

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

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

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

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

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12 event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of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

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

20 11. Respondent voluntarily enters into this Consent Agreement for the purpose of
21 avoiding the expense, uncertainty, and prolonged time involved in further administrative
22 proceedings. The issues contained herein are resolved by settlement and not actually litigated.
23 Any allegations and findings herein may not be used for *res judicata* or collateral estoppel
24 effect in any subsequent civil proceedings for any claims of professional liability or negligence
25 by or on behalf of Complainant.

26 **FINDINGS OF FACT**

27 12. Respondent has been evaluating students for several school districts for
28 approximately forty years.

1 13. In October, 2017, the Board office received a Complaint against Respondent
2 alleging that Respondent “is over-identifying giftedness by continuing to use outdated tests”.
3 The complaint was filed by a school district that had previously hired Respondent to evaluate
4 students for possible giftedness.

5 14. The Complainant school district specifically requested that Respondent utilize the
6 most current version of the tests when evaluating students.

7 15. Respondent did not adhere to Complainant’s request and continued to utilize
8 outdated tests. In fact, subsequent to the request, Respondent omitted the test version from her
9 reports.

10 16. At the March 2, 2018, Board meeting, Respondent admitted to not utilizing the
11 most current version of tests when evaluating students for giftedness.

12 **CONCLUSIONS OF LAW**

13 17. The conduct and circumstances described above constitutes unprofessional
14 conduct pursuant to:

15 A.R.S. § 32-2061(16) (dd) – Violating an ethical standard adopted by the
16 Board as it pertains to the American Psychological Association’s Ethical Principles of
17 Psychologists and Code of Conduct 2.03 Maintaining Competence; 3.04 Avoiding Harm; 3.09
18 Cooperation with Other Professionals; 4.05 Disclosures; 6.06 Accuracy in Reports to Payors
19 and Funding Sources; 9.08(a) and (b) Obsolete Tests and Outdated Test Results.

20 **ORDER FOR PROBATION AND SUPERVISION**

21 Pursuant to A.R.S. §32-2081(S) the Board has determined that the Respondent’s
22 conduct in Case No. 17-26 warrants disciplinary action. Based upon the foregoing Findings of
23 Fact and Conclusions of Law, IT IS ORDERED THAT:

24 18. **PROBATION:** Respondent’s license as a Psychologist is placed on probation
25 for a minimum period of 12 Months from the effective date of this Consent Agreement, unless
26 otherwise ordered by the Board. The effective date of this Consent Agreement is the date that
27 it is signed by the Board’s Executive Director, or her designee, on behalf of the Board.
28

1 19. **SUPERVISION:** For no less than twenty (20) cases, Respondent shall work
2 under a Supervisor to provide professional oversight of Respondent's practice in conducting
3 student evaluations, administering testing, and preparing and releasing evaluation reports.
4

5 Respondent shall meet with the Supervisor 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 Supervisor, the meetings may be decreased thereafter. The Supervisor shall
8 personally observe Respondent conducting at least one evaluation during the probationary
9 period. The Supervisor shall review with Respondent the following areas of practice, as
10 applicable: appropriate modalities, appropriate testing and evaluation protocols, testing
11 administration procedures, and proper report preparation, finalization, and distribution.
12

13 The Supervisor shall submit to the Board quarterly reports of the meetings to
14 include topics covered, results of case file audits, and any modifications made to the
15 Respondent's practice. The quarterly reports shall also include the Supervisor's
16 recommendations with regard to the need for any additional remedial activities on the part of
17 Respondent, for example, any additional training or education (CEUs) to address topics at issue
18 in Request for Investigation No. 17-26. The Supervisor shall provide reports to the Board
19 within 30 days of the end of each quarter.
20
21

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

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

20. Within ten (10) business days of the effective date of this agreement, Respondent shall enter into an agreement with the following psychologist to serve as her Supervisor or, Respondent may self-select a licensed psychologist who specializes in School Psychology and who has agreed to Supervise Respondent within the terms of this agreement. Respondent shall submit the name of the psychologist to the Board for approval within ten days of the effective date of this agreement. The Supervising Psychologist shall have no familial or business relationship with Respondent:

Neil Stafford, Psy.D.
295 W. Western Ave.
Avondale, AZ 85323
623-772-5104

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

22. **TERMINATION OF PROBATION:** Respondent may petition the Board in writing after supervision has occurred for no less than twenty evaluations, to be released from probation. If the Board determines that Respondent has not complied with all the requirements of this Consent Agreement, the Board may either (a) continue the probation or (b) institute proceedings for noncompliance with this Consent Agreement, which may result in the

1 suspension, revocation or other disciplinary and/or remedial action.

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

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

9 25. **FINAL RESOLUTION:** This Consent Agreement constitutes a final resolution
10 of this disciplinary matter but does not constitute a dismissal or resolution of other matters
11 currently pending before the Board, if any, and does not constitute any waiver, expressed or
12 implied, of the Board's statutory authority or jurisdiction regarding any other pending or future
13 investigations, actions or proceedings. Further, this Consent Agreement does not preclude any
14 other agency, subdivision or officer of this State from instituting other civil or criminal
15 proceedings with respect to the conduct that is the subject of this Consent Agreement.

16 26. **TIME:** Time is of the essence with regard to this Consent Agreement.

17 27. **COSTS:** The Respondent shall be responsible for all costs incurred as a result of
18 her compliance with this Consent Agreement.

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

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

27
28 DATED this 13 day of July 2018.

ARIZONA BOARD OF
PSYCHOLOGIST EXAMINERS

Jamie Matanovich
Jamie Matanovich, Ph.D.
Respondent

By: Jenna Jones
Jenna Jones
Executive Director

ORIGINAL of the foregoing filed this
13 day of July, 2018, with:

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

COPY mailed by Certified Mail, No. 70162140000069594671
This 13 day of July, 2018, to: 70162140000069594671

Jamie Matanovich, Ph.D.
Address on Record

COPY of the foregoing mailed by interagency
this 13 day of July, 2018,

Jeanne M. Galvin, AAG
Arizona Attorney General's Office
SGD/LES
2005 N. Central Ave.
Phoenix, Arizona 85004

By: Heather Broadbent