

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

3 **In the Matter of :**

4 **Connie S. Pyburn, Ph.D.**

5 **Holder of License No. PSY- 003631**  
6 **for the Practice of Psychology**  
7 **in the State of Arizona**

**Case No. 16-40 and 17-29**

**CONSENT AGREEMENT  
AND ORDER FOR  
PROBATION,  
SUPERVISION,  
CONTINIUNG EDUCATION  
AND PRACTICE  
RESTRICTION**

9  
10           On August 3, 2018, the Arizona Board of Psychologist Examiners ("Board") met in  
11 open session to discuss the above-referenced cases. Connie S. Pyburn, Ph.D. ("Respondent")  
12 was present with her legal counsel, J. Arthur Eaves. After discussion, consideration, and  
13 deliberation, the Board voted to enter into a Consent Agreement in lieu of commencing an  
14 Informal Interview in Complaint Nos. 16-40 and 17-29.

15                                   **JURISDICTION**

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

20           2.     Respondent is the holder of license number PSY-003631 for the practice of  
21 psychology in the State of Arizona.

22           3.     The Board has personal and subject matter jurisdiction over Respondent  
23 pursuant to A.R.S. § 32-2061, *et seq.*, and the rules at A.A.C. R4-26-101, *et seq.*

24                                   **RECITALS**

25           Respondent understands and agrees that:

26           4.     The Board and Respondent enter into this Consent Agreement and Order  
27 ("Consent Agreement") to promptly and judiciously resolve these matters, consistent with the  
28 public interest and the statutory requirements of the Board.

1           6.       Respondent has the right to consult with an attorney prior to entering into this  
2 Consent Agreement.

3           7.       Respondent has a right to a public hearing concerning this case. She further  
4 acknowledges that at such formal hearing she could present evidence and cross-examine  
5 witnesses. Respondent irrevocably waives her right to such a hearing.

6           8.       Respondent irrevocably waives any right to rehearing or review or to any  
7 judicial review or any other appeal of this matter.

8           9.       Although Respondent does not agree that all of the allegations in Complaint  
9 Nos. 16-40 and 17-29 are supported by evidence, Respondent acknowledges that it is the  
10 Board's position that if these matters proceeded to Formal Hearing, the Board would offer  
11 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted  
12 unprofessional conduct. Respondent therefore has agreed to enter into this Consent Agreement  
13 as an economical and practical means of resolving the issues alleged in the Complaints.

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

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

25          12.      Respondent voluntarily enters into this Consent Agreement for the purpose of  
26 avoiding the expense, uncertainty, and prolonged time involved in further administrative  
27 proceedings. The issues contained herein are resolved by settlement and not actually litigated.  
28 Any allegations and findings herein may not be used for *res judicata* or collateral estoppel

1 effect in any subsequent civil proceedings for any claims of professional liability or negligence  
2 by or on behalf of Complainant(s).

3 **FINDINGS OF FACT**

4 13. On June 17, 2016, the Board received Complaint No. 16-40 that alleged acts of  
5 unprofessional conduct that, if found by the Board to be factually supported, could justify the  
6 Board taking action against Respondent.

7 14. On May 18, 2017, the Board received Complaint No. 17-29 that alleged acts of  
8 unprofessional conduct that, if found by the Board to be factually supported, could justify the  
9 Board taking action against Respondent.

10 15. Respondent is confident that she could demonstrate that some of the allegations in  
11 these Complaints are not supported by the facts, but Respondent concedes that the Board could  
12 find that other allegations are supported by the facts.

13 16. The allegations in Complaint No. 16-40 raise issues concerning Respondent's  
14 treatment of Complainant Father's minor children and subsequent supervision of Father's  
15 court-ordered visitation with the children; lack of proper informed consent; lack of treatment  
16 contracts regarding the Respondent's roles and purpose of treatment; Licensee's bias and  
17 impartiality; inappropriate coordination in making a Department of Child Safety ("DCS")  
18 report with Mother's filing of a motion to modify Father's parenting time; influencing the  
19 children's responses to subsequent interviews with DCS and the police; violation of a court-  
20 order prohibition regarding communications between Respondent and Mother with Father; and  
21 dishonesty in failing to disclose Father's abuse allegations that had been made by Mother  
22 and/or daughters against Father.

23 17. The allegations in Complaint No. 17-29 raise issues concerning Respondent's  
24 confidentiality obligations and testimony regarding Complainant Mother's participation in  
25 treatment before this Board's Complaint Screening Committee for Complaint No. 16-40; and  
26 lack of patient notification of destroyed records.

27 18. Respondent has indicated that, since the events that gave rise to the allegations  
28 in these complaints, Respondent has taken steps to implement new practices that directly

1 address the concerns implicated in these matters. Among other measures, she mandates that  
2 prior to treatment of all minors of divorced parents, Respondent shall receive any existing  
3 custody agreement and that Respondent will obtain Informed Consent in accordance with such  
4 agreement. In the absence of an existing custody agreement, Respondent mandates Informed  
5 Consent of both parents and strongly encourages that both parents attend the initial session and  
6 as many subsequent sessions as possible. Further, Respondent has updated her supervised  
7 parenting information form, which is presented to client(s) and their family members, as  
8 necessary, for the purpose of educating all parties on Respondent's role as a visitation  
9 supervisor in addition to treatment services. Respondent has also enlisted a professional on her  
10 staff to periodically review files to ensure compliance with all standards of professionalism and  
11 ethics. In fact, Respondent created a file review form to specifically safeguard against unsigned  
12 progress notes, incomplete Informed Consent, and unresponsiveness to records requests, among  
13 others.

#### 14 CONCLUSIONS OF LAW

15 19. The conduct and circumstances described in Complaint 16-40, if supported by the  
16 facts alleged, would constitute unprofessional conduct pursuant to:

17 A.R.S. § 32-2061(16) (o) – providing services that are unnecessary or  
18 unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current  
19 standards of practice, in this case: a) failing to obtain Informed Consent from both divorced  
20 parents before treatment of a minor; b) failing to adequately define to Father, Respondent's  
21 treatment, roles, and supervisory relationships; c) engaging in a dual relationship; and d)  
22 inappropriate communication with the Mother outside the scope of treatment;

23 A.R.S. § 32-2061(16)(dd), violating an ethical standard as adopted by the  
24 Board, as it relates to Informed Consent, Standard 3.10 of the American Psychological  
25 Association ("APA") Code of Conduct, in this case failing to obtain Informed Consent of the  
26 divorced parents of a minor client; and ;

27 A.R.S. § 32-2061(16)(dd), violating an ethical standard as adopted by the  
28 Board, as it relates to Conflict of Interest, Standard 3.06 of the APA Code of Conduct, as it

1 relates to, in this case failing to refrain from taking on a professional role when interests or  
2 relationships could reasonably be expected to impair Respondent's objective, competence, or  
3 effectiveness in performing her functions as a psychologist, or expose the person with whom  
4 the professional relationship exists to harm or exploitation.

5 20. The conduct and circumstances described above in Complaint 17-29, if supported  
6 by the facts alleged, would constitute unprofessional conduct pursuant to:

7 A.R.S. §32-2061(16)(h), for possibly failing or refusing to maintain and  
8 retain adequate business, financial, or professional records pertaining to the psychological  
9 services provided to a client or patient;

10 A.R.S. §32-2061(16)(o), for possibly providing services that are  
11 unnecessary or unsafe or otherwise engaging in activities as a psychologist that are  
12 unprofessional by current standards of practice;

13 A.R.S. §32-2061(16)(dd), for possibly violating an ethical standard  
14 adopted by the Board as it pertains to the American Psychological Association Ethical  
15 Principles of Psychologists and Code of Conduct 2.01 Boundaries of Competence; 2.03  
16 Maintaining Competence, and 3.05 Multiple Relationships.

### 17 **ORDER FOR PROBATION AND SUPERVISION**

18 Pursuant to A.R.S. §32-2081(S) the Board has determined that the Respondent's  
19 conduct in Case Nos. 16-40 and 17-26 warrants disciplinary action. Based upon the foregoing  
20 Findings of Fact and Conclusions of Law, IT IS ORDERED THAT:  
21

22 21. **PROBATION**: Respondent's license as a Psychologist is placed on probation  
23 for a minimum period of 12 Months from the effective date of this Consent Agreement, unless  
24 otherwise ordered by the Board. The effective date of this Consent Agreement is the date that  
25 it is signed by the Board's Executive Director, or her designee, on behalf of the Board.

26 22. **PRACTICE MONITOR**: While on probation, Respondent shall work with a  
27 Practice Monitor pre-approved by the Board's Executive Director and who will provide  
28 professional guidance and input to Respondent with respect to her practice in obtaining Informed

1 Consent for the treatment of minors; defining her treatment and other related services to clients,  
2 including supervisor services; record keeping; and communication with clients and/or their  
3 families that prevent dual relationships and conflicts of interest.  
4

5 Respondent shall meet with the Practice Monitor at least twice per month for a  
6 minimum of two hours each session during the first six months of the probationary period. At  
7 the discretion of the Practice Monitor, the frequency and duration of the meetings may be  
8 decreased thereafter. During these sessions, the Practice Monitor shall review with Respondent  
9 her treatment records, treatment and supervisory services forms or contracts, Informed Consent  
10 policies and forms, and procedures for presenting parents with such forms and/or contracts.  
11

12 The Practice Monitor shall submit to the Board quarterly reports of the meetings  
13 to include topics covered, results of case file audits, and any modifications made to the  
14 Respondent's practice. The quarterly reports shall also include the Practice Monitor's  
15 recommendations with regard to the need for any additional remedial activities on the part of  
16 Respondent, for example, any additional training or education (CEUs) to address topics at issue  
17 in Complaint Nos. 16-40 and 17-29. The Practice Monitor shall provide reports to the Board  
18 within 30 days of the end of each quarter.  
19

20 The first quarter shall begin on the date of Respondent's first scheduled session  
21 with the Practice Monitor. Prior to the termination of the probationary period, the Practice  
22 Monitor shall complete a final written report to the Board summarizing his/her interaction with  
23 Respondent, topics discussed, areas of progress, results of case file audits conducted, matters of  
24 remaining concern and overall impressions. The final report shall be submitted to the Board  
25 within ten (10) business days of the end of the last quarter of the minimum term of probation.  
26  
27  
28



Respondent shall present this Order to the Board approved Practice Monitor prior to the date of the first meeting. The first meeting between Respondent and her Practice Monitor shall occur within 30 days of the effective date of this Order.

Within ten (10) business days of the effective date of this agreement, Respondent shall enter into an agreement with one of the following psychologists to serve as her Practice Monitor. Respondent shall submit the name of the psychologist to the Board within ten days of entering into the agreement with the Practice Monitor. The Practice Monitor shall have no familial or business relationship with Respondent:

John Toma, Ph.D.  
207 East Monterey Way  
Phoenix, AZ 85012  
602-957-8822

Michael Redivo, Ph.D.  
10752 N. 89<sup>th</sup> Place, Suite 221  
Scottsdale, AZ 85260  
480-231-2663

If, during the probation period, the Practice Monitor is unable or unwilling to continue to act as Respondent's Practice Monitor, within ten (10) business days of the Practice Monitor's termination of the relationship, Respondent shall contact the Board in writing and request additional names of other potential Practice Monitor's approved by the Board. Respondent shall notify the Board of her new Practice Monitor's within 15 business days after the names of additional potential Supervisors are provided.

23. **CONTINUING EDUCATION:** In addition to the continuing education requirements that are required by rule for license renewal, Respondent shall complete an additional 12 hours of continuing education to address the issues raised in the Complaints. Six hours shall be in ethics and boundary issues and six hours shall be in record keeping/Informed

1 Consent. The continuing education shall be completed prior to the termination of probation.  
2 Within fourteen (14) days of completing the continuing education, Respondent shall submit  
3 certificates of completion to the Board's Executive Director.  
4

5 24. **PRACTICE RESTRICTION:** During the probationary period, Respondent  
6 shall refrain from providing any Court ordered/related services.

7 25. **TERMINATION OF PROBATION:** After serving six months of the  
8 probationary period, Respondent may petition the Board in writing, and upon the Practice  
9 Monitor's recommendation, to be released from probation. If the Board determines that  
10 Respondent has not complied with all the requirements of this Consent Agreement, the Board  
11 may either (a) continue the probation or (b) institute proceedings for noncompliance with this  
12 Consent Agreement, which may result in the suspension, revocation or other disciplinary and/or  
13 remedial action.

14 26. **CONTINUED APPLICATION OF TERMS:** If, between the effective date of  
15 this Consent Agreement and the termination of Respondent's probation by the Board,  
16 Respondent fails to renew her license while under this Consent Agreement and subsequently  
17 applies for a license, the remaining terms of the Consent Agreement, including probation and  
18 monitoring, shall be imposed if the application for licensure is granted.

19 27. **EFFECTIVE DATE:** Respondent understands that the foregoing Consent  
20 Agreement shall not become effective unless and until adopted by the Board of Psychologist  
21 Examiners and executed on behalf of the Board. Any modification to this original document is  
22 ineffective and void unless mutually approved by the parties in writing.

23 28. **CONSIDERATION IN FUTURE ACTIONS:** Respondent understands that  
24 this Consent Agreement or any part thereof, may be considered in any future disciplinary action  
25 against her.

26 29. **FINAL RESOLUTION:** This Consent Agreement constitutes a final resolution  
27 of this disciplinary matter but does not constitute a dismissal or resolution of other matters  
28 currently pending before the Board, if any, and does not constitute any waiver, expressed or



1 implied, of the Board's statutory authority or jurisdiction regarding any other pending or future  
2 investigations, actions or proceedings. Further, this Consent Agreement does not preclude any  
3 other agency, subdivision or officer of this State from instituting other civil or criminal  
4 proceedings with respect to the conduct that is the subject of this Consent Agreement.

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

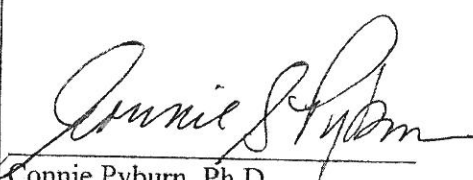
6 31. **COSTS**: The Respondent shall be responsible for all costs incurred as a result of  
7 her compliance with this Consent Agreement.

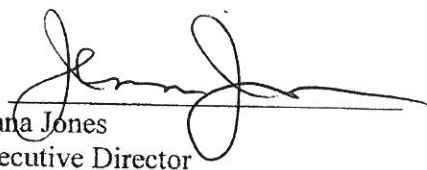
8 32. **NON-COMPLIANCE**: If Respondent fails to comply with the terms of this  
9 Consent Agreement, the Board shall properly institute proceedings for noncompliance with this  
10 Consent Agreement, which may result in suspension, revocation, or other disciplinary and/or  
11 remedial actions. Violation of this Order is a violation of A.R.S. § 32-2061(16)(aa), which is  
12 "violating a formal board order, consent agreement, term of probation or stipulated agreement."

13 33. **PUBLIC RECORD**: This Consent Agreement and Order is a public record that  
14 may be publicly disseminated as a formal action of the Board and shall be reported to the  
15 National Practitioner Data Bank.

16  
17 DATED this 12<sup>th</sup> day of Sept, 2018.

18 ARIZONA BOARD OF  
19 PSYCHOLOGIST EXAMINERS

20   
21 Connie Pyburn, Ph.D.  
22 Respondent

23 By:   
24 Jenna Jones  
25 Executive Director  
26  
27  
28

1 ORIGINAL of the foregoing filed this  
2 14 day of September, 2018, with:

3 The Arizona State Board of Psychologist Examiners  
4 1740 W. Adams St., Suite 3403  
5 Phoenix, Arizona 85007

6 COPY mailed by US and certified (#70162140000069594572) postal service  
7 This 14 day of September, 2018, to:

8 Connie Pyburn, Ph.D.  
9 Address on Record

10 COPY mailed by US postal service  
11 This 14 day of September, 2018 to:

12 J. Arthur Eaves, Esq.  
13 Sanders & Parks, P.C.  
14 3030 North Third Street, Ste. 1300  
15 Phoenix, AZ 85012

16 COPY of the foregoing emailed  
17 this 14 day of September, 2018, to:

18 Jeanne M. Galvin, AAG  
19 Arizona Attorney General's Office  
20 SGD/LES  
21 2005 North Central Ave.  
22 Phoenix, Arizona 85004

23 By: Heather Broadwell  
24  
25  
26  
27  
28