probation shall be imposed if the late renewal or reapplication for license  
25 is granted.

26          14.    TOLLING FOR PERIODS OF NON-PRACTICE: If Licensee for any reason

1 stops practicing psychology in Arizona for more than 30 days or leaves Arizona to reside or  
2 practice psychology outside Arizona, the periods of temporary or permanent residency or  
3 practice outside Arizona or the non-practice within Arizona do not apply to reduce the duration  
4 of probation under this Order. Licensee shall notify the Board in writing within five days of the  
5 dates of departure and return or the dates of non-practice in Arizona.

6 **15. MODIFICATION OR TERMINATION:** Licensee shall not request  
7 modification or termination of this Order for a period of three (3) years from the date of this  
8 Order and any such request must include the approval of the supervisor.

9 **16. STRICT ENFORCEMENT:** The Board shall strictly enforce the terms of this  
10 Order. Any violation of the Order by Licensee shall be grounds for disciplinary action, including  
11 summary suspension, pending hearing for revocation or other action. Licensee bears  
12 responsibility for the timely delivery to the Board's office of all reports, information and  
13 documents required to be submitted under this Order. Lack of timely receipt at the Board's  
14 office constitutes a violation of this Order.

15  
16 DATED this 14<sup>th</sup> day of November, 2005.

17 ARIZONA BOARD OF  
18 PSYCHOLOGIST EXAMINERS

19 By: Maxine McCarthy  
20 Maxine McCarthy  
Executive Director

21  
22 ORIGINAL of the foregoing filed this  
23 14<sup>th</sup> day of November, 2005, with:

24 The Arizona State Board of Psychologist Examiners  
25 1400 West Washington, Suite 235  
Phoenix, Arizona 85007

1 **COPY** mailed by Certified Mail  
No. 7000 1670 0009 3607 7205  
2 this 14<sup>th</sup> of November, 2005 to

3 David Biegen, Ph.D.  
Address of Record

4 **COPY** of the foregoing mailed this  
5 14<sup>th</sup> day of November, 2005, to:

6 Larry Cohen, Esq.  
The Cohen Law Firm  
7 P. O. Box 10056  
Phoenix, AZ 85064  
8 Attorney for Dr. Biegen

9 **COPY** of the forgoing mailed this  
10 14<sup>th</sup> day of November, 2005, with:

11 Elizabeth A. Campbell, Esq.  
Office of the Attorney General  
1275 West Washington, CIV/LES  
12 Phoenix, Arizona 85007

13 By: Shari S. Courtray  
14

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S: Consent Agreement/Biegen 05-24