

BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS  
FOR THE STATE OF ARIZONA

In the Matter of Holliday B. Milby, Ph.D. Holder of License No. 1227 for the Practice of Psychology in the State of Arizona	) ) ) ) ) ) ) ) ) ) ) )	No. 04-28  CONSENT AGREEMENT, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF PROBATION
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On August 6, 2004, the Arizona Board of Psychologist Examiners ("Board") discussed Case No. 04-28 involving Holliday B. Milby, Ph.D. ("Licensee") who was not present at the Board proceedings.

**CONSENT AGREEMENT**

1. The Board and Licensee enter into this Consent Agreement in order to promptly and judiciously resolve this matter, consistent with the public interest and the statutory requirements of the Board.
2. Pursuant to A.R.S. §§ 32-2081(F)(5), and 41-1092.07(F)(5), the Board will adopt the Findings of Fact, Conclusions of Law, and Order set forth below.
3. Licensee has the right to consult with an attorney prior to entering into this Consent Agreement. She has read and understands the Consent Agreement, Findings of Fact, Conclusions of Law, and Order, and makes this agreement freely and voluntarily. She irrevocably waives her right to a hearing, rehearing, or judicial review.
4. The Consent Agreement and Order will be effective when signed by the Board's Executive Director. The Consent Agreement, Findings of Fact, Conclusions of Law, and Order are a public record.

ARIZONA BOARD OF  
PSYCHOLOGIST EXAMINERS

*Holliday B. Milby, Ph.D.*  
 Holliday B. Milby, Ph.D.

By *Maxine McCarthy*  
 Maxine McCarthy  
 Executive Director

*August 24, 2004*  
 Date

*August 11, 2004*  
 Date

1 **FINDINGS OF FACT**

2 1. The Arizona Board of Psychologist Examiners is authorized to regulate the practice of  
3 psychology in Arizona pursuant to A.R.S. § 32-2061, et seq.

4 2. Holliday B. Milby, Ph.D. ("Licensee") is the holder of License No. 1227 for the practice of  
5 psychology in the State of Arizona.

6 3. Licensee first saw the child (N.R.) in August, 2003.

7 4. After Licensee conducted five sessions with the child and his mother, the mother requested that  
8 Licensee conduct an intellectual evaluation of the child.

9 5. On December 20, 2003, while conducting the testing of N.R., Licensee realized that the test was  
10 outdated (WISC-R). Licensee also realized that there was a discrepancy between N.R.'s birth date that  
11 Licensee had copied on the test protocol, and N.R.'s statement of his age during testing.

12 6. After Licensee completed the testing, Licensee confirmed the child's age with the mother and  
13 informed mother that additional testing would be necessary. However, due to the holidays and the child  
14 becoming ill, additional testing was not conducted until February, 2004.

15 7. On February 7, 2004, Licensee continued her evaluation of N.R. and administered another  
16 outdated test (WPPSI-original edition) rather than the WPPSI-R or WPPSI-III edition.

17 8. Licensee requested that her staff return to the insurance company the money that she billed for  
18 the testing and Licensee did not charge the patient.

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20 **CONCLUSIONS OF LAW**

21 1. The Board of Psychologist Examiners of the State of Arizona possesses jurisdiction over  
22 the subject matter hereof and Holliday B. Milby, Ph.D.

23 2. The conduct and circumstances described above constitute a violation of A.R.S. § 32-  
24 2061(A)(13)(g) – Engaging or offering to engage as a psychologist in activities not congruent with the  
25 psychologist's professional education, training and experience; and A.R.S. § 32-2061(A)(13)(o) – Providing  
26 services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are  
27 unprofessional by current standards of practice.  
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**ORDER**

Based on the foregoing Consent Agreement, Findings of Fact, and Conclusions of Law, IT IS ORDERED that Holliday B. Milby, Ph.D. shall be placed on probation and shall not administer any psychological assessment instruments until the Board receives satisfactory evidence that she has successfully completed nine (9) hours of graduate level coursework in individualized psychological assessment interpretation and report writing. Further, Dr. Milby shall not conduct any testing for which she has not undergone formal training such as professional seminars or graduate level courses. If Dr. Milby declines to enter into this Consent Agreement, she shall be invited to an Informal Interview with the Board.

DATED this 14<sup>th</sup> day of September, 2004.

ARIZONA BOARD OF  
PSYCHOLOGIST EXAMINERS

By Maxine McCarthy  
Maxine McCarthy  
Executive Director  
1400 West Washington Street, Suite 235  
Phoenix, Arizona 85007  
(602) 542-8162

**COPY** of the foregoing mailed by certified mail  
7001 1140 0000 7478 0053  
this 14<sup>th</sup> day of Sept, 2004 to:

Holliday B. Milby, Ph.D.  
Address of record

**COPY** of the foregoing sent by interagency/regular mail  
this 14<sup>th</sup> day of Sept, 2004 to:

Nancy J. Beck, Assistant Attorney General  
Office of the Attorney General, Civil/LES  
1275 West Washington  
Phoenix, Arizona 85007

By Shari S Courtney