

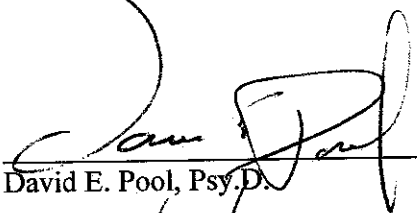
1 **BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS**  
2 **FOR THE STATE OF ARIZONA**

3  
4 In the Matter of ) Nos. 04-27 and 05-22  
5 **DAVID E. POOL, Psy.D.** ) **CONSENT AGREEMENT,**  
6 Holder of License No. 3302 ) **FINDINGS OF FACT,**  
7 for the Practice of Psychology ) **CONCLUSIONS OF LAW,**  
8 in the State of Arizona ) **AND ORDER OF MEDICAL**  
 ) **INACTIVE STATUS**

9 On July 8, 2005, after completing a substance abuse evaluation that was ordered by the Arizona Board  
10 of Psychologist Examiners ("Board"), David E. Pool, Psy.D. ("Licensee" or "Dr. Pool") submitted a  
11 letter to the Board in which he requested that his license to practice psychology in Arizona be placed  
12 on inactive status due to medical disability.


13 **CONSENT AGREEMENT**

- 14 1. The Board and Licensee enter into this Consent Agreement in order to promptly and judiciously  
15 resolve these matters, consistent with the public interest and the statutory requirements of the Board.  
16 2. Pursuant to A.R.S. § 41-1092.07(F)(5), the Board will adopt the Findings of Fact,  
17 Conclusions of Law and Order set forth below.  
18 3. Licensee has the right to consult with an attorney prior to entering into this Consent Agreement.  
19 He has read and understands the Consent Agreement, Findings of Fact, Conclusions of Law, and Order,  
20 and makes this agreement freely and voluntarily. He irrevocably waives his right to a hearing, rehearing,  
21 or judicial review.  
22 4. The Consent Agreement and Order will be effective when signed by the Board's Executive  
23 Director. The Consent Agreement, Findings of Fact, Conclusions of Law, and Order are a public record.

24   
25 \_\_\_\_\_  
26 David E. Pool, Psy.D.

27 7/14/05  
28 Date

ARIZONA BOARD OF  
PSYCHOLOGIST EXAMINERS

By   
\_\_\_\_\_  
Maxine McCarthy  
Executive Director

August 8, 2005  
Date

1 **FINDINGS OF FACT**

2 1. The Arizona Board of Psychologist Examiners ("Board") is authorized to regulate the practice of  
3 psychology in Arizona pursuant to A.R.S. §§ 32-2061, *et seq.*

4 2. David E. Pool, Psy.D. ("License") is the holder of License No. 3302 for the practice of psychology  
5 in the State of Arizona.

6 Case No. 04-27

7 3. On October 1, 2004, Licensee appeared for an informal interview before the Board regarding Case  
8 No. 04-27. After interviewing Licensee and considering the information presented, the Board found  
9 Licensee in violation of A.R.S. §§ 32-2061(A)(13)(a), (h), (j), (o), (p), (q) and (bb). On February 4, 2005,  
10 Licensee appeared before the Board for the continuation of the Informal Interview at which time the Board  
11 adopted the Findings of Fact, Conclusions of Law and Order of Probation dated February 23, 2005 which  
is attached hereto as Exhibit "A".

12 4. On June 3, 2005, Licensee appeared before the Board for oral argument on his Motion for  
13 Reconsideration/Rehearing of the Order dated February 23, 2005. After consideration and deliberation,  
14 the Board denied the Motion for Reconsideration/Rehearing and issued a final order dated June 9, 2005  
15 which is attached hereto as Exhibit "B".

16 Case No. 05-22

17 5. On February 24, 2003, Licensee was arrested in Scottsdale, Arizona and plead guilty to violation of  
18 A.R.S. § 28-1381(A)(1), DUI, a Class 1 misdemeanor, on March 11, 2004.

19 6. On March 28, 2005, Licensee was arrested in Yuma, Arizona for violation of A.R.S. § 28-  
20 1381(A)(1), DUI, a Class 1 misdemeanor.

21 7. Licensee did not report these DUI arrests to the Board. In his 2005 licensure renewal application,  
22 signed by Licensee on April 2, 2005, he answered "No" to the question number 9 which asked "Since May  
23 1, 2003, have you been charged with or convicted of a felony or a misdemeanor other than a minor traffic  
24 offense in any state or country?" The Board's staff performed a routine check of the Licensee for arrests  
or convictions as a part of the license renewal process where it learned of these two arrests.

25 8. On June 3, 2005, the Board considered and discussed the allegations and information regarding  
26 Case No. 05-22. The Board voted to open an investigation and issued an Interim Order for Substance  
27 Abuse Evaluation of Licensee dated June 7, 2005, which is attached hereto as Exhibit "C".  
28

1 9. The evaluation conducted by Michael Sucher, M.D. on July 7, 2005 found that Licensee suffers  
2 from significant depression which requires ongoing psychiatric management and that Licensee is unable  
3 at this time to safely practice psychology. Dr. Sucher recommended that Licensee enroll in and  
4 successfully complete an inpatient treatment program specifically designed for professionals. Dr. Sucher  
5 further recommended that once Licensee completes an inpatient treatment program, he should be required  
6 to be in a structured Monitored Aftercare Program which includes random drug testing, relapse prevention  
7 group therapy, 12-step or other approved self-help meeting attendance, regular progress evaluations and  
8 ongoing psychiatric care.

### 9 **CONCLUSIONS OF LAW**

10 1. The Board of Psychologist Examiners of the State of Arizona possesses jurisdiction over the  
11 subject matter hereof and David E. Pool, Psy.D.

12 2. The conduct and circumstances described above in paragraphs 5 through 9 constitute  
13 unprofessional conduct under A.R.S. § 32-2061(A)(13)(j) – “Making a fraudulent or untrue statement to  
14 the board or its investigators, staff or consultants.”

15 3. The conduct and circumstances described above in paragraphs 5 through 9 constitute  
16 unprofessional conduct under A.R.S. § 32-2061(A)(13)(k) – “Violating any federal or state laws or rules  
17 that relate to the practice of psychology or to obtaining a license to practice psychology.”

18 4. The conduct and circumstances described above in paragraphs 5 through 9 show that Licensee  
19 failed to comply with A.R.S. § 32-3208(A) – “A health professional who has been charged with a  
20 misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a  
21 license or certificate must notify the health professional's regulatory board in writing within ten working  
22 days after the charge is filed.”

23 5. Pursuant to A.R.S. § 32-2073(E) – “The Board may place on inactive status and waive the license  
24 renewal fee requirements for a person who is temporarily or permanently unable to practice as a  
25 psychologist due to physical or mental incapacity or disability....”

1  
2 **ORDER**

3 Based on the foregoing Consent Agreement, Findings of Fact, and Conclusions of Law, **IT IS HEREBY**  
4 **ORDERED** placing the license of David E. Pool, Psy.D. on **Medical Inactive Status**. Licensee shall not  
5 practice psychology in Arizona, as defined by A.R.S. § 32-2061(A)(8), nor hold himself out as permitted  
6 to practice psychology in Arizona, **until** he appears before the Board and demonstrates by appropriate  
7 means his fitness to practice with regard to his substance abuse. To demonstrates his fitness to practice  
8 with regard to his substance abuse, Licensee shall enroll in and successfully complete an inpatient  
9 treatment program specifically designed for professionals. Once Licensee completes the inpatient  
10 treatment program, he shall enroll in a structured Monitored Aftercare Program which includes random  
11 drug testing, relapse prevention group therapy, 12-step or other approved self-help meeting attendance,  
12 regular progress evaluations and ongoing psychiatric care. After completing the inpatient treatment  
13 program and enrolling in a Monitored After Care Program, Licensee may petition the Board for  
14 reactivation of his license. Dr. Pool's license shall remain on Medical Inactive Status until any such  
15 petition is approved by the Board. Further, while on Medical Inactive Status, Licensee shall not use his  
16 Arizona license to practice psychology in any other jurisdiction. Also, during Dr. Pool's Medical Inactive  
17 period, Dr. Pool must comply with the applicable continuing education requirements.

18 This Order suspends and tolls the requirements of Licensee's Board Order No. 04-27, dated February 23,  
19 2005. In the event the Board reactivates Dr. Pool's license, any reactivation shall be subject to the terms of  
20 his probation contained in Board Case No. 04-27. The disciplinary Order in Case No. 04-27 shall become  
21 effective immediately upon the Board's reactivating Dr. Pool's license. Licensee must then comply with  
22 all terms of the disciplinary Order in Case No. 04-27, including the entire term of probation. No credit  
23 toward the term of probation in Case No. 04-27 will be given for time prior to the reactivation of Dr.  
24 Pool's license.

25 In the event Dr. Pool allows his license to expire, any new license, if any, granted to Dr. Pool shall be  
26 subject to all terms of this Consent Agreement.  
27  
28

1 DATED this 8<sup>th</sup> day of August, 2005.

2  
3 ARIZONA BOARD OF  
PSYCHOLOGIST EXAMINERS

4 By Maxine McCarthy  
5 Maxine McCarthy  
6 Executive Director  
7 1400 West Washington Street, Suite 235  
8 Phoenix, Arizona 85007  
9 (602) 542-8162

10  
11 **ORIGINAL** of the foregoing on file with the  
Arizona Board of Psychologist Examiners

12 **COPY** of the foregoing mailed by certified mail  
13 7000 1670 0009 3607 6840  
this 8<sup>th</sup> day of August, 2005 to:

14 David E. Pool, Psy.D.  
15 Address of record

16 **COPY** of the foregoing sent by interagency/regular mail  
this 8<sup>th</sup> day of August, 2005 to:

17 Elizabeth Campbell, Assistant Attorney General  
18 Office of the Attorney General, Civil/LES  
19 1275 West Washington  
Phoenix, Arizona 85007

20 By Shari S. Courtney

21 S: Consent Agreements/Pool Consent Agreement 05-22.doc