

## **G. FILING A CLAIM OR COMPLAINT AGAINST A PSYCHOLOGIST**

*If you are contemplating filing a Claim or a Complaint against a psychologist it is recommended that you review Board statutes. Specifically, A.R.S. §32-2061(16) pertains to unprofessional conduct. Additionally, you may wish to review the American Psychological Associations Ethical Principles of Psychologists and Code of Conduct. A.R.S. §32-2081 pertains to Complaint/Claim procedures*

### **1. THE PSYCHOLOGIST CONDUCTED COURT ORDERED SERVICES. DO I FILE A CLAIM OR A COMPLAINT?**

Pursuant to A.R.S. 32-2081(C) you must submit a Claim:

*A claim of unprofessional conduct brought on or after July 3, 2015 against a psychologist arising out of court-ordered services shall be independently reviewed by three members of the board, including a public member. Each of the three board members who are reviewing the claim shall independently provide the board's executive director a recommendation indicating whether the member believes there is merit to open an investigation. If one or more of the board members who are reviewing the claim determine that there is merit to open an investigation as a complaint, an investigation shall be opened and shall follow the complaint process pursuant to this article.*

You can find the Claim form on the Board's website, <https://psychboard.az.gov>, under the "Forms" tab/General Forms. It is very important to submit all of the information/documentation that is requested on the Claim form. The more information/documentation submitted, the better.

The Claims process could take one to two months to be completed. The psychologist is not notified of the Claim process until after the process is completed. If a Claim is closed (not opened as a Complaint) the psychologist is not notified of who filed the Claim. If the Claim is opened as a Complaint, the Claim is sent to the psychologist for a response. The person filing the Claim will receive correspondence from the Board office after the review of the Claim has been completed.

Please be advised that the Board does not have the authority to overturn a Court ruling.

### **2. THE SERVICES PROVIDED WERE NOT COURT ORDERED. HOW DO I FILE A COMPLAINT?**

You can find the Complaint form on the Board's website, <https://psychboard.az.gov>, under the "Forms" tab/General Forms. It is recommended that you submit any and all information/documentation that you believe is relevant to the Complaint. The more information/documentation submitted, the better.

The Complaint process can be a lengthy process. Once the Complaint is received by the Board office, Board staff will notify the Complainant and the Licensee. The Licensee is given 30 days to respond to the Complaint. A Licensee may request an extension of time to respond to the Complaint. Board staff is authorized to grant one 30 day extension. Once Board staff receives all of the necessary documentation the Complaint will be scheduled for the Board's next Complaint Screening Review Committee (Committee). The Committee meets once a month. The Committee can dismiss a Complaint, request additional information or refer it to the Board for further review. A letter that provides more details regarding the Complaint process is sent to the Complainant and Licensee when a Complaint is filed.

**3. I WANT TO FILE A COMPLAINT BUT I DO NOT WANT THE PSYCHOLOGIST TO KNOW IT IS ME THAT IS FILING THE COMPLAINT. CAN MY INFORMATION REMAIN CONFIDENTIAL?**

The Board is unable to guarantee that your name or information will remain confidential throughout the process. In the instance that a Complaint is referred to a Formal Hearing there is the possibility that your name will be released to the Licensee. Please note that your information is never released to the public.

**4. DOES THE BOARD ACCEPT ANONYMOUS COMPLAINTS?**

Yes, the Board has the authority to accept anonymous complaints. An anonymous Complaint will go through the same process as a regular complaint.

**5. I AM NOT SURE IF I SHOULD FILE A COMPLAINT. CAN SOMEONE ADVISE ME ON WHAT I SHOULD DO?**

No, it is up to you to decide whether you will file a complaint. Remember, the Board has a responsibility to protect the public. If you believe a psychologist has acted unprofessionally or unethically, it is recommended that you file a complaint.

**6. I AM A SEX OFFENDER. CAN I FILE A COMPLAINT?**

Pursuant to A.R.S. §32-2081(B) the Board does not have jurisdiction to hear a Complaint filed by a sex offender:

*The board shall not consider a complaint against a psychologist arising out of a judicially ordered evaluation, treatment or psychoeducation of a person charged with violating any provision of title 13, chapter 14 to present a charge of unprofessional conduct unless the court ordering the evaluation has found a substantial basis to refer the complaint for consideration by the board.*

**7. I UNDERWENT AN INDEPENDENT MEDICAL EVALUATION CONDUCTED BY A PSYCHOLOGIST AND I WANT TO FILE A COMPLAINT.**

Pursuant to A.R.S. §23-1026(D) the Board may not have jurisdiction to hear a Complaint submitted against a psychologist who conducted an Independent Medical Evaluation:

*A physician who makes or is present at the medical examination provided by this section may be required to testify as to the result of the examination. The physician is not subject to a complaint for unprofessional conduct to the physician's licensing board if the complaint is based on a disagreement with the findings and opinions expressed by the physician as a result of the examination.*

**8. I AM AN INMATE AND I WANT TO FILE A COMPLAINT AGAINST A PSYCHOLOGIST. HOW DO I FILE A COMPLAINT?**

Pursuant to A.R.S. §31-241(A)(8)(B):

*A. An inmate shall exhaust all internal department grievance procedures before filing a complaint with any of the following boards:*

*8. The state board of psychologist examiners established by section 32-2062.*

*B. If an inmate files a complaint with a board pursuant to subsection A of this section, the inmate shall attach a copy of the final department grievance response to the complaint.*

**9. IS THERE A STATUTE OF LIMITATION TO FILE A COMPLAINT?**

Yes there is a time limitation. Pursuant to A.R.S. §32-3224 the Board cannot accept a complaint if it has been four or more years since the conduct occurred. The time limitation does not apply to the following:

- Medical malpractice settlements or judgements
- Allegations of sexual misconduct
- Incident or occurrence involved a felony
- Diversion of a controlled substance
- Or impairment while practicing