

1 **BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS**

2 **FOR THE STATE OF ARIZONA**

3 In the Matter of  
4 Lisa Galper, Psy.D.  
5 Holder of License No. PSY-003343  
6 For the Practice of Psychology  
7 in the State of Arizona,  
8 Respondent.

Case No.: 20-27

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

9  
10 On September 4, 2020, the Arizona Board of Psychologist Examiners (“Board”) held an  
11 Informal Interview for Complaint No. 20-27 regarding Lisa Galper, Psy.D. (“Respondent”).  
12 Respondent appeared virtually with her legal counsel, David Derickson, Esq. The Complainant  
13 appeared telephonically. After the Informal Interview, the Board voted to issue Respondent the  
14 following Findings of Fact, Conclusions of Law, and Order for Probation, Supervision and  
15 Continuing Education (“Order”).

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 Administrative  
19 Code (“A.A.C.” or “rules”) at R4-26-101 *et seq.*, to regulate and control the licensing of  
20 psychologists in the State of Arizona.

21 2. Respondent is the holder of license number PSY-003343 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. Between May 2018 – December 2019, Respondent provided individual and group  
3 counseling services to an adult client (“Client”) at Respondent’s private practice.

4 5. On December 30, 2019, the Board received Complaint No. 20-27 from Client. The  
5 allegations raise issues concerning disclosure of confidential information without authorization;  
6 consumption of alcohol during a counseling session; boundary violations that occurred in sessions  
7 and during electronic communications; recordkeeping issues; and overall unprofessionalism.

8 6. The Board found that there were multiple boundary violations with Client such as  
9 there was no structure or limitations to the text messaging. The text message correspondence  
10 exchanged between Respondent and Client in November of 2019 was therapeutically  
11 inappropriate. For example, in a text message sent by Respondent on November 11, 2019, to  
12 Client, she states, “I’m not going to text anymore because that last sentence made me so angry that  
13 I’m not sure I want to work with you anymore.”

14 7. Respondent acknowledged that the tone in some of her text message correspondence  
15 with Client was not professional and that she failed to set forth proper boundaries to ensure that  
16 text messages were exchanged in a more appropriate manner. Respondent further acknowledged  
17 that she lost her objectivity and now understands how Client may have felt hurt or confused when  
18 Respondent told Client to stop texting her in November of 2019.

19 8. Client testified that Respondent violated the implicit trust that is the cornerstone of  
20 the therapeutic relationship and that Respondent’s conduct negatively affected Client’s physical  
21 health, made Client question herself, and resulted in Client needing ongoing support for many  
22 months after terminating treatment with Respondent.

23 9. Respondent denies consuming alcohol during any therapeutic session with Client  
24 but acknowledges that when she was headed to the door of her home office where Client was  
25 waiting outside for a session on December 15, 2019, she accidentally grabbed a can of spiked  
26

1 seltzer water in her haste to get to the door, thinking that it was a regular non-alcohol seltzer water  
2 can, as she had both types at her home. Respondent indicated that she accidentally raised the can  
3 to her mouth one time, in Client’s presence, but realized before she took a sip that it was the wrong  
4 can.

5       10. The Board also determined that the treatment record for Client did not meet the  
6 standard of care and had multiple recordkeeping deficiencies in that there was a lack of a clear  
7 treatment plan that meets the standards of care, several session/progress notes were missing from  
8 the record, lack of a documented diagnosis in the record; insufficient documentation to justify the  
9 clinical diagnosis as indicated in Respondent’s written response to the complaint, inadequate  
10 billing records that had incorrect dates of services for multiple dates, inadequate informed consent  
11 for electronic communications; and lack of informed consent for telepractice and group therapy  
12 for Client.

13       11. Respondent acknowledges there was a violation of informed consent in Client’s  
14 treatment and since being notified of the complaint, she has implemented new informed consent  
15 forms for individual and group counseling and telepsychology services along with other updated  
16 clinical forms. Respondent has completed multiple continuing education courses since being  
17 notified of the complaint, in the areas of recordkeeping and informed consent.

18  
19 **CONCLUSIONS OF LAW**

20       12. The conduct and circumstances described above constitute unprofessional conduct  
21 pursuant to:

22       a. A.R.S. § 32-2061(16)(h), failing or refusing to maintain and retain adequate  
23 business, financial or professional records pertaining to the psychological services provided to a  
24 client or patient;

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

1 c. A.R.S. § 32-2061(16)(dd), violating an ethical standard adopted by the Board  
2 as it pertains to sections 3.04 (Avoiding Harm) and 3.10 (Informed Consent) of the American  
3 Psychological Association Ethical Principles of Psychologists and Code of Conduct.

4 **ORDER**

5 Pursuant to A.R.S. § 32-2081(K), the Board has determined that the Respondent's  
6 conduct in Complaint No. 20-27 warrants disciplinary action. Based on the foregoing Findings of  
7 Fact and Conclusions of Law, IT IS ORDERED THAT:

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

12 14. **PRACTICE MONITOR:** While on probation, Respondent shall work with a  
13 Practice Monitor pre-approved by the Board's Executive Director or designee and who will  
14 provide professional guidance and input to Respondent with respect to Arizona rules and statutes  
15 for the practice of psychology including telepractice, informed consent, formulation and  
16 appropriateness of clinical diagnoses, billing practices, telehealth, and any other topic deemed  
17 pertinent by the Practice Monitor. The Practice Monitor shall submit to the Executive Director a  
18 detailed monitoring program outlining the monitoring goals and objectives and how achievement  
19 of them will be measured, and the activities Respondent will be required to complete. The written  
20 monitoring program shall be provided to the Executive Director within thirty (30) days of  
21 contracting with Respondent to serve as Practice Monitor.

22 15. Respondent shall submit the name of the psychologist who shall serve as the  
23 Practice Monitor to the Board's Executive Director for approval within ten (10) business days of  
24 the effective date of this Order. Within twenty (20) business days of the effective date of this  
25 Order, Respondent shall enter into the Practice Monitor agreement. The Practice Monitor shall  
26 have no familial or business relationship with Respondent.

1           16. Respondent shall meet with the Practice Monitor at least twice per month for a  
2 minimum of two hours each session during the probationary period. The Practice Monitor shall  
3 review a minimum of three of Respondent's recent patient records each quarter and discuss with  
4 Respondent the Monitor's findings, conclusions, and recommendations for improvement. The  
5 Practice Monitor shall also discuss Respondent's general business/clinical practices and  
6 recordkeeping. The Practice Monitor shall submit to the Board quarterly written reports of the  
7 meetings, to include topics covered and any modifications made to Respondent's practice. The  
8 Practice Monitor shall provide written reports to the Board within 30 days after the end of each  
9 quarter. The first quarter shall begin on the date of the first session between the Respondent and  
10 the Practice Monitor. Before the conclusion of the probationary period, the Practice Monitor is  
11 to complete a final written report to the Board summarizing their interaction with Respondent,  
12 topics discussed, areas of progress, matters of remaining concern, and overall impressions. The  
13 final report shall be submitted to the Board at least 30 days prior to the Board meeting at which  
14 the Board will consider Respondent's written request to terminate probation as set forth in  
15 paragraph 19. Respondent shall present this Order to the Board-approved Practice Monitor before  
16 the first meeting. The first meeting between Respondent and the Practice Monitor shall occur  
17 within 45 days of the effective date of this Order.

18           17. If, during the probationary period, the Practice Monitor is unable or unwilling to  
19 continue to act as Respondent's Practice Monitor, within ten (10) business days of the Practice  
20 Monitor's termination of the practice monitor relationship, Respondent shall contact the  
21 Executive Director in writing and present another potential Practice Monitor for approval.  
22 Respondent shall notify the Board of her new Practice Monitor within twenty (20) business days  
23 of receiving approval. The sessions between Respondent and the Practice Monitor that occurred  
24 prior to the effective date of this Order shall not count toward those sessions required under this  
25 Order.

26 ...

1           18.    **CONTINUING EDUCATION:** Prior to the end of the term of probation and, in  
2 addition to the continuing education requirements that are required by rule for license renewal,  
3 Respondent shall complete an additional thirty (30) hours of continuing education in the areas of  
4 billing, dialectical behavior therapy, informed consent, recordkeeping, and telepractice. All  
5 continuing education courses must be pre-approved by the Board’s Executive Director or  
6 designee. Within fourteen (14) days of completing this continuing education, Respondent shall  
7 submit the certificates of completion to the Executive Director.

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

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

16           21.    **CONSIDERATION IN FUTURE ACTIONS:** Respondent understands that this  
17 Order, or any part thereof, may be considered in any future disciplinary action against her.

18           22.    **FINAL RESOLUTION:** This Order constitutes a final resolution of these  
19 disciplinary matters but does not constitute a dismissal or resolution of other matters currently  
20 pending before the Board, if any, and does not constitute any waiver, expressed or implied, of the  
21 Board’s statutory authority or jurisdiction regarding any other pending or future investigations,  
22 actions, or proceedings. Further, this Order does not preclude any other agency, subdivision, or  
23 officer of this State from instituting other civil or criminal proceedings with respect to the conduct  
24 that is the subject of this Order.

25           23.    **COSTS:** The Respondent shall be responsible for all costs incurred as a result of  
26 her compliance with this Order.

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

6           25.    **NON-RENEWAL OR LATE RENEWAL:** If Respondent fails to renew her  
7 license while under the terms of this Order and subsequently applies for late renewal of license  
8 or a new license, the remaining terms of this Order shall be imposed if the late renewal or  
9 reapplication for license is granted.

10          26.    **TOLLING:** If Respondent for any reason stops practicing psychology Arizona for  
11 more than 30 consecutive days or leaves Arizona to reside or practice psychology outside of  
12 Arizona, the periods of temporary or permanent residency or practice outside Arizona or the non-  
13 practice within Arizona do not reduce the duration of the terms under this Order. Respondent  
14 shall notify the Board in writing within five (5) business days of the dates of departure or the  
15 dates of non-practice in Arizona.

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

18          28.    **RIGHT TO PETITION FOR REHEARING OR REVIEW:** Respondent is  
19 hereby notified that she has the right to petition for a rehearing or view. Pursuant to A.R.S. § 41-  
20 1092.09, the petition for rehearing or review must be filed with the Board’s Executive Director  
21 within 30 days after service of this Order. Pursuant to A.A.C. R4-25-308, the petition must set  
22 forth legally sufficient reasons for granting a rehearing. Service of this Order is effective five  
23 days after date of mailing. If a motion for rehearing is not filed, this Order becomes effective 35  
24 days after it is mailed to Respondent.

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

1 DATED THIS 17 day of September, 2020.

3 ARIZONA BOARD OF  
4 PSYCHOLOGIST EXAMINERS

5 

6 Heidi Herbst Paakkonen  
7 Executive Director

8 **ORIGINAL** of the foregoing filed  
9 This 17 day of September, 2020 with:

10 The Arizona State Board of Psychologist Examiners  
11 1740 W. Adams St., Suite 3403  
12 Phoenix, Arizona 85007

13 **COPY** mailed by Certified Mail No. 9489009000276155201855  
14 This 17 day of September, 2020 to:

15 Lisa Galper, Psy.D.  
16 Address on Record  
17 Respondent

18 **COPY** of the foregoing mailed by USPS regular mail  
19 This 17 day of September, 2020 to:

20 David Derickson, Esq.  
21 David G. Derickson PLLC  
22 2501 North Seventh Street  
23 Phoenix AZ 85006  
24 Attorney for Respondent

25 **COPY** of the foregoing via email (jeanne.galvin@azag.gov)  
26 This 17 day of September, 2020 to:

27 Jeanne M. Galvin  
28 Assistant Attorney General  
29 2005 North Central Ave. SGD/LES  
30 Phoenix, Arizona 85004



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By: Deming Alhadra