

1 **BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS**

2 **FOR THE STATE OF ARIZONA**

3 In the Matter of

Case No.: 18-34

4 Scott Padilla, Psy.D.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER FOR PROBATION,
SUPERVISION AND CONTINUING
EDUCATION**

5 Holder of License No. PSY-004881
6 For the Practice of Psychology
7 in the State of Arizona

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10 On August 9, 2019, the Arizona Board of Psychologist Examiners ("Board") held an
11 Informal Interview for Complaint No. 18-34 regarding Scott Padilla, Psy.D. ("Respondent").
12 Respondent appeared personally and on his own behalf. The Complainant appeared
13 telephonically. After the Informal Interview, the Board voted to issue Respondent the following
14 Findings of Fact, Conclusions of Law, and Order for Probation, Supervision and Continuing
15 education.

16 **JURISDICTION**

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

21 2. Respondent is the holder of license number PSY-004881 for the practice of
22 psychology in the State of Arizona.

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

2 4. On December 13, 2018, the Board received Complaint No. 18-34 from a patient's
3 ex-husband (Complainant), alleging that Respondent had an affair with Patient, that included
4 excessive texting and lengthy phone calls during late hours.

5 5. Respondent treated Patient from July 2017 – April 2018 for multiple behavioral
6 health issues, including Borderline Personality Disorder. Respondent acknowledged that he does
7 not have experience, nor is he equipped, in treating Borderline Personality Disorder.

8 6. Complainant submitted the following information to the Board:

9 a. Patient's electronic journal entries, one of which discusses Patient engaging in a
10 sexual act with Respondent.

11 b. Patient's monthly phone bill from November 2017 – July 2018 that contain
12 Patient's call log. The Board noted that at the Informal Interview that Patient
13 and Respondent exchanged 40 calls, several of which were longer than 30
14 minutes and occurred at late occurs of the night such as 11 p.m. and 12 a.m.

15 7. Patient and Respondent deny that a sexual relationship occurred.

16 8. Respondent does acknowledge that he crossed boundaries with Patient after services
17 were terminated and that it was inappropriate to engage in late night communication with Patient.
18 Respondent represents that the purpose of these calls was intended to provide support to a former
19 patient.

20 9. Respondent denied having copies of his text message correspondence with Patient.

21 10. Respondent has indicated that, since the events that gave rise to the allegations in
22 these complaints, Respondent has taken steps to implement new practices that directly address the
23 concerns implicated in these matters. Respondent reported that he recently began receiving
24 supervision as needed with Dr. Arkowitz, a licensed psychologist. In addition, Respondent
25 indicated that he will not treat patients with Borderline Personality Disorder and will refer them
26 out for treatment.

1 **CONCLUSIONS OF LAW**

2 11. The conduct and circumstances described above constitute unprofessional conduct
3 pursuant to:

4 a. A.R.S. § 32-2061(16)(o), engaging in activities as a psychologist that are
5 unprofessional by current standards of practice.

6 b. A.R.S. § 32-2061(16)(dd), violating an ethical standard adopted by the
7 Board as it pertains to the American Psychological Association Ethical Principles of
8 Psychologist and Code of Conduct, 3.05 (Multiple Relationships).

9 **ORDER**

10 Pursuant to A.R.S. § 32-2081(K) the Board has determined that the Respondent's
11 conduct in Complaint No. 18-34 warrants disciplinary action. Based on the foregoing Findings
12 of Fact and Conclusions of Law, IT IS ORDERED THAT:

13 12. **PROBATION:** Respondent's license as a psychologist is placed on probation for
14 a minimum period of twelve (12) months beginning on the effective date of this Order. The
15 effective date of this Order is thirty-five (35) days from the date that it is mailed to Respondent
16 unless there are intervening legal proceedings.

17 13. **PRACTICE MONITOR:** While on probation, Respondent shall work with a
18 Practice Monitor pre-approved by the Board's Executive Director or designee and who will
19 provide professional guidance and input to Respondent with respect to his treatment of clients,
20 maintaining appropriate professional boundaries, and record keeping.

21 14. Within twenty (20) business days of the effective date of this Order, Respondent
22 shall enter into agreement with the following psychologist to serve as his Practice Monitor, or
23 Respondent may self-select a psychologist who is approved by the Board's Executive Director.
24 Respondent shall submit the name of the psychologist to the Board's Executive Director for
25 approval within ten (10) days of the effective date of this agreement. The Practice Monitor shall
26 have no familial or business relationship with Respondent:

Sydney Arkowitz, Ph.D.
1601 North Tucson Blvd., #21
Tucson, AZ 85716
520-327-0755

15. Respondent shall meet with the Practice Monitor at least twice per month for a minimum of two hours each session during the first six months of the probationary period. After six months of supervision, Respondent may petition to appear before the Board to request that the term, duration, length and/or scope of the supervision be modified. The Practice Monitor shall review a minimum of three of Respondent's recent patient records during the course of the first six months of the probationary period and discuss with Respondent the Monitor's findings, conclusions, and recommendations for improvement. The Practice Monitor shall also discuss Respondent's professional boundaries, business practices and record keeping. Thereafter, the Practice Monitor shall review at least three of Respondent's patient records during the course of the second sixth-month probationary period. The Practice Monitor shall submit to the Board quarterly written reports of the meetings, to include topics covered and any modifications made to Respondent's practice. The Practice Monitor shall provide written reports to the Board within 30 days after the end of each quarter. The first quarter shall begin on the date of the first session between the Respondent and the Practice Monitor. Before the conclusion of the probationary period, the Practice Monitor is to complete a final written report to the Board summarizing his or her interaction with Respondent, topics discussed, areas of progress, matters of remaining concern, and overall impressions. The final report shall be submitted to the Board within 30 days of the end of the probation. Respondent shall present this Order to the Board-approved Practice Monitor before the first meeting. The first meeting between Respondent and the Practice Monitor shall occur within 45 days of the effective date of this Order.

16. If, during the probationary period, the Practice Monitor is unable or unwilling to continue to act as Respondent's Practice Monitor, within 10 business days of the Practice

1 Monitor's termination of the practice monitor relationship, Respondent shall contact the
2 Executive Director in writing and present another potential Practice Monitor for approval.
3 Respondent shall notify the Board of his new Practice Monitor within 20 business days of
4 receiving approval. The sessions between Respondent and the Practice Monitor that occurred
5 prior to the effective date of this Order shall not count toward those sessions required under this
6 Order.

7 17. **CONTINUING EDUCATION:** Prior to the end of the term of probation and, in
8 addition to the continuing education requirements that are required by rule for license renewal,
9 Respondent shall complete an additional twelve (12) hours of continuing education in the areas
10 of multiple relationships and telepractice. All continuing education courses must be pre-approved
11 by the Board's Executive Director or designee. Within fourteen (14) days of completing this
12 continuing education, Respondent shall submit the certificates of completion to the Executive
13 Director.

14 18. **TERMINATION OF PROBATION:** At the end of 12 months, unless otherwise
15 ordered by the Board, Respondent shall petition the Board, in writing, and request termination
16 from probation and supervision. If the Board determines that Respondent has not complied with
17 the requirements of this Order, the Board may either (a) continue the probation, or (b) institute
18 proceedings for noncompliance with this Order, which may result in the suspension, revocation,
19 or other disciplinary or remedial action.

20 19. **EFFECTIVE DATE:** The effective date of this Order is 35 days after the date that
21 an executed Copy of the Order is mailed to Respondent.

22 20. **CONSIDERATION IN FUTURE ACTIONS:** Respondent understands that this
23 Order, or any part thereof, may be considered in any future disciplinary action against him.

24 21. **FINAL RESOLUTION:** This Order constitutes a final resolution of these
25 disciplinary matters but does not constitute a dismissal or resolution of other matters currently
26 pending before the Board, if any, and does not constitute any waiver, expressed or implied, of the

1 Board's statutory authority or jurisdiction regarding any other pending or future investigations,
2 actions, or proceedings. Further, this Order does not preclude any other agency, subdivision, or
3 officer of this State from instituting other civil or criminal proceedings with respect to the conduct
4 that is the subject of this Order.

5 22. **COSTS:** The Respondent shall be responsible for all costs incurred as a result of
6 his compliance with this Order.

7 23. **NON-COMPLIANCE:** If Respondent fails to comply with the terms of this Order,
8 the Board may properly institute proceedings for noncompliance, which may result in suspension,
9 revocation, or other disciplinary or remedial actions. Violation of this Order is a violation of
10 A.R.S. § 32-2061(16)(aa), which is "violating a formal board order, consent agreement, term of
11 probation or stipulated agreement issued under this chapter."

12 24. **NON-RENEWAL OR LATE RENEWAL:** If Respondent fails to renew his
13 license while under the terms of this Order and subsequently applies for late renewal of license
14 or a new license, the remaining terms of this Order shall be imposed if the late renewal or
15 reapplication for license is granted.

16 25. **TOLLING:** If Respondent for any reason stops practicing psychology Arizona for
17 more than 30 consecutive days or leaves Arizona to reside or practice psychology outside of
18 Arizona, the periods of temporary or permanent residency or practice outside Arizona or the non-
19 practice within Arizona do not reduce the duration of the terms under this Order. Respondent
20 shall notify the Board in writing within 5 days of the dates of departure or the dates of non-
21 practice in Arizona.

22 26. **PUBLIC RECORD:** This Order is a public record that may be publicly
23 disseminated as a formal action of the Board and reported to the National Practitioner Data Bank.

24 27. **RIGHT TO PETITION FOR REHEARING OR REVIEW:** Respondent is
25 hereby notified that he has the right to petition for a rehearing or view. Pursuant to A.R.S. § 41-
26 1092.09, the petition for rehearing or review must be filed with the Board's Executive Director

1 within 30 days after service of this Order. Pursuant to A.A.C. R4-25-308, the petition must set
2 forth legally sufficient reasons for granting a rehearing. Service of this Order is effective five
3 days after date of mailing. If a motion for rehearing is not filed, this Order becomes effective 35
4 days after it is mailed to Respondent.

5 Respondent is further notified that the filing of a motion for rehearing is required
6 to preserve any rights of appeal to the Superior Court.

7
8 DATED THIS 16 day of August, 2019.

9
10 ARIZONA BOARD OF
11 PSYCHOLOGIST EXAMINERS

12 
13 Jenna Jones
14 Executive Director

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16 ORIGINAL of the foregoing filed
17 This 16 day of August, 2019, with:

18 The Arizona State Board of Psychologist Examiners
19 1740 W. Adams St., Suite 3403
Phoenix, Arizona 85007

20 COPY mailed by Certified Mail No. 7016 - 2140-0000-6959-3957
21 This 16 day of August, 2019, to:

22 Scott Padilla, Psy.D.
23 Address on Record

24 COPY of the foregoing emailed
25 This 16 day of August, 2019, to:

26 Jeanne M. Galvin, AAG
Arizona Attorney General's Office

1 SGD/LES
2 2005 North Central Ave.
3 Phoenix, Arizona 85004

4 By: Jennife Michaels
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