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BEFORE THE ARIZONA BOARD OF PSYCHOLOGIST EXMINERS

IN THE MATTER OF: **CHRISTINE DARGON, Ph.D.** Holder of License No. 4443 For the Practice of Psychology In the State of Arizona Respondent	Docket No. 16-50 **INTERIM FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR SUMMARY SUSPENSION**

On February 21, 2017, the Board held a public meeting (telephonic) to discuss the above-captioned matter. Christine Dargon, Ph.D. ("Respondent") was properly noticed and appeared personally (telephonically) and with counsel, Douglas Tobler. The State was represented by Jeanne M. Galvin, Assistant Attorney General. At the conclusion of the Board's consideration of the issues and after hearing from Respondent and her attorney, the Board voted to issue the following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension.

FINDINGS OF FACT

1. Evidence to support these findings is contained within the Board's files.

2. Respondent is a licensed psychologist in the State of Arizona, license number 4443.

3. On or about February 18, 2015, Respondent began providing psychological services to J.H. Respondent saw J. H. regularly until August 27, 2016.

4. According to information provided by Respondent, J.H. is classified as SMI (Seriously Mentally Ill) and as a vulnerable adult by Adult Protective Services.

5. On August 27, 2016, Respondent presented to J.H. a letter in which Respondent terminates her therapeutic relationship with J.H. As stated in the letter, "the purpose in doing so (terminating the therapeutic relationship) is to enable me to take a more active role in assisting you....[I]t would seem that serving as your guardian...would enable me to provide much more support than as your psychologist..."

6. On or about September 22, 2016, Respondent filed in Yavapai County Superior Court a Petition for Appointment of Guardian of an Adult seeking appointment as guardian for J.H. In the petition, when asked what her relationship is to the proposed ward/protected person, Respondent says "psychologist."

7. In November of 2016, Karen Sullivan, Psy.D., was ordered by the Yavapai County Superior Court to conduct a Rule 11 Competency Evaluation of J.H. During the course of the evaluation, Dr. Sullivan learned that Respondent had been providing psychological services to J.H. and had terminated therapy for the purpose of becoming J.H.'s guardian. When Dr. Sullivan contacted Respondent regarding J.H.'s diagnosis, she was informed that J.H. was moving into Respondent's home that weekend.

8. On December 15, 2016, The Honorable Michael R. Bluff of the Yavapai County Superior Court appointed Respondent and her husband, Timothy Dargon, as co-guardians for J.H. (Effective upon the issuance of the "Letters of Appointment").

9. On or about December 16, 2016, the Board received a Request for Investigation filed by Karen Sullivan, Psy.D. alleging that Respondent committed acts of unprofessional conduct when she terminated the therapeutic relationship with J.H. for the purpose of obtaining guardianship of J.H. and moving J.H. into Respondent's home.

10. In her written response to the RFI, Respondent acknowledged that J.H. was a former patient of hers, that Respondent had terminated therapy for the purpose of becoming J.H.'s guardian, that Respondent and her husband were awaiting the Court's final order to become J.H.'s guardians and that Respondent moved J.H. into Respondent's home.

11. During her statement to the Board on February 21, 2017, and in response to questions, Respondent stated that she did not seek consultation with another psychologist or her former practice monitors before she sought guardianship of J.H.

12. Respondent's records for J.H. demonstrate that Respondent interacted with other parties on behalf of J.H., including but not limited to Adult Protective Services, attorneys, physicians, Hospice, the Department of Economic Security, mental health agencies/providers, and the Social Security Administration.

13. Upon information and belief, Respondent obtained the permission of J.H. to video-record the sessions and use them as tools for Respondent's teaching assignments.

14. After J.H. was hospitalized after an overdose, she was classified as seriously mentally ill. There was little to no documentation in Respondent's records of efforts to coordinate care with Spectrum, the entity charged with providing the behavioral

health and ancillary services to which J.H. may have been entitled, based on her SMI designation.

15. Generally, Respondent's recordkeeping fell below the standard of care in that there was no formal intake assessment or documented behavioral health history, no documented treatment plan, no clearly articulated diagnoses, no mental status or emergency plan and the informed consent was inadequate. In addition, although J.H. endorsed a high risk for suicide and made at least one serious suicide attempt during the period of Respondent's treatment of J.H., Respondent's records included no formal assessments of J.H.'s suicide risk.

CONCLUSIONS OF LAW

The Board has personal and subject matter jurisdiction in this case under A.R.S. § 32-2061 *et seq.*, and is authorized to discipline licensees who engage in unprofessional conduct (A.R.S. §§32-2063 -2081).

The conduct and circumstances alleged in the Interim Findings of Fact constitute a violation of A.R.S. §-32-2061(15)(e), which is gross negligence in the practice as a psychologist; A.R.S. §32-2061(15)(h), which is failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological series provide to a client or patient; A.R.S. § 32-2061(15)(o), which is providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; and A.R.S. §32-2061(15)(dd), which is violating an ethical standard adopted by the board as it relates to the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, specifically, Standard 3.05 (Multiple Relationships) and 3.06 (Conflict of Interest).

ORDER

1. Based upon the foregoing, IT IS HEREBY ORDERED THAT license no. 4443 previously issued to Christine Dargon, Ph.D is **SUSPENDED** upon service of this Order. Service of this order is complete five (5) days after depositing the Order in the U.S. Postal Service.

2. During the period of suspension, Respondent shall not practice psychology as defined in A.R.S. §32-2061(9) or hold herself out as a practicing psychologist or in any way convey to the public that she holds an active license to practice psychology.

3. The suspension of Respondent's license shall continue until such time the Board enters a final order with respect to this matter after a formal hearing or acceptance of a Consent Agreement and Order as a final resolution of the matter.

4. Respondent's license to practice psychology expires on April 30, 2017. Respondent's license remains indefinitely suspended unless and until otherwise ordered by this Board. In the unlikely event there is no final order entered in this matter at time Respondent's license expires and Respondent fails to timely submit an application for renewal, her license remains suspended. If Respondent seeks timely renewal of her license and the Board grants her application for renewal, the license shall automatically be placed on indefinite suspension until such time the Board orders otherwise. The Board reserves the right to take other administrative action against Respondent's application for renewal, including denial of the same, in the event circumstances arise that justify such denial.

DATED this 23rd day of February, 2017.

Cindy Olvey

Cindy Olvey, Psy.D.
Executive Director
Arizona Board of Psychologist Examiners

ORIGINAL filed

this 23 day of February, 2017 to:

Arizona State Board of
Psychologist Examiners
1400 W. Washington, Suite 240
Phoenix, Arizona 85007

COPY of the foregoing mailed
By Certified Mail No. 70162140 0000 6959 4008
this 23 day of February, 2017 to:

Christine Dargon, Ph.D.
Address of Record

Mr. Doug Tobler
HAMMOND & TOBLER, P.C.
1400 E. Southern Ave., Ste. 935
Tempe, AZ 85282

COPY of the foregoing sent via interagency mail this
23 day of February, 2017 to:

Jeanne M. Galvin
Assistant Attorney General
1275 W. Washington Street SGD/LES
Phoenix, Arizona 85007
Attorney for the State of Arizona

By: [signature]
JMGah / 5772936

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS

In the Matter of: Christine Dargon, Ph.D. Holder of License No. 4443 for the Practice of Psychology in the State of Arizona Respondent.	Case Nos. 14-32, 15-02 and 16-50 **Findings of Fact, Conclusions of Law and Order for Revocation**

At its meeting on November 3, 2017, the Arizona Board of Psychologist Examiners ("Board") considered the Findings of Fact, Conclusions of Law, and Recommended Decision of the Administrative Law Judge contained in the Administrative Law Judge Decision dated September 27, 2017. Christine Dargon, Ph.D. ("Respondent"), holder of license number 4443 was not present. The State was represented by Jeanne Galvin. John R. Tellier, Assistant Attorney General, Licensing & Enforcement Section, served as legal advisor to the Board.

Having reviewed the administrative record and the arguments of the State, the Board voted to adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order.

Findings of Fact

BACKGROUND AND PROCEDURE

1. The Arizona Board of Psychologist Examiners (Board) has the authority to regulate and control the licensing of psychologists in the State of Arizona pursuant to A.R.S. § 32-2061 *et seq.* The Board also has the authority to impose disciplinary sanctions against the holders of licenses for unprofessional conduct under A.R.S. § 32-2081.

2. In July 2000, Respondent became licensed as a psychologist in New Hampshire.

3. Between August 2007 and September 2009, the New Hampshire Board of Psychologists found violations by Respondent including multiple relationship and boundary issues, failure to maintain accurate treatment and billing records, and failure to appropriately terminate a family treating relationship.

4. In September 2009, Respondent entered into a settlement agreement with the New Hampshire Board of Psychologists with an effective date of October 16, 2009, which included a license suspension of not less than three years from the effective date. Before the suspension could be lifted, Respondent was required to provide the New Hampshire Board of Psychologists with documentation that she had participated in mental health or medical treatment as recommended by a New Hampshire board-approved mental health or medical professional and complete 12 hours of continuing education in the areas of appropriate boundaries, file documentation, and ethics. Upon a return to practice in New Hampshire, Respondent would have to engage in a period of supervision for at least 12 months.

5. In February 2010, Respondent moved to Arizona.

RFI 14-32 and RFI 15-02

6. In June 2012, Respondent started working at Valley Counseling and Psychological Services (VCPS) in Sedona, Arizona.

7. On January 8, 2013, the Board received an application for licensure from Respondent (Application). The Application disclosed the suspension from the New Hampshire Board of Psychologists and had attached a resume indicating Respondent was an intern at VCPS. The Application also included a narrative from Respondent detailing the circumstances that led to the suspension from the New Hampshire Board of Psychologists. In the narrative, Respondent stated as follows:

> At this time there are many things I plan to do differently. I will always keep an office that is separate from my home. Whether I am granted a license or not, I will maintain regular supervision. I will be stronger with adhering to boundaries even if it may be to the detriment of the client. Had I adhered more strongly to the boundaries and not feared losing this client, I may have lost her. However, I need to accept that this is not my fault but her choice. I can only do so much for each client who walks in the door. I need to do the best I can and allow them to be accountable for themselves. This may mean that the client drops out of counseling. I cannot control this. I have learned a great deal from this experience and plan to continue to learn and grow from it always becoming a better therapist.

8. On January 25, 2013, the Board received an Applicant Reference from Respondent's supervisor Cathy Bissett Psy.D., affirming Respondent's intern status at VCPS.

9. On August 15, 2013, prior to Respondent being licensed by the Board, Respondent began providing marriage counseling sessions to K.K. and M.K., wife and husband respectively. Respondent also began providing counseling sessions to their young children M.K.1 and A.K.

10. Respondent's Informed Consent forms for the K Family provide as follows:

> I understand that it is my choice to receive therapeutic services from Cathy L. Bissett at this time. My participation is voluntary and I can terminate this at any time.

Board Exhibit 7. None of the forms provided to the K Family made any reference to Respondent or indicated that Respondent was an intern being supervised by Dr. Bissett and was not a licensed psychologist.

11. During the October 4, 2013, Board meeting, the Board approved Respondent's Application. By letter dated October 8, 2013, that decision was communicated to Respondent.

12. On or about November 15, 2013, the Board issued a letter to Respondent indicating that the Board had voted to approve the Application with the stipulation that Respondent continue receiving bi-monthly supervision from Dr. Bissett and quarterly supervision reports by Dr. Bissett provided to the Board. The first quarterly supervision report was due on January 8, 2014.

13. Respondent did not document that she notified K.K. or M.K. that she had been granted licensure from the Board with the requirement that she continue supervision.

14. On or about November 21, 2013, Respondent began providing counselling services to H.S.'s step-children. H.S. is K.K.'s twin sister. The services for H.S.'s stepchildren were paid for by the biological parents of the children. Beginning on December 7, 2013, Respondent also provided seven separate joint counselling session to H.S. and her husband, B.S.

Billing Issues

K Family

15. Respondent did not provide therapy to any members of the K Family on December 26, 2013, but Respondent billed M.K.'s insurance under individual claim numbers for sessions with both K.K. and M.K.1. M.K.'s insurance paid $98.01 for each of the two claims.

16. Respondent indicated that those claims were erroneously submitted to M.K.'s insurance and represented that she had since reimbursed the insurance company for those payments.

17. On January 20, 2014, Respondent had an individual therapy session with M.K.1, but Respondent billed M.K.'s insurance under an individual claim number for a session with M.K.1 and two different individual claims for sessions with K.K. that did not occur.

S Family

18. On multiple occasions, Respondent saw the three S children for a joint session and then billed B.S.'s insurance for three individual sessions. The progress notes for these sessions in each of the S children's records were largely similar if not identical.

19. Respondent asserted that she saw the three S children, ages 16, 13, and 10 at the time, jointly for three consecutive hours, which justified her billing of three individual sessions. Respondent did not provide any calendars or planners from the applicable time period that would support her assertion.

Betraying Professional Confidences

20. K.K. testified that she was initially unaware that Respondent was providing therapy to H.S.'s step-children or to H.S. and her husband. H.S. testified that she was initially unaware that Respondent was providing marital counseling to K.K. and M.K.

21. K.K. testified that during a clinical session, K.K. talked about her sister and brother-in-law and Respondent said something to the effect of, "Oh, I see that." When K.K. asked if Respondent was seeing H.S., Respondent replied, "No," while nodding her head yes.

22. As the sessions continued, Respondent made comments to K.K. about insurance and double billing issues and horrible sessions with H.S. On one specific incident, Respondent related to K.K. that she had asked H.S. if she would give up drinking for her family and H.S. said no.

23. K.K. also related that when she was preparing to go on a vacation, Respondent told her that she had an appointment with B.S. coming up and K.K. should not be surprised if she got a crying call from H.S.

24. K.K. testified that she later found out that Respondent had similarly told H.S. about her marital therapy sessions with M.K., which concerned her. K.K. stated that H.S. was "not one to keep secrets" and K.K. did not want her children to know of any marital issues she had with M.K.

25. H.S. testified that Respondent talked to her about K.K. being a patient in January or February 2014. H.S. reported that she knew K.K.'s children were seeing a counselor, but she did not know K.K. and M.K. were receiving marital counseling until Respondent told her.

26. According to H.S., during a session, Respondent related that she had just finished a session with M.K.1 and repeated how she had counseled K.K. and M.K. regarding the issues presented.

27. During a different session, Respondent told H.S. that she had given M.K.1 a ride home and observed A.K. in the home.

Records Issues

K Family

28. Between August 15, 2013, and May 20, 2014, Respondent provided therapy sessions on at least 39 dates to various members of the K Family.

29. Respondent's files for the K Family contains only two invoices, May 28, 2014, and June 16, 2014. Both invoices are for the same 4 individual therapy sessions: February 10, 2014, May 7, 2014, May 19, 2014, and May 20, 2014. The February 10, 2014 line item includes a note from Respondent that "I had missed this one" and the May 19, 2014 session is noted as written off.

30. In her personal notes and communications with K.K. and M.K., Respondent indicated that the June 16, 2014 invoice was for one individual session plus a two-hour IEP meeting on May 2, 2014. While the invoice indicated it referred to three individual sessions, Respondent explained that the payments received were applied to the earliest charges. Therefore, while K.K. and M.K. believed they had paid for a later individual session, the payment had been

applied to the IEP meeting, which explained the difference between Respondent's records and the K Family's records.

S Family

31. Respondent's billing records indicated she conducted at least 70 different therapy sessions with members of the S Family between November 21, 2013, and February 20, 2015, with only three of those dates after January 9, 2015.

32. Respondent's treatment records provided to the Board indicated she conducted 61 counselling sessions on 57 different dates between November 12, 2013, and January 9, 2015.

33. Respondent billed B.S.'s insurance for multiple dates for which either there were no session notes or the session notes were largely similar or identical to the session notes of other family members.

Lack of Informed Consent

34. Respondent's records show she provided at least 14 therapy sessions with K.K. and 7 therapy sessions with A.K., but do not include any evidence that Respondent completed an informed consent form for the patients at any point before or during therapy.

Fraudulent or Untrue Statements

35. In June of 2012, Respondent did not have an active Arizona license to practice psychology.

36. On Respondent's personal Facebook page, Respondent had an entry indicating she started as a licensed psychologist in Sedona, Arizona in June 2012. However, there is nothing on that entry indicating when it was posted.[1]

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[1] Facebook allows users to add prior employment and life events, such as births, graduations, marriages,and the like, to their timelines. It is possible Respondent added the entry in question at any Point after June 2012. Facebook includes a "v" menu on these types of entries that show when the post was last modified, but neither party submitted evidence of when this particular post was last modified.

37. On October 4, 2013, following the Board meeting at which the Board approved Respondent's Application, Respondent posted a status update on Facebook that read, "is now a licensed psychologist in the state of Arizona."

38. In response to a written inquiry by a Board investigator, Respondent explicitly stated in a January 20, 2015 letter that she had never referred to herself as a licensed psychologist until after she was issued a license by the Board on October 15, 2013.

False Advertising

39. Respondent provided training and continuing education seminars for health care professionals through Cross Country Education and Professional Education Systems, Inc.

40. In November 2014, Respondent's biography linked to her products on the websites of Cross Country Education and Professional Education Systems, Inc. both indicate that Respondent was a co-owner of VCPS.

41. In response to a Board staff inquiry, Respondent admitted she had never been a co-owner of VCPS.

The RFIs from the K Family and the S Family

42. On or about September 29, 2014, the Board received a Request for Investigation (RFI) against Respondent from K.K. and M.K. alleging that Respondent had billed their insurance for at least four sessions that the K Family was not seen in her office; that Respondent asked to attend the IEP meeting and then billed the K Family for attending the meeting; that Respondent discussed other patients with the K Family during their sessions; and that Respondent had discussed the K Family with other patients. The RFI was designated by the Board as RFI 14-32.

43. On or about February 17, 2015, the Board received an RFI against Respondent from H.S. alleging that Respondent had improperly billed the S Family for sessions and that Respondent had discussed other patients with the S

Family during their sessions. The RFI was designated by the Board as RFI 15-02.

RFI 16-50

44. On or about February 18, 2015, Respondent began providing psychological services to J.H. and saw her regularly until August 27, 2016. J.H. was determined eligible for services through the Arizona Department of Health Services through the Seriously Mentally Ill (SMI) program and was considered a vulnerable adult by Adult Protective Services.

45. J.H. had a prior therapist in another state that evolved into an intimate relationship. Respondent testified that based on her history, J.H. had difficulty trusting her as a therapist.

46. While a patient, J.H. made a serious suicide attempt. Following the suicide attempt, Respondent's session notes do not contain appropriate suicide assessments.

47. On or about August 27, 2016, Respondent presented to J.H. a letter in which Respondent purported to terminate her therapeutic relationship with J.H. In the letter, Respondent stated that the reason for terminating the therapeutic relationship was "to enable [Respondent] to take a more active role in assisting you" and that "serving as your guardian . . . would enable me to provide much more support than as your psychologist."

48. On or about September 22, 2016, Respondent filed in Yavapai County Superior Court a Petition for Appointment of Guardian of an Adult seeking appointment as guardian for J.H. In the petition, Respondent identified her relationship to the proposed ward/protected person as "psychologist."

49. In November 2016, Karen Sullivan, Psy.D., was ordered by the Yavapai County Superior Court to conduct a Rule 11 Competency Evaluation of J.H. During the course of the evaluation, Dr. Sullivan learned that Respondent had been providing psychological services to J.H. and had terminated therapy for

the purpose of becoming J.H.'s guardian. Dr. Sullivan also learned that J.H. had recently moved into Respondent's home.

50. On December 15, 2016, Judge Michael R. Bluff, Yavapai County Superior Court, appointed Respondent and her husband, Timothy Dargon, as co-guardians for J.H., effective upon the issuance of the Letters of Appointment.

51. On or about December 16, 2016, the Board received an RFI against Respondent from Karen Sullivan, Psy.D., alleging that Respondent committed acts of unprofessional conduct when she terminated the therapeutic relationship with a patient, J.H., for the purpose of obtaining guardianship of J.H. and moving J.H. into Respondent's home. The RFI was designated by the Board as RFI 16-50.

52. After being notified of RFI 16-50, Respondent submitted a written response in which she acknowledged that J.H. was her former patient, that Respondent had terminated the therapeutic relationship for the purpose of becoming J.H.'s guardian, that Respondent and her husband were awaiting the Court's final order to become J.H.'s guardians, and that J.H. had moved into Respondent's home. Respondent admitted that she did not seek consultation with another psychologist or her former practice monitors before she sought guardianship of J.H.

53. Respondent's records for J.H. indicate that prior to terminating the therapeutic relationship and becoming J.H.'s guardian, Respondent interacted with other parties on behalf of J.H., including but not limited to Adult Protective Services, attorneys, physicians, hospice, the Department of Economic Security, mental health agencies and providers, and the Social Security Administration.

54. On February 21, 2017, the Board held a public hearing to address the allegations raised in RFI 16-50. As a result of the hearing, the Board issued Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension on February 23, 2017.

The Hearing

55. The Board referred the matter to the Office of Administrative Hearings, an independent agency, for an evidentiary hearing.

56. The Board alleged in the Complaint and Notice of Hearing that Respondent committed unprofessional conduct as defined by A.R.S. § 32-2061(15)(a), (b), (e), (h), (j), (o), (p), (r), (x), and (dd).[2]

57. A hearing was held on June 26, 2017, through June 28, 2017. The Board submitted 41 exhibits and presented the testimony of four witnesses: (1) K.K., (2) H.S., (3) Lynanne Chapman, Deputy Director of the Board, and (4) Deborah Lewis, Board Consultant. Respondent submitted 59 exhibits, testified on her own behalf, and presented the testimony of ten other witnesses: 1) Allan Tepper, J.D., Psy.D., (2) Sergeant Bill Foldesh, (3) Timothy Dargon, (4) J.H.,

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[2] A.R.S. § 32-2061(15) defines "unprofessional conduct" to include the following:

16. "Unprofessional conduct" includes the following activities whether occurring in this state or elsewhere:

(a) Obtaining a fee by fraud or misrepresentation.
(b) Betraying professional confidences.
. . . .
(e) Gross negligence in the practice of a psychologist.
. . . .
(h) Failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient.
. . . .
(j) Making a fraudulent or untrue statement to the board or its investigators, staff or consultants.
. . . .
(o) Providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice.
(p) Falsely or fraudulently claiming to have performed a professional service, charging for a service or representing a service as the licensee's own when the licensee has not rendered the service or assumed supervisory responsibility for the service.
. . . .
(r) Failing to obtain a client's or patient's informed and written consent to release personal or otherwise confidential information to another party unless the release is otherwise authorized by law.
. . . .
(x) Engaging in false, deceptive or misleading advertising.
. . . .
(dd) Violating an ethical standard adopted by the board.

(5) B.S., (6) Z.S., (7) A.S., (8) M.M., (9) J.N., and (10) L.M. Some relevant testimony is summarized below.[3]

K.K.'s Testimony

58. At hearing, K.K. testified she had earlier attended therapy with Dr. Bissett and called her when K.K. and M.K. needed assistance with issues with their children and their marriage. K.K. reported that Respondent answered and said that Dr. Bissett was on vacation and Respondent was seeing her patients.

59. K.K. stated that when she and M.K. walked in for the first session, Respondent seemed to "kind of" recognize M.K. and M.K. seemed to "kind of" recognize Respondent. The parties discovered Respondent and M.K. attended a training session together at Diamond Resorts International.

60. K.K. testified that beginning in January 2014, they changed insurance providers and Respondent was not an in-network provider with the new plan. As a result, K.K., M.K., and Respondent negotiated a reduced rate of $35.00 per session as private pay patients.

61. In Spring 2014, K.K. and M.K. had a scheduled meeting with the school district regarding the special education services for M.K.1. According to K.K., Respondent volunteered to attend the meeting to help them because she knew schools often took advantage of students and parents. K.K. denied Respondent informed them that she would charge them for her attendance at the meeting. Respondent then charged the K Family for two hours for her attendance at the meeting.

62. K.K. testified that on one occasion, Respondent drove M.K.1 from her office to K.K.'s home after a session. K.K. reported that Respondent came into her home and sat on the arm of the chair. While sitting there, K.K.'s child, A.K. approached Respondent and sat on her lap. Respondent then told K.K. that

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[3] The Administrative Law Judge considered all testimony and evidence even if not detailed below. Further, this decision does not purport to detail all of the testimony offered by any of the referenced witnesses.

she had concerns with A.K. involving the lack of boundaries and "stranger danger."

63. K.K. reported that she was unaware Respondent was not licensed in Arizona at the time the K Family began seeing Respondent until it was mentioned at the first Board meeting she attended.

64. K.K. denied referring H.S. to Respondent.

H.S.'s Testimony

65. H.S. testified that she and her husband, B.S., were seeking advice regarding co-parenting with B.S. and his ex-wife, M.M. and she contacted their insurance provider to obtain the names of some therapists that were covered. H.S. stated the insurance provider gave her Dr. Bissett's name. H.S. denied ever being informed that Respondent was under the supervision of Dr. Bissett.

66. H.S. testified that Respondent was initially seeing the S Family due to an impending return of M.M. into the geographic area and into the lives of H.S.'s three stepchildren. Eventually, H.S. and B.S. sought counseling to address their marital issues. H.S. stated that she felt she was a patient of Respondent.

67. At H.S.'s last session with Respondent in March 2014, B.S. asked H.S. for a divorce.

68. H.S. stated that in January 2014 or February 2014, Respondent talked to her about K.K.'s sessions, but it was not until Fall 2014 that H.S. found out Respondent had told K.K. about her sessions with Respondent. H.S. testified that K.K. eventually told her that K.K. knew B.S. was going to ask for a divorce before it happened.

69. H.S. acknowledged she knew that K.K.'s children were seeing a counselor, but denied knowing K.K. and M.K. were seeking marital counseling.

70. H.S. stated that her step-daughter Z.S. took care of Respondent's dogs when she went out of town on occasion.

71. H.S. also testified as to seeing Respondent was friends on Facebook with M.M. and M.M.'s sister. H.S. posited that Respondent and M.M.

or her sister were friends prior to the S Family beginning counseling, which affected Respondent's impartiality.

72. H.S. also testified as to the billing issues described above.

B.S.'s Testimony

73. B.S. testified that H.S. was never a patient of Respondent. B.S. stated that he attended sessions with and without H.S., but he was present at every session H.S. attended.

74. B.S. denied that Respondent ever said anything about another patient during their sessions, and specifically never mentioned K.K. in "any way, shape, or form." Rather, B.S. testified that H.S. told him that K.K. was seeing Respondent.

75. B.S. related that all the EOBs relating to the S Family were accurate. B.S. stated that all three children were there for sessions, but he did not remember the specific length of time for specific sessions. B.S. indicated that when he looked at the EOBs, they seemed correct.

76. B.S. asserted that H.S. never had any problems with Respondent until he asked for a divorce. B.S. acknowledged that the divorce proceeding was still pending.

Z.S.'s Testimony

77. Z.S., one of B.S.'s biological children, was 15 years old at the time she started therapy with Respondent and was 19 years old at the time of the hearing.

78. Z.S. stated that during her sessions with Respondent, Respondent never said anything about another patient. Rather, Z.S. asserted that H.S. and K.K. told her that K.K. had been seeing Respondent and K.K. had referred H.S. to Respondent.

79. Z.S. posited that H.S. blamed Respondent for her divorce from B.S.

80. Z.S. stated that she became Facebook friends with Respondent at some point, but denied having any outside contact with Respondent while she was in therapy.

81. Z.S. indicated that she had invited Respondent to attend her high school graduation, but Respondent said she could not attend because it would be inappropriate given their previous patient-therapist relationship.

A.S.'s Testimony

82. A.S., one of B.S.'s biological children, was 13 years old at the time she started therapy with Respondent and was 17 at the time of the hearing.

83. A.S. testified that Respondent never mentioned another patient during her sessions. Rather, A.S. stated that K.K. and H.S. told her that K.K. was seeing Respondent.

84. A.S. posited that H.S. blamed Respondent for her divorce from B.S.

85. A.S. acknowledged she was friends with Respondent on Facebook and stated she had over 200 Facebook friends.

J.H.'s Testimony

86. J.H. testified that she had been declared disabled in 1977. J.H. indicated that in the summer of 2016, she was unable to work, stayed in a shelter for approximately 30 days, and then was eventually homeless.

87. J.H. stated that she "didn't have water, and it was hot, and [she] was in the hospital a lot." J.H. related that Respondent told her that Respondent would have to stop being her therapist to be her guardian. J.H. stated, "therapy wasn't what I needed right then. I needed somebody to help me get water."

88. J.H. testified that in November 2016, she moved in with Respondent and then later moved in with Respondent's mother because, "Mr. Ron needed somebody to talk to a lot of the time." J.H. reported that Mr. Ron was Respondent's mother's boyfriend.

89. J.H. affirmed that she did not pay Respondent rent, but that she did pay $50.00 for her cell phone and paid for some food.

90. J.H. testified that she had started seeing a new therapist, "Dr. Julie," but she does not trust her yet as that will take some time.

Respondent's Testimony

91. Respondent testified that when she started working under Dr. Bissett's supervision, she explained to all her patients that the supervision was why all the documentation had Dr. Bissett's name. Further, because Respondent billed under Dr. Bissett, the EOBs received listed Dr. Bissett as the provider.

92. Respondent indicated she saw at least a dozen patients prior to her licensure in Arizona.

93. As to the K Family, Respondent testified that K.K. did not tell her about the change in insurance that took place in January 2014 until Respondent asked about it in February 2014. Respondent also indicated that the relationship soured because of the charge for the IEP meeting for which she had billed the K Family. Respondent stated that, in her billing software, payments received were applied to the oldest charge, so when the K Family made a payment after the IEP meeting, payments would be applied toward that instead of the next therapy session. The K Family thought there was a discrepancy in what they owed because they did not include the charge for the IEP meeting in their calculations.

94. Respondent stated that K.K. and H.S. dropped M.K.1 off for a session at one point. Respondent testified that K.K. told her she was fine with the family knowing that the children were seeing Respondent, but it was important that no one knew about K.K. and M.K. seeking marital counseling. Respondent denied ever dropping M.K.1 off at K.K's home and/or going inside and meeting A.K.

95. Respondent testified that she had been treating the S Family for several months before H.S. attended a session. Respondent indicated she knew the stepmother's first name, but did not connect the dots that the step-mother was K.K.'s twin sister.

96. Respondent testified that B.S. and M.M. signed the informed consent regarding the three children. Respondent also asserted that, at times, when she met with the three children, she met for three consecutive sessions, or almost three hours, which resulted in three claims to the insurance provider. Respondent maintained that H.S. was never a patient.

97. Exhibits including Facebook profiles show that Respondent became Facebook friends with Z.S. in March 2014, while Z.S. was still in therapy. It was also noted that Respondent's husband was Facebook friends with Z.S. While the date that friendship occurred was not established, Mr. Dargon commented on one of Z.S.'s profile pictures on November 28, 2015.

98. As to J.H., Respondent testified that it took months for J.H. to trust Respondent. Respondent also indicated that J.H. had a history of significant abuse, had been in therapy for most of her life, and had a history of suicide attempts. Respondent indicated that J.H. once overdosed on insulin, and Respondent called 911. Respondent asserted that after that incident, J.H. did not admit to her suicide attempts or thoughts.

99. Respondent also related an incident during which J.H. was about to be evicted while she was in the hospital following a suicide attempt. Respondent secured a storage unit for J.H.'s belongings so she would not lose everything and stored a couple large items in her home. Respondent also purchased some items from J.H., but rather than paying J.H. for the items, she deducted the cost of the items from J.H.'s balance due for services rendered.

100. Respondent maintained that J.H. was finally medically stable since she and her husband had become J.H.'s guardians.

101. Respondent acknowledged that she erroneously identified herself as a co-owner of VCPS in her profiles with at least two different companies for which she was a presenter.

Lynanne Chapman's Testimony

102. Ms. Chapman, Deputy Director of the Board, testified as to her knowledge of the investigations.

103. Ms. Chapman raised numerous issues with Respondent's records.

104. As to the K Family, Ms. Chapman noted that Respondent did not document that she had informed the K Family that she was not licensed, did not obtain informed consent that Respondent would provide therapy, did not have progress notes for billed session dates, and did not obtain informed consent for K.K. or A.K.

105. As to the S Family, Ms. Chapman noted that Respondent's progress notes indicated that she had seen all three children in a joint session, but she billed three individual sessions to the insurance company. Ms. Chapman questioned the veracity of Respondent's statement finding that it was unlikely three children aged 16, 13, and 10 would have been seen together for three consecutive hours.

106. As to J.H., Ms. Chapman noted that during her treatment, Respondent did not have a safety plan in place for J.H. Further, Ms. Chapman indicated that Respondent's obtaining a storage unit and storing J.H.'s items in her home went beyond the psychotherapy relationship.

107. Ms. Chapman stated that the Board was seeking revocation of Respondent's license given her whole history, including her history of boundary and multiple relationship issues. Ms. Chapman also noted that Respondent had not acknowledged any ethical concerns with her conduct and opined that Respondent's failure to reach out or consultation with other professionals indicated a lack of insight.

Deborah Lewis's Testimony

108. Dr. Lewis testified as to her review of the documentation in this matter.

109. Dr. Lewis posited that Respondent improperly held herself out as a licensed psychologist before she had been issued a license by the Board based on the Facebook post referenced previously.

110. Dr. Lewis also testified as to her difficulty determining what had happened with the K Family and the S Family by going through Respondent's progress notes and records. Given the number of people involved and the multiple relationships between the parties, Dr. Lewis concluded that it would be extremely difficult to undertake these cases and maintain everyone's confidences. Dr. Lewis stated that this would be difficult for an experienced practitioner and she would have expected Respondent to seek consultation with another professional regarding the circumstances.

111. Dr. Lewis also noted that Respondent's progress notes were not in the "SOAP" format, which outlines Subjective Findings, Objective Findings, Assessment, and Plan. Dr. Lewis found that some of Respondent's typed notes had many of those qualities, but the handwritten notes were well below the accepted standard.

112. Dr. Lewis stated that while Respondent asserted that H.S. was never a patient, Respondent's records show H.S. attended seven sessions, Respondent had noted a diagnosis for H.S., and H.S. herself believed she was a client.

113. Dr. Lewis stated that she had reviewed Respondent's records and did not find any risk assessments after Z.S. and A.S. had talked about suicide. Dr. Lewis noted, "I couldn't see that she had done it. I'm not saying she didn't. I'm saying that if it's not in your record, you didn't do it, and I couldn't find it in the record."

114. Dr. Lewis testified that adequate records are important so that a subsequent provider could pick up the patient's file and continue care.

115. As to J.H., Dr. Lewis noted that J.H. had already been in an exploitative relationship. Dr. Lewis stated that after J.H.'s serious suicide attempt,

every session note should have had a suicide assessment. Dr. Lewis testified that such an assessment was not just best practice, but was a minimum requirement. Dr. Lewis also questioned how Respondent could have obtained informed consent to terminate the therapeutic relationship from J.H., who was in need of a guardian. Dr. Lewis indicated that while someone recommended Respondent become J.H.'s guardian, people often suggest psychologists do things that are unethical and it is up to the psychologist to know what they should or should not do.

116. Dr. Lewis noted that Respondent's pattern of role violations, boundary violations, failure to self-assess, and failure to learn from her mistakes were troubling.

APA Accreditation

117. There was testimony and evidence offered relating to whether Respondent improperly represented to the Board and the public that she graduated from an APA accredited program.

118. Respondent asserted that because she graduated in March 1999 and the program was accredited in October or November 1999, she was "grandfathered" in.

119. The documentation from the APA establishes that Respondent did not graduate from an APA accredited program and, under the APA guidelines, should not have represented that she had.

120. Regardless, the Board did not allege in the Complaint and Notice of Hearing that Respondent improperly represented to the Board and the public that she had graduated from an APA accredited program. Thus, such a misrepresentation cannot be the basis of a disciplinary action in this matter. However, the misrepresentation and Respondent's statements with respect to it may be considered in weighing her credibility.

Facebook Friends Issue

121. While there was testimony and evidence questioning the boundary issues raised by Respondent being Facebook friends with Z.S. and A.S., those issues were not raised in the Complaint and Notice of Hearing. Therefore, those questions are not properly before this tribunal.

122. However, statements made by Z.S., A.S., and Respondent regarding their Facebook friendships and their relationship outside the therapeutic setting may be considered in weighing the credibility of the witnesses.

123. Specifically, Respondent indicated she saw no issues with her being Facebook friends with patients because some people like to use Facebook to contact her to make appointments. Respondent did not distinguish her Facebook relationship with other patients from her relationship with Z.S., a minor and a patient at the time. Even if she were friends with a patient for scheduling purposes, Respondent did not detail why she would then comment on status updates and/or profile pictures posted by Z.S. Respondent also did not explain why she believed it would be appropriate to be Facebook friends with Z.S., but felt it would be inappropriate for her to attend Z.S.'s graduation. Further, Respondent offered no explanation as to how or why her husband was Facebook friends with her patients.

CONCLUSIONS OF LAW

1. This matter lies within the Board's jurisdiction under A.R.S. § 32-2061 *et seq.*

2. The Board bears the burden of proof and must establish cause to penalize Respondent's license by a preponderance of the evidence. *See* A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119(A) and (B)(1); *see also Vazanno v. Superior Court*, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

3. "A preponderance of the evidence is such proof as convinces the trier of fact that the contention is more probably true than not." MORRIS K. UDALL,

ARIZONA LAW OF EVIDENCE § 5 (1960). A preponderance of the evidence is "evidence which is of greater weight or more convincing than evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not." BLACK'S LAW DICTIONARY 1120 (8th ed. 2004).

4. In an Administrative Law Judge Decision, "[f]indings of fact shall be based exclusively on the evidence and on matters officially noticed." A.R.S. § 41-1092.07(F)(6).

5. A.A.C. R4-26-301 provides that the Board "incorporates by reference standards 1.01 through 10.10 of the 'Ethical Principles of Psychologists and Code of Conduct' adopted by the American Psychological Association, effective June 1, 2003."

6. The APA's Ethical Code 3.05, Multiple Relationships, provides, in relevant part, as follows:

> (a) A multiple relationship occurs when a psychologist is in a professional role with a person and . . . (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to that person.

7. The APA's Ethical Code 3.06, Conflicts of Interests, provides, in relevant part, as follows:

> Psychologists refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to (1) impair their objectivity, competence, or effectiveness in performing their functions as psychologists or (2) expose the person or organization with whom the professional relationship exists to harm or exploitation.

RFI 14-32 and RFI 15-02

8. Respondent acknowledged in her written closing that she failed to obtain written informed consent from K.K. and A.K. Respondent asserted that their consent was implied by their ongoing participation in therapy. Respondent denied any other issues with her recordkeeping.

9. As previously noted, Respondent's informed consent forms named Dr. Bissett and did not identify Respondent as the provider. Further, nothing in

Respondent's records documented that she informed the K Family that she was working under the supervision of Dr. Bissett or that she was not a licensed psychologist.

10. Further, Dr. Lewis had a great deal of difficulty determining what had transpired during Respondent's sessions with the K Family and the S Family given the lack of appropriate progress notes.

11. Thus, the Board established by a preponderance of the evidence that Respondent failed to maintain and retain adequate records in violation of A.R.S. § 32- 2061(15)(h) ("[f]ailing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient").

12. There were multiple irregularities in Respondent's billing records. Such lack of proper billing records and procedures contributed to the confusion with the K Family regarding the charges for the IEP meeting.

13. Further, Respondent's assertion that she had three hour sessions with the S Family children which resulted her submitting three claims for one hour individual sessions with each of the children was not credible.

14. The preponderance of the evidence presented established that Respondent had billing discrepancies with relation to the K Family and S Family which resulted in her obtaining fees to which she was not entitled. While some of those fees may have been refunded, that does not negate the fact that she improperly billed in the first place.

15. Thus, the Board established by a preponderance of the evidence that Respondent obtained a fee by fraud or misrepresentation in violation of A.R.S. § 32- 2061(15)(a) ("[o]btaining a fee by fraud or misrepresentation") and A.R.S. § 32- 2061(15)(p) ("[f]alsely or fraudulently claiming to have performed a professional service, charging for a service or representing a service as the licensee's own when the licensee has not rendered the service or assumed supervisory responsibility for the service").

16. There was conflicting evidence relating to whether Respondent improperly told K.K. and H.S. that the other was in marital therapy with her. Respondent painted K.K. and H.S. as having an ax to grind against Respondent and their testimony at hearing deserving of little weight.

17. The Administrative Law Judge notes there were some inconsistencies in the versions of events as related by K.K. and H.S. at various points during the investigation, but does not find those inconsistencies to be so drastic as to render their testimony unreliable. For example, K.K. and H.S. both stated they called Dr. Bissett to set up therapy and Respondent answered the phone while Dr. Bissett indicated that she did not have an office phone and only had a cell phone that Respondent did not have access to. Even assuming K.K. and H.S. both incorrectly stated how they came to find Respondent, that does not go to the heart of their testimony. Further, Respondent urged a finding that H.S. was lying because she said she had a "picture" of a Facebook interaction when what she presented was a document including a "copy and paste" version of the Facebook post. The document included enough hallmarks of Facebook formatting and style for the Administrative Law Judge to find it to be a credible record of what was observed on that day. The use of the word "picture" does not render H.S.'s testimony meritless. Similarly, H.S.'s statement that her mother created the document because she did not have "access to a computer" in that moment while she was at work was not refuted by the fact that she posted on Facebook around that time period.

18. In essence, K.K. and H.S. both related that they did not know from each other that they were in marital counseling and only learned of it from Respondent during their sessions. While they may have discussed that their children and step-children were in counseling, that does not mean that they wanted to disclose their own marital issues.

19. Thus, the Board established by a preponderance of the evidence that Respondent improperly spoke to K.K. and H.S. about the other during their

session in violation of A.R.S. § 32-2061(15)(b) ("[b]etraying professional confidences") and A.R.S. § 32-2061(15)(r) ("[f]ailing to obtain a client's or patient's informed and written consent to release personal or otherwise confidential information to another party unless the release is otherwise authorized by law").

20. Respondent acknowledged she falsely represented herself as a co-owner of VCPS in her biography linked to her products on the websites of Cross Country Education and Professional Education Systems, Inc. when that was not a reality.

21. Thus, the Board established by a preponderance of the evidence that Respondent engaged in false, deceptive, or misleading advertising in violation of A.R.S. § 32-2061(15)(x) ("[e]ngaging in false, deceptive or misleading advertising").

22. Taken together, the violations cited above constitute serious concerns regarding Respondent's conduct with relation to the K Family and the S Family. This is especially true given Respondent's failure to seek any consultation with another practitioner regarding the potential ethical issues arising from the complex relationships between the parties.

23. Thus, the Board established by a preponderance of the evidence that Respondent's conduct constituted gross negligence in violation of A.R.S. § 32-2061(15)(e) ("[g]ross negligence in the practice of a psychologist").

24. The Board produced the Facebook post indicating Respondent began working at VCPS in June 2012 as a licensed psychologist. When questioned by the Board, Respondent explicitly denied holding herself out as a licensed psychologist prior to actually receiving her license in October 2013.

25. As previously noted, the Facebook post in question did not indicate when it was entered. Without knowing when the post was entered, it cannot be determined if Respondent made a false statement to the Board when she denied holding herself out as a licensed psychologist prior to October 2013.

26. Respondent did post on Facebook on October 4, 2013, that she was now a licensed psychologist in the state of Arizona after she attended the Board meeting when the Board did not officially notify her that her Application had been approved until October 8, 2013. However, this does not warrant a finding that she lied to the Board when she denied holding herself out as a psychologist prior to being licensed.

27. Thus, the Board failed to establish by a preponderance of the evidence that Respondent made a fraudulent or untrue statement to the Board or its investigators, staff, or consultants in violation of A.R.S. § 32-2061(15)(j) ("[m]aking a fraudulent or untrue statement to the board or its investigators, staff or consultants").

RFI 16-50

28. Respondent's records relating to J.H. failed to include an intake assessment, documented history, documented treatment plan, clearly articulated diagnosis, suicide risk assessments, or emergency plans.

29. Thus, the Board established by a preponderance of the evidence that Respondent failed to maintain and retain adequate records pertaining to J.H. in violation of A.R.S. § 32-2061(15)(h) ("[f]ailing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient").

30. Respondent's decision to terminate her therapeutic relationship with J.H. in order to become her guardian raised significant issues. It was uncontested that J.H. was doing well as of the time of the hearing and that the change could fairly be attributed to Respondent's guardianship.

31. While J.H. had benefitted from Respondent's conduct, that does not render her conduct appropriate. The temporal break from when Respondent terminated therapy with J.H. to the time that she officially became J.H.'s guardian does not eradicate the possibility of a multiple relationship. The multiple relationship began when Respondent broached the subject with J.H. that she

was willing to become J.H.'s guardian even if she did not make an explicit promise. At that time, Respondent became an advocate for J.H. through the legal system and helped J.H. navigate the legal requirements that eventually allowed Respondent to become J.H.'s guardian.

32. Thus, the Board established by a preponderance of the evidence that Respondent's engaged in activities as a psychologist that were unprofessional by current standards of practice and violated an ethical standard adopted by the Board in violation of A.R.S. § 32-2061(15)(o) ("[p]roviding services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice") and A.R.S. § 32-2061(15)(dd) ("[v]iolating an ethical standard adopted by the board").

33. Respondent acknowledged that J.H. had a history of being exploited by a former therapist and it took quite some time for J.H. to come to trust her. J.H. admitted that she had started seeing a new therapist since Respondent terminated her therapeutic relationship, but that she did not yet trust the new therapist and it would take some time before that happened. Given J.H.'s complex history and diagnosis, a break in effective therapy could result in actual harm.

34. In Respondent's application for licensure, she acknowledged that she should have adhered more strongly to the boundaries, that she had learned a great deal from the experience, and that she planned to continue to learn and grow to become a better therapist.

35. Given Respondent's prior history of boundary issues that resulted in disciplinary action in New Hampshire and her assertions to the Board in the Application, it was especially concerning that Respondent saw no issue with her becoming J.H.'s guardian and did not believe she should seek consultation with another practitioner prior to taking such action.

36. Thus, the Board established by a preponderance of the evidence that Respondent's conduct with respect to J.H. demonstrated gross negligence in

violation of A.R.S. § 32-2061(15)(e) ("[g]ross negligence in the practice of a psychologist").

Conclusion

37. The Board established cause to discipline Respondent's license under A.R.S. § 32-2081(L).[4]

ORDER

Based on the foregoing, IT IS HEREBY ORDERED that License No. 4443 is revoked for the Practice of Psychology in the State of Arizona previously issued to Christine Dargon, Ph.D. under A.R.S. §32-2081(L).

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that she has the right to petition for a rehearing or review. Pursuant to A.R.S. §41-1092.09, as amended, the petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of the Order. Pursuant to A.A.C. R4-26-308, the petition must set forth legally sufficient reasons for granting a rehearing. Service of the Order is effective five (5) days after date of mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to the Respondent.

Respondent is further notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the Superior Court.

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[4] A.R.S. § 32-2081(L) provides that if the Board finds that the licensee has committed an act of unprofessional conduct, the Board may revoke or suspend the license.

DATED this ___ day of November 2017

BOARD OF PSYCHOLOGIST
EXAMINERS OF THE STATE OF
ARIZONA

By: Cindy Olvey, PsyD
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ORIGINAL of the foregoing filed this
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Address of Record

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