

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

3 **In the Matter of :**) **Case No. 15-15**
4 **Leslie Donnelly, Ed.D.**) **CONSENT AGREEMENT**
5 **Holder of License No. 4537**) **FOR DECREE OF CENSURE**
6 **for the Practice of Psychology**)
7 **in the State of Arizona**)

8
9 On August 14, 2015, the Arizona Board of Psychologist Examiners (“Board”) met in
10 open session and discussed Case No. 15-15 regarding Leslie Donnelly, Ed.D. (“Licensee”). Dr.
11 Donnelly and her attorney, Faren Akins, each addressed the Board and answered questions.
12 After discussion, the Board voted to refer this case to an Informal Interview, and also voted to
13 allow the Board’s Assistant Attorney General, Jeanne Galvin, to enter into negotiations with
14 Licensee’s attorney in an effort to resolve this case by means of a Consent Agreement.

15 On October 7, 2015, the Arizona Board of Psychologist Examiners (“Board”) met in
16 open session and again discussed Case No. 15-15 regarding Licensee. Her attorney, Faren
17 Akins, addressed the Board and answered questions. After discussion, the Board voted to table
18 an Informal Interview in this matter, and also voted to allow the Board’s Assistant Attorney
19 General, Jeanne Galvin, to continue negotiations with Licensee’s attorney in an effort to
20 resolve this case by means of a Consent Agreement.

21 **JURISDICTION**

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

26 2. Licensee is the holder of license number 4537 for the practice of psychology in
27 the State of Arizona.

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

1 RECITALS

2 Licensee understands and agrees that:

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

6 5. The Board has jurisdiction over Licensee and the subject matter pursuant to
7 A.R.S. § 32-2061 *et seq.*, and the rules at A.A.C. R4-26-101, *et seq.*

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

10 7. Licensee has a right to a public hearing concerning this case. She further
11 acknowledges that at such formal hearing she could present evidence and cross-examine
12 witnesses. Licensee irrevocably waives her right to such a hearing.

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

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

22 10. The Consent Agreement, once approved by the Board and signed by the
23 Licensee, shall constitute a public record which may be disseminated as a formal action of the
24 Board and shall be reported to the National Practitioner Data Bank.

25 11. Licensee voluntarily enters into this Consent Agreement for the purpose of
26 avoiding the expense, uncertainty, and prolonged time involved in further administrative
27 proceedings.

28 ...

1 **FINDINGS OF FACT**

2 12. The Complaint opened by the Board on its own initiative in this case alleges that
3 Dr. Donnelly provided inaccurate information to the Board in her June 21, 2014, application for
4 licensure when she answered the following application question in the negative:

5
6 Q.#17. Are you currently under investigation for or have you been found guilty
7 of violating a code of professional ethics or code of conduct by any professional
organization or jurisdiction?

8 13. Dr. Donnelly, in fact, was under investigation with the Maryland Board of
9 Examiners of Psychologists (“Maryland Board”) at the time that Dr. Donnelly answered
10 Question #17 (pursuant to a complaint opened against her on October 24, 2012). However, at
11 the time of her Arizona licensure application dated June 21, 2014, Dr. Donnelly had not been
12 found guilty of violating a code of professional ethics or code of conduct by any professional
13 organization or jurisdiction.

14 14. Dr. Donnelly’s inaccurate statement was clarified by her when she completed an
15 Arizona licensing renewal application dated March 10, 2015, in which she answered “yes” to
16 each of the following questions:

17
18 Q.#9. Since May 1, 2013, have you been or are you currently under investigation
19 by any professional organization, health care institution or provider panel of
20 which you are a member or on staff, or a regulatory board or agency (including
the Arizona Board of psychologist Examiners) concerning ethical propriety or
legality of your conduct?

21
22 Q.#10. Since May 1, 2013, have you been disciplined by any agency or
23 regulatory board of any jurisdiction (including the Arizona Board of Psychologist
24 Examiners), health care institution, provider panel or ethics panel for acts
25 pertaining to your conduct as a psychologist or as a professional in another field?
26 If yes, please attach a report those actions including the name and address of the
disciplinary entity, the nature of the action, and a statement of the charges and
findings.

27 15. Licensee maintains that she did not intentionally seek to mislead the Board
28 through her answer to Question #17 of the initial application. Rather, she contends that she

1 misread the question in its totality and focused only on the second part of the question which
2 was correctly answered in that she was not found guilty of violating a code of professional
3 ethics or code of conduct by any professional organization or jurisdiction at the time of the
4 application. Licensee admits that she was found guilty of unprofessional conduct by the
5 Maryland Board per a consent order issued July 11, 2014.

6 16. Licensee pointed out that when the two parts of Question #17 from the initial
7 licensure application were answered by her in her March 10, 2015, renewal application
8 (Questions #9 and #10) she did answer accurately to each item.

9 17. Licensee denies specific intent to mislead the Board in how she answered
10 Question #17 of her initial licensure application, but accepts that if this matter was pursued to
11 ultimate adjudication that the Board believes there is sufficient evidence to support a finding of
12 unprofessional conduct.

13 CONCLUSIONS OF LAW

14 18. The conduct and circumstances described above may constitute unprofessional
15 conduct pursuant to A.R.S. § 32-2061(15)(m) – using fraud, misrepresentation, or deception to
16 obtain or attempt to obtain a psychology license.

17 19. The conduct and circumstances described above constitutes unprofessional
18 conduct pursuant A.R.S. § 32-2061(15)(n) – unprofessional conduct in another jurisdiction that
19 resulted in censure, probation or a civil penalty or in the denial, suspension, restriction or
20 revocation of a certification or license to practice as a psychologist.

21 ORDER

22 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree as
23 follows:

24 20. Licensee is hereby issued a Decree of Censure;

25 21. Licensee's license #4537 with the Arizona Board of Psychologist Examiners is
26 hereby granted Inactive status.

27 22. The Arizona Board of Psychologist Examiners will transmit a letter to the
28 Maryland Board notifying the Maryland Board of the disciplinary action taken in RFI 15-15

1 and the basis for the disciplinary action;

2 23. Licensee shall comply with all terms of the Consent Order currently in place
3 with the Maryland Board in resolution of Maryland Board Case #2023-009 (“Maryland
4 Consent Order”);

5 24. Upon completion of the terms of the Maryland Consent Order, the Arizona
6 Board of Psychologist Examiners be provided with a progress report from the Maryland Board
7 addressing Licensee’s compliance with the Maryland Consent Order;

8 25. Should Licensee seek reactivation of her Arizona license, the Arizona Board of
9 Psychologist Examiners will review the facts and circumstances of Maryland Board Case
10 #2023-009, as well as the facts and circumstances leading to the Consent Agreement in the
11 current matter (RFI 15-15). The purpose of the Arizona Board’s review will be to determine
12 whether any additional Board actions (such as the establishment of probationary terms, practice
13 monitor, etc.) are necessary to protect the health, welfare, and safety of Arizona citizens should
14 the Arizona Board approve Licensee’s request to activate her Arizona license.

15 26. **EFFECTIVE DATE**: Licensee understands that the foregoing Consent
16 Agreement and Order shall not become effective unless and until adopted by the Board of
17 Psychologist Examiners and executed on behalf of the Board. Any modification to this original
18 document is ineffective and void unless mutually approved by the parties in writing.

19 27. **CONSIDERATION IN FUTURE ACTIONS**: Licensee understands that this
20 Order, or any part thereof, may be considered in any future disciplinary action against her.

21 28. **FINAL RESOLUTION**: This Order constitutes a final resolution of this
22 disciplinary matter but does not constitute a dismissal or resolution of other matters currently
23 pending before the Board, if any, and does not constitute any waiver, expressed or implied, of
24 the Board’s statutory authority or jurisdiction regarding any other pending or future
25 investigations, actions or proceedings. Further, this Order does not preclude any other agency,
26 subdivision or officer of this State from instituting other civil or criminal proceedings with
27 respect to the conduct that is the subject of this Order.

28 29. **TIME**: Time is of the essence with regard to this Order.

1 30. **COSTS**: The Licensee shall be responsible for all costs incurred as a result of
2 her compliance with this Order.

3 31. **NON-COMPLIANCE**: If Licensee fails to comply with the terms of this Order,
4 the Board shall properly institute proceedings for noncompliance with this Order, which may
5 result in suspension, revocation, or other disciplinary and/or remedial actions. Violation of this
6 Order is a violation of A.R.S. § 32-2061(15)(aa), which is “violating a formal board order,
7 consent agreement, term of probation or stipulated agreement.”

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

11 2nd
12 DATED this ~~3rd~~ day of February, 2016.

13
14
15 ARIZONA BOARD OF
16 PSYCHOLOGIST EXAMINERS

17 1/28/2016
18 Leslie Donnelly
19 Leslie Donnelly, Ed.D.
20 Licensee

21 By: Cindy Olvey
22 Cindy Olvey, Psy.D.
23 Executive Director

24 ORIGINAL of the foregoing filed this
25 3rd day of February, 2016, with:

26 The Arizona State Board of Psychologist Examiners
27 1400 West Washington, Suite 240
28 Phoenix, Arizona 85007

29 COPY mailed by Certified Mail, No. 7009 2250 0001 7373 0350
30 4th day of February, 2016, to:
31 Leslie Donnelly, Ed.D.
32 Address on Record

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COPY mailed
4th day of February, 2016, to:
Faren Akins
Akins Law Firm
7702 E. Doubletree Ranch Road, Ste. 300
Scottsdale, AZ 85258

COPY of the foregoing mailed by interagency
4th day of February, 2016, to:
Jeanne M. Galvin, AAG
Office of the Attorney General
SGD /LES
1275 West Washington
Phoenix, Arizona 85007

By: 