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BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS
FOR THE STATE OF ARIZONA

In the Matter of

Case No. 16-04

Julia Lesselyong, Psy.D.
Holder of License No. 4175
for the Practice of Psychology
in the State of Arizona

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
CONSENT AGREEMENT**

On June 3, 2016, the Arizona Board of Psychologist Examiners (“Board”) met in open session to discuss the above-referenced case. Julia Lesselyong, Psy.D. (“Licensee”) was present with her legal counsel, Kathleen E. Brody. After discussion, consideration, and deliberation, the Board voted to enter into a Consent Agreement in lieu of commencing an Informal Interview.

JURISDICTION

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

2. Licensee holds a license to practice as a psychologist in the State of Arizona, License number 4175, issued March 4, 2011, pursuant to A.R.S. § 32-2071 *et seq.*

3. The Board has personal and subject-matter jurisdiction over Licensee pursuant to A.R.S. § 32-2061 *et seq.*

CONSENT AGREEMENT

Licensee understands and agrees that:

1 4. The Board and Licensee enter into this Consent Agreement to promptly
2 and judiciously resolve this matter, consistent with the public interest and the
3 statutory requirements of the Board.

4 5. Licensee has the right to consult with an attorney before entering into
5 this Consent Agreement.

6 6. Licensee has a right to a formal public hearing concerning this case
7 where she could present evidence and cross-examine witnesses. Licensee irrevocably
8 waives any right to such a hearing upon this Consent Agreement becoming effective.

9 7. Licensee irrevocably waives any right to rehearing or review or to any
10 judicial review or any other appeal of this matter upon this Consent Agreement
11 becoming effective.

12 8. Although Licensee does not agree that all of the allegations in the
13 Request for Investigation are supported by the evidence, Licensee acknowledges that
14 it is the Board's position that if this matter proceeded to a formal hearing, the Board
15 could establish sufficient evidence to support a conclusion that certain of Licensee's
16 conduct constituted unprofessional conduct. Licensee therefore has agreed to enter
17 into this Consent Agreement as an economical and practical means of resolving the
18 issues alleged in the Request for Investigation.

19 9. The Consent Agreement shall be subject to the Board's approval and
20 shall be effective only when signed by the Executive Director and accepted by the
21 Board. In the event that the Board does not approve this Consent Agreement, it is
22 withdrawn and shall be of no evidentiary value and shall not be relied upon nor
23 introduced in any action by any party, except that the parties agree that if the Board
24 rejects this Consent Agreement and this case proceeds to a formal hearing, Licensee
25 shall assert no claim that the Board was prejudiced by its review and discussion of
26 this document or any other records relating to this matter.

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1 capacity evaluation, she will attempt to schedule a feedback session with the patient
2 and the patient will have information necessary to contact her.

3 15. Licensee has completed seven hours of Continuing Education courses to
4 address the issues raised in the Request for Investigation (four hours in Effective
5 Psychological Consultation in the Inpatient Medical Setting and three hours in
6 Making Professional Ethics Practical).

7 16. Licensee has also provided the patient a copy of her report of the
8 decisional-capacity evaluation.

9 **CONCLUSIONS OF LAW**

10 17. The conduct and circumstances described above, if supported by the
11 facts alleged, would constitute unprofessional conduct pursuant to A.R.S. § 32-
12 2061(15)(o), engaging in activities that are unprofessional by current standards of
13 practice, in this case not obtaining written assent to a third party's presence during a
14 decisional-capacity evaluation, not providing the patient with information needed to
15 obtain follow-up feedback or the opportunity to do so, and utilizing forms in her
16 practice without understanding their contents; and A.R.S. § 32-2061(15)(cc), not
17 making available to the patient, on written request, a copy of the patient's record, in
18 this case not providing a copy of her report to the patient immediately upon request.

19 **ORDER**

20 18. Pursuant to A.R.S. § 32-2081(S) the Board has determined that the
21 Licensee's conduct in RFI No. 2016-04 warrants disciplinary action. Based on the
22 foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED THAT:

23 19. **PROBATION:** Licensee's license as a psychologist is placed on
24 probation for a minimum period of twelve months from the effective date of this
25 Consent Agreement, unless otherwise ordered by the Board. The effective date of this
26 Consent Agreement is the date that it is signed by the Board's Executive Director, or
27 her designee, on behalf of the Board.

1 20. **PRACTICE MONITOR:** While on probation, Licensee shall work
2 with a Practice Monitor pre-approved by the Board's Executive Director and who will
3 provide professional guidance and input to Licensee with respect to her practice in
4 performing evaluations and assessments, including scheduling follow-up sessions for
5 patient feedback, recordkeeping, and releasing evaluation reports.

6 21. Within 10 business days of the effective date of this Consent
7 Agreement, Licensee shall enter into an agreement with a Board-approved Practice
8 Monitor. Licensee shall select one of the following to act as her Practice Monitor:

9
10 a. Bhupin Butaney, Ph.D.
11 8360 E. Raintree Drive, Suite 235
12 Scottsdale, AZ 85260
13 480-993-3463

14 b. John DiBacco, Ph.D.
15 4848 E. Cactus Road, #505-178
16 Scottsdale, AZ 85254
17 602-818-8900

18 c. Deborah Lewis, Ph.D.
19 1313 E. Osborn Road, Suite 100
20 Phoenix, AZ 85014
21 602-799-6281

22 d. Michael Redivo, Ph.D.
23 10752 N. 89th Place, Suite 221
24 Scottsdale, AZ 85260
25 480-231-2663

26 22. Licensee shall meet with the Practice Monitor at least twice per month
27 for a minimum of two hours each session during the first four months of the probation
28 period. At the discretion of the Practice Monitor, the frequency and duration of the
meetings may be decreased thereafter with written notice to the Board. During these
sessions, the Practice Monitor shall review with Licensee the forms used in her

1 practice and her practices in performing evaluations and assessments, including
2 scheduling follow-up sessions for patient feedback, informed consent, the licensee's
3 role in the evaluation and assessment of clients living in a rehabilitation or similar
4 setting, recordkeeping, and the timely and proper release of evaluation reports. The
5 Practice Monitor shall submit to the Board quarterly written reports of the meetings,
6 to include topics covered and any modifications made to Licensee's practice. The
7 Practice Monitor shall provide written reports to the Board 30 days after the end of
8 each quarter. The first quarter shall begin on the effective date of this Consent
9 Agreement. Before the conclusion of the probation period, the Practice Monitor is to
10 complete a final written report to the Board summarizing his or her interaction with
11 Licensee, topics discussed, areas of progress, matters of remaining concern, and
12 overall impressions. The final report shall be submitted to the Board within 30 days of
13 the end of the last quarter of the probation period. Licensee shall present this Consent
14 Agreement to the Board-approved Practice Monitor before the first meeting. The first
15 meeting between Licensee and the Practice Monitor shall occur within 30 days of the
16 effective date of this Consent Agreement.

17 23. If, during the probation period, the Practice Monitor is unable or
18 unwilling continue to act as Licensee's Practice Monitor, within 10 business days of
19 the Practice Monitor's termination of the practice monitor relationship, Licensee shall
20 contact the Board in writing and request additional names of other potential Practice
21 Monitors approved by the Board. Licensee shall notify the Board of her new Practice
22 Monitor within 15 business days after the names of additional Practice Monitors are
23 provided.

24 24. **TERMINATION OF PROBATION:** At the end of twelve months,
25 unless otherwise ordered by the Board, Licensee may petition the Board, in writing,
26 and request termination from probation and monitoring. If the Board determines that
27 Licensee has not complied with the requirements of this Consent Agreement, the
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1 Board may either (a) continue the probation, including the Practice Monitor, or (b)
2 institute proceedings for noncompliance with this Consent Agreement, which may
3 result in the suspension, revocation, or other disciplinary or remedial action.

4 25. **CONTINUED APPLICATION OF TERMS:** If, between the
5 effective date of this Consent Agreement and the termination of Licensee's probation
6 by the Board, Licensee fails to renew her license while under this Consent Agreement
7 and subsequently applies for a license, the remaining terms of this Consent
8 Agreement, including probation and monitoring, shall be imposed if the application
9 for licensure is granted.

10 26. **EFFECTIVE DATE:** Licensee understands that this Consent
11 Agreement shall not become effective unless and until adopted by the Arizona Board
12 of Psychologist Examiners and executed on behalf of the Board. Any modification to
13 this original document is ineffective and void unless mutually approved by the parties
14 in writing.

15 27. **CONSIDERATION IN FUTURE ACTIONS:** Licensee understands
16 that this Consent Agreement, or any part thereof, may be considered in any future
17 disciplinary action against her.

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

26 29. **TIME:** Time is of the essence with regard to this Consent Agreement.
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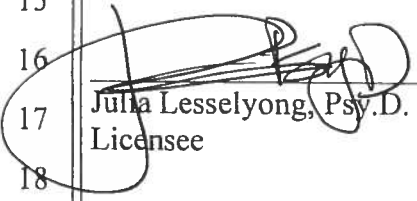
1 30. **COSTS**: The Licensee shall be responsible for all costs incurred as a
2 result of her compliance with this Consent Agreement.

3 31. **NON-COMPLIANCE**: If Licensee fails to comply with the terms of
4 this Consent Agreement, the Board may properly institute proceedings for
5 noncompliance, which may result in suspension, revocation, or other disciplinary or
6 remedial actions. Violation of this Consent Agreement is a violation of A.R.S. § 32-
7 2061(15)(aa) (“violating a formal board order, consent agreement, term of probation
8 or stipulated agreement”).

9 32. **PUBLIC RECORD**: This Consent Agreement is a public record that
10 may be publicly disseminated as a formal action of the Board and reported to the
11 National Practitioner Data Bank.

12 DATED THIS 14 day of June, 2016.

13 ARIZONA BOARD OF
14 PSYCHOLOGIST EXAMINERS

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16 
17 Julia Lesselyong, Psy.D.
18 Licensee

By: Cindy Olvey
Cindy Olvey, Psy.D.
Executive Director

19 ORIGINAL of the foregoing filed
20 this 14th day of June, 2016, with:

21 The Arizona State Board of Psychologist Examiners
22 1400 West Washington, Suite 240
23 Phoenix, Arizona 85007

24 COPY mailed by Certified Mail, No. 7009 2250 0001 7373 0404
25 this 15th day of June, 2016, to:

26 Julia Lesselyong, Psy.D.
27 Address on Record

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COPY mailed
this 15th day of June 2016, to:

Kathleen E. Brody
Osborn Maledon PA
2929 N. Central Ave.
Ste. 2100
Phoenix, AZ 85012

COPY of the foregoing mailed by interagency
this 15th day of June 2016, to:

Jeanne M. Galvin
Office of the Arizona Attorney General
SGD/LES
1275 W. Washington
Phoenix, AZ 85007

By: 