

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

3
4 In the Matter of:)

5 Scott Padilla, Psy.D.)

COMPLAINT NO. T-22-01

6 Former Holder of License No. PSY-004881)
7 for the Practice of Psychology)
8 in the State of Arizona)

CEASE AND DESIST ORDER

9 **License Voluntarily Surrendered**)
10 **November 6, 2020**)

11 On October 1, 2021, the Arizona Board of Psychologist Examiners (“Board”) met in open
12 session for the purposes of determining whether grounds existed to issue a Cease and Desist
13 Order to Scott Padilla, Psy.D. (“Respondent”). Respondent appeared virtually and addressed the
14 Board.

15 **FINDINGS OF FACT**

16 1. On August 11, 2017, Respondent was issued a psychologist license by the Board.

17 2. On November 6, 2020, the Board accepted a signed Consent Agreement by
18 Respondent for the voluntary surrender of his psychologist license regarding multiple
19 complaints. The effective date of the license surrender was November 6, 2020.

20 3. On or about July 9, 2021, Board staff was contacted by one of Respondent’s former
21 clients (“Client”), who expressed concern that Respondent was currently practicing psychology
22 despite having surrendered his license the previous year. In her email correspondence, Client
23 reported that:

- 24 a. Client created a post on the website, www.Reddit.com, regarding Respondent,
25 which addressed the Board complaint she previously filed against him.
26 b. Client made this post as a warning to the public regarding Respondent.
27 c. Client was subsequently contacted on the Reddit platform by another client
28 (“TB”), who reported that Respondent is still seeing clients, under the guise

1 of being a therapist, and providing services at his home or in coffee shops.

2 4. After receiving this email, Board staff contacted TB for further information, who
3 reported that:

4 a. She initially began seeing Respondent in May of 2020 (psychologist license
5 was active at that time) and continued to see Respondent for services until
6 the week before July 5, 2021.

7 b. At that time, TB emailed Respondent, asking to make an appointment and
8 Respondent replied that he had moved out of his office and was setting up a
9 space in his home office to see clients so TB could come to his home or they
10 could meet at a public place, such as a coffee shop.

11 c. TB was unsure about this, so she researched Respondent online and
12 discovered that Respondent had surrendered his license.

13 5. Upon request from Board staff, TB subsequently provided screenshots of her email
14 correspondence with Respondent from November/December 2020 and June/July 2021. In
15 review of an email that Respondent sent TB on December 1, 2020, in response to TB's request
16 for an appointment approximately one month after surrendering his license, Respondent stated:

17 a. "I am available next week or the week after."

18 b. "Also, I'm pursuing a teaching position at the University so I'm not renewing
19 my license. I'm offering my current clients the option of continuing to meet
20 with me in a counseling/coaching/support capacity if they want. In Arizona
21 you're not allowed to call yourself a psychologist unless you're licensed.
22 Nothing would feel any different to you, but I'm still required to inform you
23 of the change if you want to keep meeting with me is all."

24 c. "Let me know your thoughts and we can go from there."

25 6. In review of an email that Respondent sent TB on July 5, 2021, in response to TB's
26 request for an appointment that week, Respondent stated, "Yes, I do. I have moved out of my
27 office and am setting up a space in my home for seeing clients. So you have a choice to come
28 there or we can meet someplace like a coffee shop."

1 7. Board staff subsequently opened a complaint, no. T-22-01, for further investigation,
2 as it appeared that Respondent was in violation of Arizona Revised Statutes (“A.R.S.”) § 32-
3 2084.

4 8. Respondent responded to the complaint in writing, indicating that:

- 5 a. On November 28, 2020, TB emailed Respondent, inquiring if she could
6 schedule an appointment for December 1, 2020.
- 7 b. The last time that Respondent saw TB was on October 21, 2020, the month prior
8 to surrendering his psychologist license.
- 9 c. At that time, Respondent had been pursuing a teaching position at a university
10 and was not intending to continue seeing clients in any capacity for much longer.
- 11 d. Respondent informed each of his clients regarding the change in licensure
12 status, and small number of these clients communicated that they were
13 interested in continuing in a coaching capacity.
- 14 e. When Respondent responded to TB’s email from November 28, 2020, he
15 indicated that he would be willing to see TB but that he had begun pursuing a
16 teaching position at a university and would not be renewing his license.
- 17 f. Respondent did not tell TB that he had surrendered his license because he was
18 advised by several colleagues that doing so would not be necessary, as long as
19 he was forthcoming about no longer being licensed.
- 20 g. However, Respondent was clear in his email response to TB that he could no
21 longer call himself a psychologist unless he was licensed, which he was not.
- 22 h. Respondent took the surrender of his psychology license very seriously, and
23 took the following measures:
- 24 • Removed his profiles from the Psychology Today and Good Therapy
25 websites;
 - 26 • Created a new business card that did not contain the terms psychologist,
27 psychological or any permutation of what is prohibited to be used by an
28 unlicensed individual;

- 1 • Researched what terms were protected. At the time, Respondent was under
2 the impression that it was permissible to use the terms “counseling”,
3 “coaching” and “therapist” without violating statute.
- 4 i. Respondent attached a document that he had the clients who chose to continue
5 seeing him sign, acknowledging the change in licensure status.
- 6 j. “In my efforts to locate this document with [TB’s] signature, I was unable to do
7 so. It is possible that I did not have her sign it, as over a month had passed since
8 I had asked the others to sign it, and it may have slipped my mind. I did feel
9 comfortable moving forward, however, since I had informed her via the
10 December 1st email that I was no longer licensed and she had scheduled another
11 appointment anyway.”
- 12 k. In reviewing TB’s chart, Respondent recalled that in March of 2021, he realized
13 that the digital signature of his session notes still read “Psychologist/Owner”
14 next to the name.
- 15 l. By TB’s next session on April 29, 2021, Respondent had rectified the issue and
16 changed the digital signature from “Psychologist/Owner” to “Therapist/Owner”.
- 17 m. Regarding TB’s statement that Respondent offered sessions at his home or a
18 coffee shop:
- 19 • Respondent had seen TB for the last time in-person at his office on June 23,
20 2021.
- 21 • At the end of June, Respondent decided that he could no longer justify
22 continuing his office lease due to the dwindling number of clients he was
23 still seeing.
- 24 • The last day in that office was June 30, 2021.
- 25 • Respondent had communicated to the clients during their session that he
26 was closing his office location and would be setting up a home office.
- 27 • When TB contacted Respondent in July 2021 to schedule an appointment,
28 his intent was to offer to see her either at his home office a coffee shop.

- Respondent’s hope was that TB would be able to choose an option that she felt most comfortable with, since she had declined remote sessions in the past and had always preferred to meeting in-person.

n. Respondent maintains that he no longer provides “counseling, coaching, therapy, or any other similar service” as a result of receiving this latest complaint.

9. On September 15, 2021, the Board’s Complaint Screening Committee (“Committee”) reviewed Complaint No. T-22-01. TB and Respondent appeared virtually and answered questions form the Committee. After deliberation, the Committee voted to forward the complaint to the full board for further review based on a possible violation of § 32-2084, as it appeared that Respondent continued to practice psychology after surrendering his license in 2020.

10. On October 1, 2021, the Board reviewed the complaint. Both TB and Respondent were present and answered questions from the Board. The Board noted the following:

- a. Respondent continued to provide psychological services to TB after he surrendered his license under the guise of life coaching or counseling as demonstrated in TB’s records.
- b. TB did not sign any documentation when services allegedly were switched to coaching nor is there any documentation in TB’s record to reflect that there was a discussion regarding the transition of services.
- c. Progress notes for sessions occurring from 12/08/2020 – 03/04/2021 were electronically signed “Psychologist/Owner Scott Padilla, PsyD”.
- d. While the diagnosis was removed from all progress notes occurring after December of 2020, each note still contained the following sections: Data, Assessment, and Plan.

11. After discussion and deliberation, the Board voted to issue Respondent a Cease & Desist Order for practicing psychology without a license and for holding himself out as a licensed psychologist.

1 **VIOLATIONS**

2 1. Respondent's conduct constitutes a violation of A.R.S. §32-2084, which provides
3 that it is a class 2 misdemeanor for a person not licensed to:

- 4 a. (A): engage in the practice of psychology;
- 5 b. (C)(1): Use the designation "psychology", "psychological" or "psychologist";
- 6 b. (C)(2): Use any combination of words, initials and symbols that leads the
7 public to believe the person is licensed to practice psychology in this state.

8 **ORDER**

9 Under the authority set forth in A.R.S. § 32-3227(C), the Board orders Respondent to
10 immediately Cease and Desist from practicing psychology or holding himself out as a licensed
11 psychologist until such time he is licensed to do so. If Respondent continues to engage in such
12 activity in violation of the Board's statutes and rules, the Board may pursue injunctive relief
13 pursuant to A.R.S. § 32-2083.

14 DATED this 22 day of October, 2021.

15
16 ARIZONA BOARD OF
17 PSYCHOLOGIST EXAMINERS

18 

19 By: _____
20 Heidi Herbst Paakkonen
21 Executive Director

22 **ORIGINAL** filed electronically
23 this 22 day of October, 2021, with:

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

27 **COPY** of the foregoing sent by regular mail & email to [REDACTED]
28 this 22 day of October, 2021, to:

Scott Padilla, Psy.D.
Respondent

1 Address on Record

2 **COPY** of the foregoing via email (jeanne.galvin@azag.gov)
3 this 22 day of October, 2021, with:

4 Jeanne M. Galvin
5 Assistant Attorney General
6 2005 North Central Ave. SGD/LES
7 Phoenix, Arizona 85004
8 Attorney for the State of Arizona

9 By: *Jennifer Michaelson*

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