

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

3
4 In the Matter of:

5 George J. Bluth, Ph.D.

6 Holder of License No. 3121
7 for the Practice of Psychology
8 in the State of Arizona

Case No.: 14-07

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

9
10 On November 7, 2014, the Arizona Board of Psychologist Examiners (“Board”) met in open
11 session to discuss the above-referenced case. George J. Bluth, Ph.D. (“Licensee”) was present with
12 his legal counsel, Larry Cohen, Esq. After discussion, consideration and deliberation, the Board voted
13 to offer a Consent Agreement in lieu of commencing an Informal Interview.

14 **JURISDICTION**

15 1. The Board is the state agency authorized pursuant to Arizona Revised Statute
16 (“A.R.S.”) § 32-2061, *et. seq.*, and the rules promulgated thereunder, found in Arizona
17 Administrative Code (“A.A.C.” or “rules”) at R4-26-101 *et seq.*, to regulate and control the licensing
18 of psychologists in the State of Arizona.

19 2. Licensee holds a license to practice as a psychologist in the State of Arizona, License
20 number 3121, issued December 6, 1994, pursuant to A.R.S. § 32-2071 *et seq.*

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

23 **CONSENT AGREEMENT**

24 Licensee understands and agrees that:

25 4. The Board and Licensee enter into this Consent Agreement to promptly and
26 judiciously resolve this matter, consistent with the public interest and the statutory requirements of
27 the Board.

1 5. The Board has jurisdiction over Licensee and the subject matter pursuant to A.R.S. §
2 32-2061, *et. seq.*

3 6. Licensee has the right to consult with an attorney prior to entering into this Consent
4 Agreement.

5 7. Licensee has a right to a public hearing concerning this case. He further acknowledges
6 that at such formal hearing, he could present evidence and cross-examine witnesses. Licensee
7 irrevocably waives any right to such a hearing.

8 8. Licensee irrevocably waives any right to rehearing or review or to any judicial review
9 or any other appeal of this matter.

10 9. Although Licensee does not agree that all of the allegations in the Request for
11 Investigation are supported by the evidence, Licensee acknowledges that it is the Board's position that
12 if this matter were to proceed to formal hearing, the Board could establish sufficient evidence to
13 support a conclusion that certain of Licensee's conduct constituted unprofessional conduct. Licensee
14 therefore has agreed to enter into this Consent Agreement as an economical and practical means of
15 resolving the issues raised in the Request for Investigation.

16 10. The Consent Agreement shall be subject to the Board's approval and shall be effective
17 only when signed by the Executive Director and accepted by the Board. In the event that the Board
18 does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and
19 shall not be relied upon nor introduced in any action by any party, except that the parties agree that if
20 the Board rejects this Consent Agreement and this case proceeds to hearing, Licensee shall assert no
21 claim that the Board was prejudiced by its review and discussion of this document or any other
22 records relating thereto.

23 11. The Consent Agreement, once approved by the Board and signed by the Executive
24 Director shall constitute a public record that may be disseminated as a formal action of the Board and
25 shall be reported to the National Practitioner Data Bank.

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1 **FINDINGS OF FACT**

2 12. On February 20, 2014, the Board received a Request for Investigation that alleged
3 multiple acts of unprofessional conduct that, if found by the Board to be factually supported, could
4 justify this Board in taking action against Licensee.

5 13. Licensee, while confident that he could demonstrate that some of the allegations are
6 not supported by the facts, concedes that other allegations are supported by the facts.

7 14. The allegations raise issues concerning the failure to obtain informed, written consent
8 as it relates to the use of any third party in the evaluation process, failure to release test results upon
9 request, and falling below the current standards of professional practice by failing to properly conduct
10 test administration.

11 15. Licensee has agreed to implement new office practices that directly address the
12 concerns implicated in this case. Specifically, Licensee has committed to documenting informed
13 consent to test procedures in writing and has agreed not to use any untrained person during any test
14 administration.

15 16. Licensee has completed seven hours of CE courses that address current professional
16 standards with respect to forensic assessments and record-keeping guidelines in clinical practice.

17 **CONCLUSIONS OF LAW**

18 17. The conduct and circumstances described above, if supported by the facts alleged,
19 would constitute unprofessional conduct, potentially to include A.R.S. § 32-2061(15)(o), engaging in
20 activities that are unprofessional by current standards of practice, in this instance failing to properly
21 conduct or supervise a client's test administration, A.R.S. § 32-2061(15)(q), representing activities or
22 services as being performed under the licensee's supervision if the psychologist has not assumed
23 responsibility for them and has not exercised control, oversight and review, and A.R.S. § 32-
24 2061(15)(dd), violating an ethical standard adopted by the board, in this case using an untrained
25 person to administer testing in Licensee's absence, and Arizona Administrative Code Rule R4-26-
26 106, conditioning the release of records on a client's or third party's payment for services.

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1 **ORDER**

2 18. Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree
3 as follows: Pursuant to A.R.S. §32-2081(Q) the Board has determined that the Licensee's conduct in
4 RFI No. 14-07 warrants disciplinary action. Based upon the foregoing Findings of Fact and
5 Conclusions of Law, IT IS ORDERED THAT:
6

7 19. **PROBATION:** Licensee's license as a Psychologist is placed on probation for a
8 period of twelve months from the effective date of this Consent Agreement. The effective date of this
9 Consent Agreement is the date that it is signed by the Board's Executive Director, or her designee, on
10 behalf of the Board.

11 20. **PRACTICE MONITOR:** During the period of probation, Licensee shall work under
12 a Practice Monitor to provide professional oversight of Licensee's practices in conducting
13 examinations, administering testing, and preparing and releasing evaluation reports.
14

15 21. Licensee shall meet with the Practice Monitor at least twice per month for a minimum
16 of two hours each session during the first six months of the probationary period. At the discretion of
17 the Practice Monitor, the meetings may be decreased thereafter. The Practice Monitor shall review
18 with Licensee appropriate testing and evaluation protocols; testing administration procedures; and
19 proper report preparation, finalization, and distribution. Additionally, the Practice Monitor shall
20 review with Licensee the factors that contributed to the drift in Licensee's practice with respect to
21 Licensee's conformance with current practice standards. The Practice Monitor shall individually
22 supervise Licensee's first 10 evaluations after the effective date of this Consent Agreement.
23 Supervision shall include the following:
24

- 25 a. Review of Licensee's business and client records for each of the 10 evaluations,
26 (including, for example, informed consent, intake documentation, and case notes.)
27

- 1 b. Review with Licensee the appropriateness of tests selected, test administration
2 procedures, scoring and interpretation of test results, and utilization of testing results
3 to formulate diagnoses, conclusions, and recommendations.
- 4 c. Review of billings for accuracy and completeness.

5 22. The Practice Monitor shall submit to the Board quarterly reports of the meetings to
6 include topics covered, results of case file audits conducted during the quarter, and any modifications
7 made to the Licensee's practice. The quarterly reports shall also include Practice Monitor
8 recommendations with regard to the need for any additional remedial activities on the part of
9 Licensee, for example, therapy to reflect upon the factors that contributed to the drift in Licensee's
10 practice with respect to the evaluation that was the subject of Request for Investigation. The Practice
11 Monitor shall provide reports to the Board 30 days after the end of each quarter. The first quarter
12 shall begin on the effective date of this Order. Prior to the conclusion of the probationary period, the
13 Practice Monitor is to complete a final written report to the Board summarizing his interaction with
14 Licensee, topics discussed, areas of progress, results of case file audits conducted, matters of
15 remaining concern and overall impressions. The final report shall be submitted to the Board within 30
16 days of the end of the last quarter of the term of probation. Licensee shall present this Order to the
17 Board approved Practice Monitor prior to the date of the first meeting. The first meeting between
18 Licensee and his Practice Monitor shall occur within 30 days of the effective date of this Order.

19 23. Within ten (10) days of the effective date of this Consent Agreement, Licensee shall
20 enter into an agreement with one of the following psychologists to serve as his Practice Monitor:

21 John Moran, Ph.D.
22 J.A. Moran, Ph.D., PLLC
23 1730 E. Northern Avenue, Suite 112
24 Phoenix, AZ 85020
25 602-795-4449
26
27

1 Lawrence Sideman, Ph.D.
2 Argosy University/Phoenix
3 2233 West Dunlap Avenue
4 Phoenix, AZ 85021
602-216-3104

5 Deborah Lewis, Ph.D.
6 Arizona Behavioral Health Specialists
7 7330 N. 16th Street, A-120
8 Phoenix, AZ 85020
602-997-6635

9 24. If, during the probation period, the Practice Monitor is unable or unwilling continue to
10 act as Licensee's Practice Monitor, within ten (10) days of the Practice Monitor's termination of the
11 practice monitor relationship, Licensee shall contact the Board in writing and request three to four
12 names of other potential Practice Monitors approved by the Board. Licensee shall notify the Board of
13 his new Practice Monitor within 15 days after the names of additional Practice Monitors are provided.

14 25. **TERMINATION OF PROBATION:** At the end of twelve months, unless otherwise
15 ordered by the Board, Licensee may petition the Board, in writing, and request termination from
16 probation and monitoring. If the Board determines that Licensee has not complied with all the
17 requirements of this Consent Agreement, the Board may either (a) continue the probation, including
18 the Practice Monitor, or (b) institute proceedings for noncompliance with this Consent Agreement,
19 which may result in the suspension, revocation or other disciplinary and/or remedial action.

20 26.. **CONTINUED APPLICATION OF TERMS:** If, between the effective date of this
21 Consent Agreement and the termination of Licensee's probation by the Board, Licensee fails to renew
22 his license while under this Consent Agreement and subsequently applies for a license, the remaining
23 terms of this Consent Agreement, including probation and monitoring, shall be imposed if the
24 application for licensure is granted.
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1 27. **EFFECTIVE DATE:** Licensee understands that the foregoing Consent Agreement
2 and Order shall not become effective unless and until adopted by the Board of Psychologist
3 Examiners and executed on behalf of the Board. Any modification to this original document is
4 ineffective and void unless mutually approved by the parties in writing.

5 28. **CONSIDERATION IN FUTURE ACTIONS:** Licensee understands that this
6 Consent Agreement, or any part thereof, may be considered in any future disciplinary action against
7 him.
8

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

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

18 31. **COSTS:** The Licensee shall be responsible for all costs incurred as a result of his
19 compliance with this Consent Agreement.

20 32. **NON-COMPLIANCE:** If Licensee fails to comply with the terms of this Consent
21 Agreement, the Board shall properly institute proceedings for noncompliance with this Order, which
22 may result in suspension, revocation, or other disciplinary and/or remedial actions. Violation of this
23 Order is a violation of A.R.S. § 32-2061(15)(aa), which is "violating a formal board order, consent
24 agreement, term of probation or stipulated agreement."
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1 33. **PUBLIC RECORD:** This Consent Agreement is a public record that may be publicly
2 disseminated as a formal action of the Board and shall be reported to the National Practitioner Data
3 Bank.

4 DATED THIS 23rd day of February, 2015

6 ARIZONA BOARD OF
7 PSYCHOLOGIST EXAMINERS

9 George J. Bluth, Ph.D.
10 George J. Bluth, Ph.D.
11 Licensee

By: Cindy Olvey, Psy.D.
Cindy Olvey, Psy.D.
Executive Director

12 ORIGINAL of the foregoing filed this
13 23rd day of February 2015, with:

15 The Arizona State Board of Psychologist Examiners
16 1400 West Washington, Suite 240
17 Phoenix, Arizona 85007

18 COPY mailed by Certified Mail, No. 7009 2 250 0001 7372 8005
19 this 23rd day of February 2015 to:

21 George J. Bluth, Ph.D.
22 Address on Record


23 COPY mailed
24 this 23rd day of February 2015, to:

25 Larry Cohen
26 The Cohen Law Firm
27 P.O.Box 10056
Phoenix, AZ 85064

1 COPY of the foregoing mailed by interagency

2 this 23rd day of February 2015, to:

3
4 Jeanne M. Galvin, AAG
5 Office of the Attorney General
6 CIV/LES
7 1275 West Washington
8 Phoenix, Arizona 85007

9 By: 

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4 In the Matter of)
5 **George J. Bluth, Ph.D.**)
6 Holder of License No. 3121)
7 for the Practice of Psychology)
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Case No. 2014-07

**RELEASE FROM CONSENT
AGREEMENT AND ORDER**

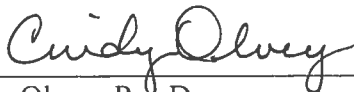
9 The Board of Psychologist Examiners (“Board”) received a request to release George J.
10 Bluth, Ph.D., from the terms and conditions of the above-referenced Consent Agreement and
11 Order dated February, 23, 2015.

12 The Board, at its meeting of April 29, 2016, discussed and considered the
13 documentation supporting Dr. Bluth’s’ release from the terms and conditions of the Consent
14 Agreement and Order. Dr. Bluth has complied with all of the terms and conditions of the
15 Consent Agreement and Order.

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17 **ORDER**

18 IT IS THEREFORE ORDERED that Dr. George J. Bluth, is hereby released from all
19 terms and conditions of the Consent Agreement and Order dated February 23, 2015.

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23 DATED this 2nd day of May, 2016.

24 
25 _____
26 Cindy Olvey, Psy.D.
27 Executive Director
28

1 **ORIGINAL** of the foregoing filed this
2 2nd day of May, 2016, with:
3 The Arizona State Board of Psychologist Examiners
4 1400 West Washington, Suite 240
5 Phoenix, Arizona 85007

6 **COPY** of the foregoing mailed this
7 2nd day of May, 2016, to:

8 Larry Cohen, Esq.
9 The Cohen Law Firm
10 P.O. Box 10056
11 Phoenix, AZ 85064

12 **COPY** of the foregoing mailed this
13 2nd day of May, 2016, to:

14 George J. Bluth, Ph.D.
15 Address of Record

16 **COPY** of the foregoing mailed by interagency mail
17 2nd day of May, 2016, with:

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

22 By:  _____
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