BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS FOR THE STATE OF ARIZONA

In the Matter of)	No. 06-35
Gary Lassen, Ph.D.)	CONSENT AGREEMENT AND STIPULATION TO DISMISS WITH A LETTER OF CONCERN
Holder of License No. 692 for the Practice of Psychology in the State of Arizona) · ;	

On November 30, 2006, Gary Lassen, Ph.D. ("Licensee") notified the Arizona Board of Psychologist Examiners ("Board") that he would enter into an agreement with the Board in order to resolve Complaint No. 2006-035. The Board, at its meeting of December 1, 2006, agreed to offer Licensee a Consent Agreement. On December 12, 2006, a proposed Consent Agreement was sent to Licensee, however, Licensee failed to return to the Board a signed copy of the proposed Consent Agreement. Therefore, the Board, at its meeting of February 2, 2007, again discussed this matter. The Board voted to offer Licensee an amended Consent Agreement as follows:

JURISDICTION

- The Board is authorized to regulate the practice of psychology in Arizona pursuant to 1. A.R.S. § 32-2061, et seq.
 - 2. Dr. Lassen is the holder of <u>inactive</u> license number 692.
- The Board has personal and subject matter jurisdiction over Licensee pursuant to 3. A.R.S. § 32-2061, et seq.

CONSENT AGREEMENT

- The Board and Licensee enter into this Consent Agreement in order to promptly and 4. judiciously resolve this matter, consistent with the public interest and the statutory requirements of the Board.
- Pursuant to A.R.S. §§ 32-2081(G), and 41-1092.07 (F)(5), the Board will adopt the 5. Findings of Fact, Conclusions of Law and Order set forth below.
- 6. Licensee has the right to consult with his attorney prior to entering into this Consent Agreement. He has read and understands the Consent Agreement, Findings of Fact, Conclusions of

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Law, and Order, and makes this agreement freely and voluntarily. He irrevocably waives his right to a hearing, rehearing, or judicial review.

7. The Consent Agreement and Order will be effective when signed by the Board's Executive Director. The Consent Agreement, Findings of Fact, Conclusions of Law, and Order are a public record, but does not constitute disciplinary action.

FINDINGS OF FACT

- 8. Although Licensee has never practiced psychology in the State of Arizona and his license has been on inactive status since 1993, he meets the definition of a "health care professional" under A.R.S. § 32-3201(2).
- 9. On August, 2006, the Board opened an investigation based on information it received that Licensee had been involved in a DUI arrest in May of 2005.
- 10. On November 7, 2006, Licensee pled no contest to One Count of Endangerment, a Class 6 Undesignated Felony, One Count of Extreme DUI, a Class 1 Misdemeanor, and One Count of Leaving the Scene of an Injury Accident, a Class 6 Undesignated Felony related to Licensee's DUI arrest in May, 2005.
- 11. Although Licensee who is a practicing attorney in Arizona, timely self reported the DUI incident to his professional regulatory agency, the State Bar of Arizona, and his license to practice law is unaffected, Licensee failed to notify the Board of Psychologist Examiners regarding this matter.

CONCLUSIONS OF LAW

- 12. The Board believes that the conduct and circumstances described above constitute a violation of A.R.S. § 32-3208(A) A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within ten working days after the charge is filed;
- 13. The Respondent disagrees that any violation occurred, but agrees not to renew his license in March, 2007. By agreeing to waive his right to renewal, Respondent understands that he

is waiving the right to be "grandfathered in" under prior licensing requirements existing at the time of his original license application and agrees that any future application would be subject to the then existing statutory requirements.

14. To avoid the time and expense of continued litigation, the parties agree to resolve the matter by way of a stipulation to dismiss subject to the terms and conditions identified below.

Gary Lassen, Ph.

ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS

Maxine McCarthy
Executive Director

Date 17 72007

February 6, 2007

STIPULATION TO DISMISS WITH A LETTER OF CONCERN

Based on the foregoing Findings of Fact, and Conclusions of Law, the parties agree that Complaint No. 2006-035 is hereby dismissed according to the following terms:

- 15. License shall not seek renewal of his inactive licensee in the March, 2007 renewal cycle.
- 16. Any reapplication for licensure would be subject to the then existing licensing requirements which would include the requirement that Licensee submit proof that matters resulting in his DUI arrest had been resolved.
 - 17. Licensee will be issued a Letter of Concern (see Exhibit "A" attached hereto).

DATED this /4 day of Jebruary, 2007.

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ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS

Maxine McCarthy **Executive Director**

1400 West Washington Street, Suite 235 Phoenix, Arizona 85007

(602) 542-8162

ORIGINAL of the foregoing filed this day of flavor, 2007 with:
The Arizona Board of Psychologist Examiners 1400 West Washington, Suite 235

Phoenix, Arizona 85007

COPY of the foregoing mailed certified mail No. 7000 1670 0009 3607 85/6 this 147 day of 16ruary, 2007, to:

Gary Lassen, Ph.D. Address of record

COPY of the foregoing sent by interagency/regular mail this 14 m day of funcy, 2007 to:

Keely Verstegen, Assistant Attorney General Office of the Attorney General, Civil/LES

1275 West Washington

Phoenix, Arizona 85007

Consent Agreement/Lassen 06-35