

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

3  
4   IN THE MATTER OF:

Case No: 20-47

5   **AUSTIN ASHLEY MCCALL, Psy.D.**

**CONSENT AGREEMENT AND  
ORDER FOR PROBATION AND  
MONITORING**

6   Holder of License No. 5199  
7   for the Practice of Psychology  
8   in the State of Arizona,

9                   Respondent.

10  
11         In the interest of a prompt and judicious settlement of the above-captioned matter  
12         before the Arizona Board of Psychologist Examiners ("Board") and consistent with  
13         public interest, statutory requirements and responsibilities of the Board, and pursuant to  
14         A.R.S. § 32-2061 et seq. and A.R.S. §41-1092.07(F)(5), Austin Ashley McCall  
15         ("Respondent"), holder of License No. 5199 and the Board enter into this Consent  
16         Agreement and Order for Probation ("Consent Agreement") as a resolution of this matter.

17                   **RECITALS**

18         1.       Respondent has read and understands this Consent Agreement and has had  
19         the opportunity to discuss this Consent Agreement with an attorney.

20         2.       Respondent understands that she has a right to a public administrative  
21         hearing concerning this matter at which hearing she could present evidence and cross  
22         examine witnesses. Respondent irrevocably waives her right to such hearing and the  
23         right to such an administrative hearing, as well as rights of rehearing, review,  
24         reconsideration, appeal, judicial review or any other administrative and/or judicial  
25         action, concerning matters to the Consent Agreement.

26         3.       Respondent does not relinquish Respondent's right to an administrative

1 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
2 any other administrative and/or judicial action, concerning violations and final resolution  
3 to this Order. The scope of such hearing will be limited to whether this Order has been  
4 violated or final resolution of this matter.

5 4. Respondent understands that this Consent Agreement or any part of the  
6 agreement may be considered in any future disciplinary action by the Board against her.

7 5. Respondent understands this Consent Agreement deals with Board  
8 complaint number 20-47 involving allegations of unprofessional conduct against  
9 Respondent. The investigation into these allegations against Respondent shall be  
10 concluded upon the Board's adoption of this Consent Agreement.

11 6. Respondent acknowledges and agrees that the acceptance of this Consent  
12 Agreement is solely to settle this Board matter and does not preclude the Board from  
13 instituting other proceedings, unrelated to the matter herein, as may be appropriate now or  
14 in the future, unless Respondent fails to comply with this Consent Agreement, pursuant  
15 to A.R.S. § 32-2016(16)(aa).

16 7. Respondent understands that this Consent Agreement does not constitute a  
17 dismissal or resolution of any other matters currently pending before the Board, if any,  
18 and does not constitute any waiver, express or implied, of the Board's statutory authority  
19 or jurisdiction regarding any other pending or future investigation, action or proceeding.

20 8. Furthermore, and notwithstanding any language in this Consent Agreement,  
21 this Consent Agreement does not preclude in any way any other state agency or officer or  
22 political subdivision of this state from instituting proceedings, investigating claims, or  
23 taking legal action as may be appropriate now or in the future relating to this matter or  
24 other matters concerning Respondent, including violations of the Arizona Consumer  
25 Fraud Act. Respondent acknowledges that, other than with respect to the Board, this  
26 Consent Agreement makes no representations, implied or otherwise, about the views or

1 intended actions of any other state agency or officer or political subdivision of the state  
2 relating to this matter or other matters concerning Respondent.

3 9. This Consent Agreement is subject to the approval of the Board and is  
4 effective only when accepted by the Board and signed by the Executive Director. In the  
5 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
6 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
7 any party, except that the parties agree that should the Board reject this Consent  
8 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the  
9 Board was prejudiced by its review and discussion of this document or any records  
10 relating thereto.

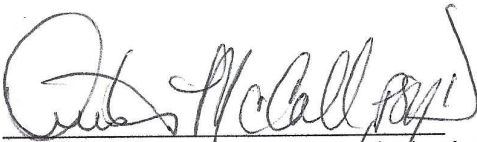
11 10. If a court of competent jurisdiction rules that any part of this Consent  
12 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
13 shall remain in full force and effect.


14 11. Respondent understands that this Consent Agreement is a public record  
15 that will be publicly disseminated as a formal action of the Board and may be reported  
16 as required by law to the National Practitioner Data Bank.

17 12. Respondent understands that one or more violation(s) contained within the  
18 Order Section of this Consent Agreement constitutes unprofessional conduct and may  
19 result in disciplinary action. A.R.S. §32-2061(16)(aa).

20 13. Respondent agrees that the Board will adopt the following Findings of  
21 Fact, Conclusions of Law and Order.

22 ACCEPTED AND AGREED BY RESPONDENT  
23

24   
25 Austin Ashley McCall, Psychologist  
26

  
Date

1 **FINDINGS OF FACT**

2 1. Respondent is a licensed psychologist in the State of Arizona, license  
3 number 5199. She has been licensed in Arizona since December 19, 2019.

4 2. On April 22, 2020, the Arizona Psychological Association (AzPA)  
5 forwarded information to the Board that it received from a third party, which alleged  
6 Respondent had a recent history of substance use.

7 3. On May 8, 2020, the Board held a public meeting to discuss the allegations  
8 against Respondent. Respondent appeared virtually and with legal counsel. At the  
9 conclusion of the consideration of the matter, the Board accepted a proposed Interim  
10 Consent Agreement and Order for Evaluation and Practice Restriction signed by Dr.  
11 McCall.

12 4. Pursuant to the Interim Consent Agreement, Respondent's license to  
13 practice psychology was suspended and she was ordered to undergo an evaluation that  
14 included an opinion of whether Respondent is fit to return to practice as a psychologist.  
15 The suspension was to remain in place until further order of the Board.

16 5. Respondent timely complied with the terms of the Interim Consent  
17 Agreement and Order and obtained the evaluation on May 28, 2020. The evaluation was  
18 completed by Elena Volfson, M.D. Dr. Volfson's evaluation and corresponding opinions  
19 are contained within the Board's files.

20 6. On August 14, 2020, the Board held a public meeting to conduct an initial  
21 review of the complaint and to review the results of Dr. Volfson's evaluation report. The  
22 Board moved to lift the suspension of Respondent's license upon her acceptance of this  
23 Consent Agreement.

24 **CONCLUSIONS OF LAW**

25 Pursuant to A.R.S. § 32-2081(S), the Board has the authority to enter into a  
26 consent agreement with a psychologist to rehabilitate the psychologist in order to protect

1 the public and ensure the psychologist's ability to safely engage in the practice of  
2 psychology.

### 3 ORDER

4 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties  
5 agree to the following Order:

- 6 1. Upon the effective date of this Consent Agreement, the suspension of  
7 Respondent's license is **LIFTED**, and Respondent has no practice limitation to  
8 the practice of psychology except for the terms outlined below. The effective  
9 date of this Consent Agreement and Order is the date the Order is signed by  
10 the Board's Executive Director or her designee.
- 11 2. Upon the effective date of this Consent Agreement, Respondent's license  
12 is placed on **probation for a minimum period of five (5) years**, except:
  - 13 a) At the end of twenty-four (24) months to sixty (60) months from the  
14 effective date of this Consent Agreement, Respondent may petition the  
15 Board in writing and request that the terms of the probation be modified  
16 or that the probation be lifted entirely and terminated.
  - 17 b) At twenty- two (22) months from the effective date of this Consent  
18 Agreement, Respondent shall be re-evaluated by Dr. Volfson for the  
19 purpose of determining termination of this Consent Agreement. At that  
20 time, if Dr. Volfson determines Respondent can be released from  
21 probation and is fit-for-duty, and Respondent establishes that she has  
22 successfully satisfied all the terms and conditions of this Order, then  
23 Respondent must submit a written request to the Board for release from  
24 the terms in this Order.
  - 25 c) Respondent shall appear before the Board at a regularly scheduled  
26 Board meeting. if necessary, five (5) years after the effective date of this  
Consent Agreement and Order to request that the probation imposed by

1 this Consent Agreement be terminated. Respondent's failure to petition  
2 the Board to terminate the probation shall extend the probation period.

3 d) Respondent's request or petition for release will be placed on the next  
4 pending Board agenda, provided a complete submission is received by  
5 Board staff no less than 14 days prior to the Board meeting.

6 e) Respondent's request or petition, in writing, for release and/or  
7 modification of this Consent Agreement may be accompanied by  
8 information demonstrating that Respondent is safe to practice  
9 psychology.

10 f) Whether to modify the terms of probation or terminate the period of  
11 probation is entirely within the discretion of the Board, and may require  
12 any combination of examinations, continuing education, and/or  
13 evaluations in order to determine whether Respondent is safe to resume  
14 practice of psychology.

15 3. **Terms of Probation:** During the period of probation, Respondent shall:

16 a) **Attend weekly individual therapy sessions with Erin Stanfield,**  
17 **LCSW.**

18 i. If Respondent ceases therapy with Erin Stanfield and obtains a  
19 new therapist, the new therapist shall be **pre-approved** by the  
20 Executive Director.

21 a) Pre-approved process is: Prior to initiating therapy with a new  
22 therapist, Respondent shall submit the name of the proposed  
23 therapist to the Board's Executive Director for approval. The  
24 Executive Director or her designee shall notify Respondent  
25 whether the proposed therapist is approved within 7 calendar  
26 days.

ii. Respondent's therapist shall report to the Board on a quarterly

1 basis on the status of Respondent's therapy. Respondent shall  
2 ensure therapist has provided its report to the Board in the  
3 specified time. If therapist fails to provide the report to the board  
4 in the specified time, and after Respondent has requested report to  
5 be forwarded to the Board, Respondent will notify the Executive  
6 Director or designee for further action. Respondent shall present  
7 this Order to the Board approved therapist prior to the date of the  
8 first meeting.

9 iii. The reports shall include a general description of topics discussed  
10 and a general description of the on-going treatment plan.

11 iv. The first report is due between October 1-10, 2020, and each  
12 subsequent quarterly report is due between the first and tenth day  
13 of the month, January 1-10, 2021; April 1-10, 2021; July 1-10,  
14 2021; October 1-10, 2021; accordingly thereafter.

15 v. The reports may be sent to the Board via mail, electronic mail or  
16 fax.

17 a) Mail: State of Arizona, Board of Psychologist Examiners,  
18 1740 West Adams Street, Suite 3403, Phoenix, Arizona  
19 85007

20 b) Electronic Mail: Jennifer.Michaelsen@psyboard.az.gov

21 c) Fax: (602) 542-8279

22 b) **Attend monthly individual psychiatrist sessions:**

23 i. Within fourteen (14) calendar days of the effective date of this  
24 Consent Agreement, Respondent shall establish a relationship  
25 with a Board-approved psychiatrist.

26 ii. This psychiatrist will address the issues outlined in Dr. Volfson's  
report.

1                   iii. **Respondent shall see the psychiatrist on a monthly basis.**

2                   iv. If Respondent ceases psychiatry with this pre-approved  
3                   psychiatrist and obtains a new psychiatrist, the new psychiatrist  
4                   shall be **pre-approved** by the Executive Director and this new  
5                   psychiatrist will address the ongoing issues outlined in the  
6                   previous psychiatrists' reports.

7                   a) Pre-approved process is: Prior to initiating treatment with a  
8                   new psychiatrist, Respondent shall submit the name of the  
9                   proposed psychiatrist to the Board's Executive Director for  
10                  approval. The Executive Director or her designee shall notify  
11                  Respondent whether the proposed psychiatrist is approved  
12                  within 7 calendar days.

13                  v. Respondent's psychiatrist shall report to the Board on a  
14                  quarterly basis on the status of Respondent's therapy.  
15                  Respondent shall present this Order to the Board approved  
16                  psychiatrist prior to the date of the first meeting.

17                  vi. The first report is due between October 1-10, 2020, and each  
18                  subsequent quarterly report is due between the first and tenth  
19                  day of the month, January 1-10, 2021; April 1-10, 2021; July 1-  
20                  10, 2021; October 1-10, 2021; accordingly thereafter.

21                  vii. The reports may be sent to the Board via mail, electronic mail or  
22                  fax.

23                  a) Mail: State of Arizona, Board of Psychologist Examiners,  
24                  1740 West Adams Street, Suite 3403, Phoenix, Arizona  
25                  85007

26                  b) Electronic Mail: [Jennifer.Michaelsen@psyboard.az.gov](mailto:Jennifer.Michaelsen@psyboard.az.gov)

                  c) Fax: (602) 542-8279

1 c) **Respondent shall undergo random urine drug screens at least twice**  
2 **monthly:**

- 3 i. **The drugs screens shall include a screen for alcohol, illegal**  
4 **drugs, prescription drugs and marijuana.**
- 5 ii. Respondent shall continue the monitoring and testing through  
6 Rising Phoenix Wellness Services. Respondent shall present this  
7 Order to Rising Phoenix.
- 8 iii. All drug screen results shall be sent directly to the Board via mail,  
9 electronic mail or fax.
- 10 a) Mail: State of Arizona, Board of Psychologist Examiners,  
11 1740 West Adams Street, Suite 3403, Phoenix, Arizona  
12 85007
- 13 b) Electronic Mail: Jennifer.Michaelsen@psyboard.az.gov
- 14 c) Fax: (602) 542-8279
- 15 iv. In the Board's sole discretion and at any time, the Board may  
16 order Respondent to undergo additional testing to include hair or  
17 nail samples or more frequent drug testing.
- 18 v. **A POSITIVE DRUG SCREEN RESULT FOR ALCOHOL,**  
19 **ANY ILLEGAL SUBSTANCE INCLUDING MARIJUANA**  
20 **OR A SUBSTANCE FOR WHICH RESPONDANT DOES**  
21 **NOT HAVE A CURRENT AND VALID PRESCRIPTION IS**  
22 **A VIOLATION OF THIS ORDER AND MAY RESULT IN**  
23 **THE SUMMARY SUSPENSION, SUSPENSION OR**  
24 **REVOCATION OF RESPONDENT'S LICENSE.**

25 d) **Respondent shall attend at least one Caduceus, NA/AA or other 12-**  
26 **step program meeting per week:**

- i. Respondent shall submit attendance logs to the Board on a quarterly basis.
- ii. The first attendance log is due between October 1-10, 2020, and each subsequent quarterly report is due between the first and tenth day of the month, January 1-10, 2021; April 1-10, 2021; July 1-10, 2021; October 1-10, 2021; accordingly thereafter.
- iii. The logs may be submitted by mail, electronic mail or via fax.
  - a) Mail: State of Arizona, Board of Psychologist Examiners, 1740 West Adams Street, Suite 3403, Phoenix, Arizona 85007
  - b) Electronic Mail: Jennifer.Michaelsen@psyboard.az.gov
  - c) Fax: (602) 542-8279

e) **PRACTICE MONITORING:**

- i. Within thirty (30) days of returning to the full or part-time practice of psychology, Respondent shall engage a **Practice Monitor pre-approved by the Executive Director or her designee.**
- ii. **The Practice Monitor shall have experience in the area of substance abuse and will provide professional guidance and input to Respondent.**
- iii. **For the first six months of monitoring under the Practice Monitor, Respondent shall meet with the Practice Monitor for at least two (2) times per month for a period of two (2) hours each time.**
- iv. Respondent shall submit the name of the psychologist to the Board's Executive Director for pre-approval prior to returning to practice.
  - a. Pre-approved process is: Prior to initiating a relationship with

- 1 a proposed practice monitor, Respondent shall submit the  
2 name of the proposed Practice Monitor to the Board's  
3 Executive Director for approval. The Executive Director or  
4 her designee shall notify Respondent whether the proposed  
5 practice monitor is approved within 7 calendar days.
- 6 v. The Practice Monitor shall have no familial or business  
7 relationship with Respondent.
- 8 vi. Respondent shall present this Order to the Board approved  
9 Practice Monitor prior to the date of the first meeting.
- 10 vii. The Practice Monitor shall submit a detailed written report to  
11 the Executive Director on a quarterly basis informing the Board  
12 of his/her monitoring of Respondent's psychology practice,  
13 practice areas discussed, activities Respondent will be required  
14 to complete, and any concerns the Practice Monitor may have  
15 with Respondent's practice.
- 16 viii. The written reports are due quarterly, the first one due on the  
17 first to the tenth day of the month, and then every 3 months after  
18 the Practice Monitor is engaged. The reports may be filed with  
19 the Board via mail, electronic mail or fax.
- 20 a. Mail: State of Arizona, Board of Psychologist Examiners,  
21 1740 West Adams Street, Suite 3403, Phoenix, Arizona  
22 85007
- 23 b. Electronic Mail: [Jennifer.Michaelsen@psyboard.az.gov](mailto:Jennifer.Michaelsen@psyboard.az.gov)
- 24 c. Fax: (602) 542-8279
- 25 ix. After being engaged with the Practice Monitor for a period of at  
26 least six (6) months, Respondent may, upon the Practice  
Monitor's recommendation, petition the Board to modify or

1 eliminate the Practice Monitor requirement.

- 2 x. If Respondent ceases work with this pre-approved Practice  
3 Monitor and obtains a new Practice Monitor, the new Practice  
4 Monitor shall be **pre-approved** by the Executive Director and  
5 this Practice Monitor will address the ongoing issues outlined in  
6 the previous Practice Monitor reports.
- 7 xi. Pre-approved process is: Prior to initiating monitoring with a  
8 new practice monitor, Respondent shall submit the name of the  
9 proposed practice monitor to the Board's Executive Director for  
10 approval. The Executive Director or her designee shall notify  
11 Respondent whether the proposed practice monitor is approved  
12 within 7 calendar days.
- 13 xii. The petition shall be in writing and include a report and  
14 recommendation from the Practice Monitor.
- 15 xiii. Respondent's request or petition for release from Practice  
16 Monitoring will be placed on the next pending Board agenda,  
17 provided a complete submission is received by Board staff no  
18 less than 14 days prior to the Board meeting.
- 19 xiv. If, during the probationary period, the Practice Monitor is unable  
20 or unwilling to continue to act as Respondent's Practice  
21 Monitor, within 10 business days of the Practice Monitor's  
22 termination of the practice monitor relationship, Respondent  
23 shall contact the Executive Director in writing and present  
24 another potential Practice Monitor for approval.
- 25 xv. Respondent shall notify the Board of her new Practice Monitor  
26 within 20 business days of receiving approval.
- xvi. The sessions between Respondent and the Practice Monitor that

1 occurred prior to the effective date of this Consent Agreement  
2 and Order shall not count toward those sessions required under  
3 this Consent Agreement and Order.

4 f) Throughout the term of Respondent's probation, Respondent shall  
5 personally appear before the Board when requested to do so by the Board or Board staff.  
6 Notice of Appearance shall be 14-days prior to Board appearance sent USPS certified  
7 mail to Respondent's address on file. Notice may be less than 14 days if circumstances  
8 so warrant.

9 g) Respondent shall execute all appropriate release of information  
10 forms to permit the Respondent's treatment professionals to communicate with the  
11 Board regarding Respondent's treatment and monitoring.

12 h) If Respondent violates this order in any way or fails to fulfill the  
13 requirements of this order, the Board, after giving the Respondent notice and the  
14 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
15 the Respondent's license. The issue at such a hearing will be limited solely to whether  
16 this order has been violated.

17 i) Upon the effective date of this Consent Agreement, the terms,  
18 provisions and conditions of the Interim Consent Agreement and Order are deemed  
19 satisfied and the Interim Order is deemed terminated and superseded by this Consent  
20 Agreement.

21 j) This Consent Agreement shall be effective on the date of entry by  
22 the Executive Director below.

23 k) Time is of the essence with regard to this agreement.

24 l) Respondent shall be responsible for all costs incurred as a result of  
25 her compliance with this Consent Agreement.

26 m) Respondent understands that this Consent Agreement, or any part

1 thereof, may be considered in any future disciplinary action against her or in any future  
2 decision regarding re-licensure.


3 n) Failure to comply with any provision of this Consent Agreement is  
4 an act of unprofessional conduct pursuant to A.R.S. §32-2061(16)(aa), which is violating  
5 a formal board order, consent agreement, term of probation or a stipulated agreement,  
6 which could lead to the suspension or revocation of Respondent's license.

7 o) If Respondent fails to renew her license while under the terms of  
8 this Consent Agreement and subsequently applies for late renewal of license or a new  
9 license, the remaining terms of this Order shall be imposed if the late renewal or  
10 reapplication for license is granted by the Board.

11 p) Respondent understands that this Consent Agreement is a public  
12 record that may be publicly disseminated as a formal action of the Board and shall be  
13 reported to the National Practitioner Data Bank.

14  
15 DATED THIS 23 day of September, 2020.

16  
17 ARIZONA BOARD OF  
18 PSYCHOLOGIST EXAMINERS

19 

20 Heidi Herbst Paakkonen  
21 Executive Director

22 **ORIGINAL** filed

23 This 23 day of September, 2020 to:

24 Arizona State Board of Psychologist Examiners  
25 1740 W. Adams St., Suite 3403  
26 Phoenix, Arizona 85007

1 **COPY** of the foregoing mailed by Certified Mail No. 9489009000276155081228

2 This 23 day of September, 2020 to:

3 Austin McCall, Psy.D.

4 Address on Record

5 Respondent

6 **COPY** of the foregoing mailed by USPS regular mail

7 This 23 day of September, 2020 to:

8 Tammy Thibodeau, Esq.

9 Lancaster Law

10 One West Elliot Road, Suite 114

11 Tempe, Arizona 85284

12 Attorney for Respondent

13 **COPY** of the foregoing via email (jeanne.galvin@azag.gov)

14 This 23 day of September, 2020 to:

15 Jeanne M. Galvin

16 Assistant Attorney General

17 2005 North Central Ave. SGD/LES

18 Phoenix, Arizona 85004

19 Jeanne.galvin@azag.gov

20 Attorney for the State of Arizona

21 By: 