

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

3 In the Matter of )  
4 Clayton L. Boyer, Ed.D. ) No. 02-05  
5 Holder of License No. 176 ) **FINDINGS OF FACT,**  
6 for the practice of Psychology ) **CONCLUSIONS OF LAW,**  
in the State of Arizona ) **AND DECREE OF CENSURE**

7 On June 7, 2002, Clayton L. Boyer, Ed.D. ("Respondent") appeared with his attorney, Michael O.  
8 Miller, for an Informal Interview before the Arizona Board of Psychologist Examiners ("Board"). The  
9 proceedings in this matter are governed by A.R.S. §§ 32-2081 and 32-2082. Following interview of  
10 Respondent, discussion of the information and documents presented, and full deliberation, the Board  
11 adopted the following Findings of Fact, Conclusions of Law, Decree of Censure.

12 **FINDINGS OF FACT**

13 1. Respondent is the holder of license number 1346 for the practice of psychology in the  
14 State of Arizona.

15 2. The Board has the authority to hold an informal interview pursuant to A.R.S. § 32-2081(F).  
16 After an informal interview, the Board may take action pursuant to A.R.S. § 32-2081(F), (G) and (H).

17 3. Respondent provided psychotherapy to patient, P.E., between 1985 and 1996.

18 4. The last psychotherapy session between Respondent and P.E. was in June of 1996.

19 5. In the Fall of 2001, Respondent purged/destroyed P.E.'s records for the period between  
20 1985 – 1996. He failed to retain the records for the required 7 year period after the last visit in June of  
21 1996.

22 **CONCLUSIONS OF LAW**

23 1. The Board of Psychologist Examiners of the State of Arizona possesses  
24 jurisdiction over the subject matter and Clayton L. Boyer, Ed.D.

25 2. The conduct and circumstances described above constitute unprofessional conduct  
26 pursuant to A.R.S. § 32-2061(A)(13)(h) "Failing or refusing to maintain and retain adequate business,  
27 financial or professional records pertaining to the psychological services provided to a client", and A.A.C.  
28 R4-26-106 – "A psychologist shall retain all client records, including records of a client who died, for a

1 minimum of 7 years from the date of the last client activity . . .".

2 **ORDER**

3 Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED issuing  
4 Respondent a decree of **censure**.

5 **NOTICE: In order to be eligible for judicial review pursuant to Title 12, Chapter 7,**  
6 **Article 6, you are required to exhaust your administrative remedies by filing a motion**  
7 **for rehearing or review within thirty days after service of these Findings of Fact,**  
8 **Conclusions of Law and Decree of Censure. Pursuant to A.R.S. § 41-1092.09(B), you**  
9 **are notified that failure to file a motion for rehearing or review within thirty days after**  
10 **service of these Findings of Fact, Conclusions of Law and Decree of Censure has the**  
11 **effect of prohibiting you from seeking judicial review of the Board's decision.**  
12 **Service is complete on personal service or five days after the date these Findings of**  
13 **Fact, Conclusions of Law and Decree of Censure are mailed to your last known**  
14 **address.**

15 Dated this 14<sup>th</sup> day of June, 2002.

16 STATE OF ARIZONA BOARD OF  
17 PSYCHOLOGIST EXAMINERS

18 BY: *Maxine McCarthy*  
19 Maxine McCarthy  
20 Executive Director  
21 1400 W. Washington, Rm. 235  
22 Phoenix, AZ 85007  
23 Phone: 602-542-8162

24 **COPY** of the foregoing mailed  
25 by Certified Mail No.  
26 7099 3400 0017 2131 2526  
27 this 14<sup>th</sup> day of June, 2002, to:

28 Clayton Boyer, Ed.D.  
Address of Record

**COPY** of the foregoing mailed this  
14<sup>th</sup> day of June, 2002, to:

Michael O. Miller, Esq.  
One South Church Ave., Ste 1700  
Tucson, AZ 85701-1621  
Attorney for Respondent

**COPY** of the foregoing mailed  
via Interagency Mail to:

Nancy J. Beck  
Assistant Attorney General  
Civil/LES  
1275 W. Washington  
Phoenix, AZ 85007

By *Shari S. Courtney*