

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

3
4 IN THE MATTER OF:

Case No: 20-47

5 **AUSTIN ASHLEY MCCALL, Psy.D.**

**INTERIM CONSENT AGREEMENT
AND ORDER FOR EVALUATION AND
PRACTICE RESTRICTION**

6 Holder of License No. 5199
7 for the Practice of Psychology
8 in the State of Arizona,

9 Respondent.

10 In the interest of a prompt and judicious settlement of the above-captioned matter before
11 the Arizona Board of Psychologist Examiners (“Board”) and consistent with public interest,
12 statutory requirements and responsibilities of the Board, and pursuant to A.R.S. § 32-2061 et seq.
13 and A.R.S. § 41-1092.07(F)(5), Austin Ashley McCall (“Respondent”), holder of License No.
14 5199 and the Board enter into this Interim Consent Agreement and Order for Evaluation and
15 Practice Restriction (“Interim Consent Agreement”) as an interim resolution of this matter until
16 such time a final order is entered by the Board.

17 **JURISDICTION**

18 1. The Board is the state agency authorized pursuant to Arizona Revised Statute
19 (“A.R.S.”) § 32-2061 *et seq.*, and the rules promulgated thereunder in the 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-5199 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

1 **INTERIM CONSENT AGREEMENT**

2 Respondent understands and agrees that:

3 1. The Board has jurisdiction over Respondent and the subject matter pursuant
4 to A.R.S. § 32-2061 *et seq.*

5 2. Respondent has the right to consult with an attorney prior to entering into this Interim
6 Consent Agreement.

7 3. Respondent has a right to a public hearing concerning this case. She further
8 acknowledges that at such formal hearing she could present evidence and cross-examine
9 witnesses. Respondent irrevocably waives her right to such a hearing as it relates to matters
10 concerning the Interim Consent Agreement.

11 4. Respondent further does not relinquish Respondent's rights to an administrative
12 hearing, rehearing, review, reconsideration, judicial review or any other administrative and/or
13 judicial action, concerning the matters related to a final disposition of this matter, unless
14 Respondent affirmatively does so as part of the final resolution of this matter.

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17 approve this Interim Consent Agreement, it is withdrawn and shall be of no evidentiary value and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

22 6. The Interim Consent Agreement, once approved by the Board and signed by the
23 Respondent, 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 7. The following Interim Findings of Fact are no more and no less than allegations which
26 have not been proven. By signing this Interim Consent Agreement, Respondent has not admitted

1 to the allegations but does acknowledge that if this matter were to proceed to a formal hearing
2 the Board would offer evidence to the trier of fact in support of the allegations.

3 **INTERIM FINDINGS OF FACT**

4 1. Respondent is a licensed psychologist in the State of Arizona, license number
5 5199. She has been licensed in Arizona since December 19, 2019.

6 2. On April 22, 2020, the Arizona Psychological Association (AzPA) forwarded
7 information to the Board that it received from a third party, which alleged Respondent had a
8 recent history of substance use.

9 3. The information received could demonstrate that Respondent may have a health
10 condition that has the potential to place patients and the public at risk. The specifics of which are
11 contained in the Board's files.

12 **INTERIM CONCLUSIONS OF LAW**

13 The Board has personal and subject matter jurisdiction in this case under A.R.S. § 32-
14 2061 *et seq.*, and is authorized to rehabilitate or discipline licensees who engage in
15 unprofessional conduct (A.R.S. §§32-2063-2081) and to require a licensee to undergo any
16 combination of mental, physical or psychological competence examinations at the licensee's
17 expense and shall conduct investigations necessary to determine the competence and conduct of
18 the licensee pursuant to A.R.S. §32-2081(G).

19 Pursuant to A.R.S. § 32-2081(K)(5) the Board has the authority to “[e]nter into an
20 agreement with the licensee to restrict or limit the licensee’s practice or activities in order to
21 rehabilitate the psychologist, protect the public and ensure the psychologist’s ability to safely
22 engage in the practice of psychology.”

23 **ORDER FOR EVALUATION AND PRACTICE RESTRICTION**

24 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to
25 the following Order:

26 1. During the pendency of this Interim Consent Agreement, Respondent’s License to

1 practice psychology, license no. 5199 **IS SUSPENDED**. Because this is an Interim Consent
2 Agreement and not a final decision by the Board regarding the pending investigation, it is subject
3 to further consideration by the Board. Once the investigation is complete, it will be promptly
4 provided to the Board for its review and appropriate action.

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

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

11 4. Prior to the lifting of the suspension Respondent shall complete an evaluation with a
12 Board-approved provider. Within ten (10) days of the effective date of this Interim Consent
13 Agreement and Order, Respondent shall schedule an appointment with one of the Board-
14 approved providers listed below for an evaluation. As part of the evaluation, the provider shall
15 opine on Respondent's fitness for duty. The evaluation shall be completed within forty-five (45)
16 days of the effective date of this Interim Consent Agreement and Order unless otherwise
17 extended one time by the Executive Director upon showing of good cause. Within five (5) days
18 of scheduling of the evaluation, Respondent shall notify the Board in writing of the name of the
19 evaluator and the date/time of the evaluation. The effective date of this Interim Consent
20 Agreement and Order is the date it is signed by the Board's Executive Director. **FAILURE TO**
21 **COMPLY WITH ONE OR MORE OF THESE TERMS SHALL BE CONSIDERED A**
22 **VIOLATION OF A BOARD ORDER AND MAY RESULT IN THE REVOCATION OF**
23 **RESPONDENT'S LICENSE.**

- 24 a. Nicole Lazowitz, Psy.D.
25 Sentience Psychological Services, PLLC
26 300 West Clarendon, Suite 470, Phoenix, AZ 85013
Phone: 602-345-1502
Website: <https://sentiencepsych.com/>

1 b. Elena Volfson, M.D.
2 Scottsdale Mental Health & Wellness Institute
3 8350 East Raintree Drive, Suite 130, Scottsdale, Arizona 85260
4 Phone: 480-508-0882
5 Website: <https://www.smhwi.com/>

6 c. Saif U. Jaffery, M.D.
7 Scottsdale Behavioral Health
8 400 East Pinnacle Peak Road, Suite 206, Scottsdale, AZ 85255
9 Phone: 480-993-3303
10 Website: <http://www.scottsdalebehavioralhealth.com/>

11 5. Respondent shall ensure that the evaluator submits his/her final report to the Board
12 office as soon as it is complete, but no more than 20 days from the date the evaluation.
13 Respondent shall present this Interim Consent Agreement and Order to the evaluator prior to the
14 date of the evaluation, or at the time of the evaluation, as directed by the evaluator.

15 6. COMMUNICATION WITH EVALUATOR: Because Respondent is undergoing the
16 evaluation pursuant to a Board Order, she shall instruct any attorney retained on her behalf not
17 to contact the evaluator. Any questions or concerns must be addressed to Board staff.

18 7. CLIENT: The evaluator is conducting an evaluation solely for the benefit of the
19 Board and is not treating Respondent as a client or patient. There is no doctor/patient relationship
20 between the evaluator and Respondent.

21 8. COSTS: All costs associated with the compliance with this Interim Consent
22 Agreement and completion of the evaluation is the sole responsibility of Respondent, pursuant to
23 A.R.S. §32-2081(G).

24 9. RELEASES: Respondent shall sign, authorize and complete any and all releases
25 necessary as requested by the evaluator to help ensure a complete and thorough evaluation and to
26 ensure the report is properly released to the Board as set forth above.

10. FINAL WRITTEN REPORT: The Board authorizes the Executive Director to
contact the evaluator to request the final report in writing for the Board's review. All results of
the evaluation are the sole property of the Board.

1 11. FAILURE TO COMPLY: Failure to timely comply with this Interim Consent
2 Agreement constitutes unprofessional conduct and may result in disciplinary action against
3 Respondent by the Board.

4 12. Respondent's license to practice psychology shall not be fully restored unless and
5 until the Board determines in its sole discretion that Respondent may safely engage in the
6 practice of psychology. Respondent understands that should the Board lift the suspension of her
7 license, the Board may order that she return to practice on a limited basis and/or under certain
8 terms and conditions.

9 13. Respondent may request, in writing, release and/or modification of this Interim
10 Consent Agreement. Respondent's request must be accompanied by information demonstrating
11 that Respondent is safe to practice psychology. All reasonable efforts shall be made to place
12 Respondent's request for release on the next regular Board agenda provided that the agenda can
13 accommodate the request and provided a complete submission is received by Board staff no less
14 than 14 days prior to the Board meeting. Whether the submission is complete is within the
15 discretion of the Board staff. The Board has the discretion to determine whether it is appropriate
16 to modify or release Respondent from this Interim Consent Agreement, and may require any
17 combination of examinations, continuing education, and/or evaluations in order to determine
18 whether Respondent is safe to resume the practice or psychology.

19 14. Respondent's license to practice psychology expires on January 31, 2021. Pursuant
20 to the terms of this Interim Consent Agreement, Respondent's license remains indefinitely
21 suspended unless and until otherwise ordered by this Board. In the unlikely event there is no
22 final order entered in this matter at time Respondent's license expires and Respondent fails to
23 timely submit an application for renewal, her license remains suspended pursuant to the terms of
24 this Interim Consent Agreement. If Respondent seeks timely renewal of her license and the
25 Board grants her application for renewal, the license shall automatically be placed on indefinite
26 suspension or other restrictions until such time the Board orders otherwise. The Board reserves

1 the right to take other administrative action against Respondent's application for renewal,
2 including denial of the same, in the event circumstances arise that justify such denial.

3 15. Respondent has read and understands this Interim Consent Agreement as set forth
4 herein, and has had the opportunity to discuss this Interim Consent Agreement with an attorney.

5 16. Respondent understands that this Interim Consent Agreement or any part thereof,
6 may be considered in any future disciplinary action against her.

7 17. Time is of the essence with regard to this Interim Consent Agreement.

8 18. If Respondent fails to comply with the terms of this Interim Consent
9 Agreement, the Board shall properly institute proceedings for noncompliance with this Interim
10 Consent Agreement, which may result in suspension, revocation, or other disciplinary and/or
11 remedial actions. Respondent agrees that any violation of this Interim Consent Agreement is a
12 violation of A.R.S. § 32-2061(16)(aa), which is violating a formal board order or consent
13 agreement.

14 19. Respondent understands that this Interim Consent Agreement does not constitute a
15 final resolution of this or other matters currently pending before the Board, if any, and does not
16 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
17 regarding any other pending or future investigation, action or proceeding. Respondent also
18 understands that acceptance of this Interim Consent Agreement does not preclude any other
19 agency, subdivision or officer of this state from instituting other civil or criminal proceedings
20 with respect to the conduct that is the subject of this Interim Consent Agreement.

21 20. Respondent understands that the foregoing Interim Consent Agreement becomes
22 effective upon signature of the Executive Director on behalf of the Board. Any modification to
23 this original document is ineffective and void unless mutually approved by the parties in
24 writing.

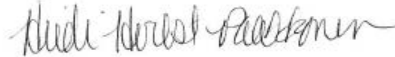
25 21. Respondent understands that this Interim Consent Agreement is a public record that
26 may be publicly disseminated as a formal action of the Board and shall be reported to the
National Practitioner Data Bank.

1 DATED THIS 8 day of May, 2020.

ARIZONA BOARD OF
PSYCHOLOGIST EXAMINERS

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6 Austin McCall, Psy.D.
7 Respondent



8 Heidi Herbst Paakkonen
9 Executive Director

10 **ORIGINAL** filed

11 This 8 day of May, 2020 to:

12 Arizona State Board of Psychologist Examiners
13 1740 W. Adams St., Suite 3403
14 Phoenix, Arizona 85007

15 **COPY** of the foregoing mailed by Certified Mail No. 9489009000276155081075

16 This 8 day of May, 2020 to:

17 Austin McCall, Psy.D.
18 Address on Record

19 **COPY** of the foregoing mailed by USPS regular mail

20 This 8 day of May, 2020 to:

21 Tammy Thibodeau, Esq.
22 Lancaster Law
23 One West Elliot Road, Suite 114
24 Tempe, Arizona 85284
25 Attorney for Respondent

26 **COPY** of the foregoing via email (jeanne.galvin@azag.gov)

This 8 day of May, 2020 to:

Jeanne M. Galvin
Assistant Attorney General
2005 North Central Ave. SGD/LES
Phoenix, Arizona 85004
jeanne.galvin@azag.gov
Attorney for the State of Arizona

By: 