

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

3
4 In the Matter of:

Case No. 20F-2009-PSY

5 **Rachele Elisa “Barrie” Wagner, Psy.D.,**

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND CONSENT
AGREEMENT FOR SURRENDER OF
PSYCHOLOGIST LICENSE**

6 Holder of License No. PSY-003269
7 **(Summarily Suspended)**
8 For the Practice of Psychology
 In the State of Arizona.

9 In the interest of a prompt and judicious settlement of the above-captioned matter before
10 the Arizona Board of Psychologist Examiners (“Board”) and consistent with public interest,
11 statutory requirements and responsibilities of the Board and pursuant to A.R.S. § 32-2061 *et seq.*,
12 and A.R.S. § 41-1092.07(F)(5), Rachele Elisa “Barrie” Wagner, Psy.D. (“Respondent”), holder of
13 License No. PSY-003269 and the Board enter into this Consent Agreement for Voluntary
14 Surrender (“Consent Agreement”) as the final disposition of this matter.

15 **JURISDICTION**

16 1. The Board is authorized to regulate the practice of psychology in Arizona pursuant
17 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-003269 for the practice of
21 psychology in the State of Arizona.

22 3. The Board has personal and subject matter jurisdiction over Respondent pursuant to
23 A.R.S. § 32-2061, *et seq.*, and the rules of 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 to promptly and
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1 judiciously resolve this matter, consistent with the public interest and the statutory requirements of
2 the Board.

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

5 6. 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 witnesses.
7 Respondent irrevocably waives her right to such a hearing.

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

10 8. Respondent acknowledges and agrees that the acceptance of this Consent Agreement
11 is solely to settle this Board matter and does not preclude the Board from instituting other
12 proceedings as may be appropriate now or in the future.

13 9. Respondent understands that this Consent Agreement does not constitute a dismissal
14 or resolution of any other matters currently pending before the Board, if any, and does not constitute
15 any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other
16 pending or future investigation, action or proceeding.

17 10. Furthermore, and notwithstanding any language in this Consent Agreement, this
18 Consent Agreement does not preclude in any way any other state agency or officer or political
19 subdivision of this state from instituting proceedings, investigating claims, or taking legal action as
20 may be appropriate now or in the future relating to this matter or other matters concerning
21 Respondent, including violations of the practice act. Respondent acknowledges that, other than with
22 respect to the Board, this Consent Agreement makes no representations, implied or otherwise, about
23 the views or intended actions of any other state agency or officer or political subdivision of the state
24 relating to this matter or other matters concerning Respondent.

25 11. This Consent Agreement shall be subject to the approval by the Board and shall be
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1 effective only when approved by the Board and signed by the Board's Executive Director. In the
2 event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no
3 evidentiary value and shall not be relied upon nor introduced in any action by any party, except the
4 parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing,
5 Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this
6 document or any records relating thereto.

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

11 13. Although Respondent does not agree that all the Findings of Fact set forth in this
12 Consent Agreement are supported by the evidence, Respondent acknowledges that it is the
13 Board's position that, if this matter proceeded to formal hearing, the Board could establish
14 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted
15 unprofessional conduct.

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

22 **FINDINGS OF FACT**

23 1. Respondent is a licensed psychologist in the State of Arizona, license number 3269.
24 She has been licensed in Arizona since August 17, 1998.

25 2. On October 3, 2019, the Board received information from an anonymous person
26 alleging that Dr. Wagner had been admitted to a behavioral health facility pursuant to a court-
27 ordered evaluation. The specifics of Respondent's condition and the allegations supporting the
28 court-ordered evaluation are contained within the Board's files.

1 3. On October 23, 2019, the Board reviewed the pending complaint against Respondent
2 and voted to summarily suspend Respondent’s license, as emergency action was necessary to
3 protect the public health, safety, and welfare. Additionally, the Board moved the matter to a formal
4 hearing before the Office of Administrative Hearings to keep the suspension in place until such
5 time Dr. Wagner undergoes a fitness for duty evaluation by a Board-approved provider and is
6 cleared to safely practice psychology.

7 4. Following the summary suspension of her license, Respondent was readmitted to
8 Valleywise Behavioral Health (Maryvale) on November 5, 2019, after a court-ordered petition
9 was filed alleging that Respondent was engaging in behavior that some could conclude
10 demonstrate that she is not safe to practice psychology, the specifics of which are contained
11 in the Board's files.

12 5. On December 13, 2019, Respondent entered into an Interim Consent Agreement and
13 Order for Voluntary Suspension of License, which specified that the suspension of Respondent’s
14 license would continue until she completes a fitness for duty evaluation within forty-five (45) days
15 of the effective date of the Interim Consent Agreement and that evaluation determines that
16 Respondent is safe to practice psychology, with or without certain limitations.

17 6. On June 5, 2020, at its public meeting, the Board reviewed the results of the
18 evaluator’s (“Neuropsychologist”) report dated January 31, 2020, which opined that Respondent is
19 not fit to return to the practice of psychology currently and that additional testing is recommended.
20 The Board moved to issue an Interim Order for Respondent to complete the additional testing
21 recommended in the evaluator’s report.

22 7. After reviewing the Interim Order, Respondent elected to voluntarily surrender her
23 psychologist license.
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25 **CONCLUSIONS OF LAW**

26 1. The conduct and circumstances described above constitute unprofessional conduct
27 pursuant to A.R.S. § 32-2061(16)(l), practicing psychology while impaired or incapacitated to the
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1 extent and in a manner that jeopardizes the welfare of the client or patient or renders the
2 psychological services ineffective.

3 **ORDER**

4 Pursuant to A.R.S. §32-2081(S) the Board has determined that the Respondent's conduct in
5 Complaint No. 20F-2009-PSY warrants disciplinary action. Based upon the foregoing Findings of
6 Fact and Conclusions of Law, the parties agree to the provisions and penalties imposed as follows:

7 1. Upon the effective date of this Consent Agreement, Respondent's license number
8 PSY-003269 for the practice of psychology in the State of Arizona shall be surrendered. Once the
9 surrender is effectuated, **Respondent shall not practice psychology in the State of Arizona or**
10 **hold herself out as a licensed psychologist in the State of Arizona.** The effective date of this
11 Consent Agreement is the date the Consent Agreement is accepted by the Board as evidenced by
12 the signature of the Board's Executive Director.

13 2. Respondent has read and understands this Consent Agreement as set forth herein,
14 and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the
15 opportunity to discuss this Consent Agreement for the purpose of avoiding the expense and
16 uncertainty of an administrative hearing.

17 4. Respondent understands that she has the right to a public administrative hearing
18 concerning each and every allegation set forth in the above-captioned matter, at which
19 administrative hearing she could present evidence and cross-examine witnesses. By entering into
20 this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to such
21 administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial
22 review or any other administrative and/or judicial action, concerning the matters set forth herein.
23 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

24 5. Respondent understands that this Consent Agreement, or any part thereof, may be
25 considered in any future disciplinary action against her or in any future decision regarding re-
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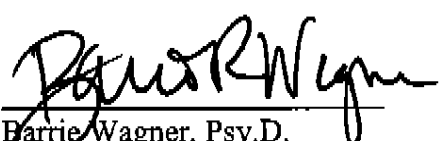
1 licensure.


2 6. The parties agree that this Consent Agreement does not constitute a dismissal or
3 resolution of other matters currently pending before the Board, if any, and does not constitute any
4 waiver, expressed or implied, of the Board's statutory authority or jurisdiction regarding any other
5 pending or future investigation, action or proceeding. Respondent also understands that acceptance
6 of the Consent Agreement does not preclude any other agency, subdivision or officer of this state
7 from instituting other civil or criminal proceedings with respect to the conduct that is subject of this
8 Consent Agreement. The parties agree that this Consent Agreement is a final adjudication of case
9 20F-2009-PSY.

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11 7. Respondent understands that the foregoing Consent Agreement shall not become
12 effective unless and until adopted by the Board and executed on behalf of the Board. Any
13 modification to this original document is ineffective and void unless mutually approved by both
14 parties in writing.

15 8. Respondent understands that this Consent Agreement is a public record and may be
16 publicly disseminated as a formal action of the Board and shall be reported to the National
17 Practitioner Data Bank.

18 DATED this 14th day of August, 2020.
19 5th day of July, 2020.

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23 Barrie Wagner, Psy.D.
24 Respondent

Arizona Board of
Psychologist Examiners

Heidi Herbst Paakkonen
Executive Director

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26 ORIGINAL of the foregoing filed
27 This 14 day of August, 2020 with:


1 The Arizona State Board of Psychologist Examiners
2 1740 West Adams Street, Suite 3403
3 Phoenix, Arizona 85007

4 COPY mailed by US Regular & Certified Mail, No. 9489009000276155201879
5 This 14 day of August, 2020 to:

6 Barrie Wagner, Psy.D.
7 Address on Record

8 COPY of the foregoing emailed
9 This 14 day of August, 2020, to:

10 Jeanne M. Galvin
11 Assistant Attorney General
12 Office of the Attorney General
13 2005 North Central Ave., SGD/LES
14 Phoenix, AZ 85004
15 Attorney for the Board

16 By 

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