

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

3 In the Matter of:) **Case No. 19-10**
4 **Shelley Kaufman, Ph.D.**) **FINDINGS OF FACT, CONCLUSIONS**
5 Holder of License No. PSY-001389) **OF LAW, AND CONSENT**
6 for the Practice of Psychology) **AGREEMENT FOR SURRENDER OF**
7 in the State of Arizona) **PSYCHOLOGIST LICENSE**

8
9 In the interest of 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
12 seq. and A.R.S. § 41-1092.07(F)(5), Shelley Kaufman, Ph.D. ("Respondent") holder of
13 License No. 1389 for the practice of psychology in the State of Arizona, and the Board to
14 enter into this Consent Agreement for Voluntary Surrender ("Consent Agreement") as the
15 final disposition of this matter.
16

17 **JURISDICTION**

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

22 2. Respondent is the holder of license number PSY-001389 for the practice of
23 psychology in the State of Arizona.

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

26 **RECITALS**

27 Respondent understands and agrees that:

28 4. The Board and Respondent enter into this Consent Agreement and Order to

1 promptly and judiciously resolve this matter, consistent with the public interest and the
2 statutory requirements of 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
7 witnesses. Respondent irrevocably waives her right to such a hearing.

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

10 8. Respondent has agreed to enter into this Consent Agreement as an economical
11 and practical means of resolving the issues alleged in the Complaint.

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14 approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall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

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

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

1 **FINDINGS OF FACT**

2 1. On June 3, 2019, the Board received Complaint No. 19-10 that alleged acts of
3 unprofessional conduct that, if found by the Board to be factually supported, could justify the
4 Board taking action against Respondent.

5 2. The allegations in Complaint No. 19-10 raise issues concerning Respondent's
6 treatment of an adult female client ("Client"), who Respondent treated from 2017 – 2018 for a
7 total of 14 sessions.

8 3. At Client's last session in 2018, Client expressed that she was suicidal and had a
9 plan to commit suicide. Respondent and Client discussed the possibility of Client entering into
10 inpatient treatment and making an immediate appointment with Client's psychiatrist.

11 4. Client alleges that Dr. Respondent "dumped" her as a client following this session
12 and that Dr. Kaufman failed to ever follow-up with or contact Client after this appointment.

13 5. On October 23, 2019, the Board's Complaint Screening Committee ("Committee")
14 reviewed Complaint No. 19-10 and voted to refer the matter to the Board for further review.

15 6. The Committee expressed concern with Respondent's client care, lack of informed
16 consent, lack of appropriate recordkeeping, and lack of documentation to reflect that Dr.
17 Kaufman made efforts to contact Client for purposes of continuity of care following the last
18 session in which Client expressed suicidal ideation.

19 **CONCLUSIONS OF LAW**

20 1. The conduct and circumstances described in Complaint No. 19-10, if supported by
21 the facts alleged, would constitute unprofessional conduct pursuant to:

- 22 a. A.R.S. § 32-2061(16)(e), gross negligence in the practice of a psychologist;
23 b. A.R.S. §32-2061(16)(h), failing or refusing to maintain and retain adequate
24 business, financial or professional records pertaining to the psychological
25 services provided to a client or patient;
26 c. A.R.S. §32-2061(16)(o), providing services that are unnecessary or unsafe or
27 otherwise engaging in activities as a psychologist that are unprofessional by
28 current standards of practice;

1 d. A.R.S. §32-2061(16)(v), abandoning or neglecting a client or patient in need of
2 immediate care without making suitable arrangements for continuation of the
3 care;

4 e. A.R.S. §32-2061(16)(dd), violating an ethical standard adopted by the board as
5 it pertains to section 3.10 (Informed Consent) of the American Psychological
6 Association's Ethical Principles of Psychologist and Code of Conduct.

7 **ORDER**

8 Pursuant to A.R.S. §32-2081(S) the Board has determined that the Respondent's
9 conduct in Complaint No. 19-10 warrants disciplinary action. Based upon the foregoing
10 Findings of Fact and Conclusions of Law, the parties agree to the provisions and penalties
11 imposed as follows:

12 1. Upon the effective date of this Consent Agreement, Respondent's license
13 number PSY-001389 for the practice of psychology in the State of Arizona shall be
14 surrendered. Once the surrender is effectuated, **Respondent shall not practice psychology in**
15 **the State of Arizona or hold herself out as a licensed psychologist in the State of Arizona.**
16 The effective date of this Consent Agreement is the date the Consent Agreement is accepted by
17 the Board as evidenced by the signature of the Board's Executive Director.

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

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

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

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

11 6. 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 7. Respondent understands that this Consent Agreement is a public record and may
16 be publicly disseminated as a formal action of the Board and shall be reported to the National
17 Practitioner Data Bank.

18
19 BMH
20 DATED this 10 day of December, 2019.

21
22 ARIZONA BOARD OF
23 PSYCHOLOGIST EXAMINERS

24
25 Shelley Kaufman Ph.D.
26 Shelley Kaufman, Ph.D.
27 Respondent
28

Heidi Herbst Paakkonen
Heidi Herbst Paakkonen
Executive Director

1 ORIGINAL of the foregoing filed
2 This 13 day of December, 2019, with:

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

6 COPY mailed by US and certified postal service no. 7009-2250-0002-7170-5526
7 This 13 day of December, 2019, to:

8 Shelley Kaufman, Ph.D.
9 Address on Record
10 Respondent

11 COPY mailed by US postal service
12 This 13 day of December, 2019 to:

13 Charles Struble, Esq.
14 The Checkett Law Firm, PLLC
15 4835 East Cactus Road, Suite 345
16 Scottsdale, AZ 85254-3543
17 Attorney for Respondent

18 COPY of the foregoing emailed
19 This 13 day of December, 2019, to:

20 Jeanne M. Galvin, AAG
21 Arizona Attorney General's Office
22 SGD/LES
23 2005 North Central Ave.
24 Phoenix, Arizona 85004

25 By: Jennifer Michals
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