

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

3 In the Matter of
4 Sarette Zecharia, Ph.D.
5 Holder of License No. PSY-003554
6 For the Practice of Psychology
7 in the State of Arizona,
8 Respondent.

Case No.: 20-35

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER FOR PROBATION AND
SUPERVISION**

9
10 On September 4, 2020, the Arizona Board of Psychologist Examiners (“Board”) held an
11 Informal Interview for Complaint No. 20-35 regarding Sarette Zecharia, Ph.D. (“Respondent”).
12 Respondent appeared virtually with her legal counsel, John Ager, Esq. The Complainants
13 appeared telephonically. After the Informal Interview, the Board voted to issue Respondent the
14 following Findings of Fact, Conclusions of Law, and Order for Probation and Supervision
15 (“Order”).

16 **JURISDICTION**

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

21 2. Respondent is the holder of license number PSY-003554 for the practice of
22 psychology in the State of Arizona.

23 3. The Board has personal and subject-matter jurisdiction over Respondent
24 pursuant to A.R.S. § 32-2061 *et seq.*, and the rules at A.A.C. R4-26-101, *et seq.*

25 ...

26 ...

1 FINDINGS OF FACT

2 4. From March 2017 – September 2019, Respondent worked for Vibrant Healthcare,
3 Inc. (“Vibrant”).

4 5. Beginning in October of 2017, Respondent provided supervision to Marilyn Wiley
5 (“MW”), Ph.D., a psychology associate who was practicing at Vibrant. MW had a pending
6 psychologist application for licensure with the Board.

7 6. On January 27, 2020, the Board received Complaint No. 20-35 from two clients
8 (“RJ” and “JW”), who received counseling services from MW at Vibrant, under Respondent’s
9 supervision. The allegations were that MW engaged in boundary violations, failed to notify them
10 that MW was working under Respondent’s supervision, and billing issues, in that therapy sessions
11 were billed to RJ and JW’s insurance companies under Respondent’s name and NPI number
12 despite MW providing the services.

13 7. Respondent informed the Board that the insurance billing was processed by other
14 Vibrant staff and an outside billing company. Once Respondent became aware that this was a
15 potential issue, she notified the health insurance providers of the issues with her NPI number and
16 inappropriate billing. However, Respondent also acknowledged to the Board that she would
17 review the client file and sign off on the billing statement(s) before it was sent to Vibrant personnel
18 for processing. The Board determined that RJ and JW’s services were inappropriately billed under
19 Respondent and her NPI and that Respondent did not adequately review the files before signing-
20 off on them to be billed.

21 8. The Board determined that Respondent did not provide adequate supervision and
22 oversight to MW when considering the following factors: RJ and JW were unaware that MW was
23 providing treatment under the supervision of Respondent; Respondent never met with, nor
24 contacted, RJ or JW; Respondent was not aware that MW was treating several members from
25 RJ’s family; The Informed Consent for Psychology Treatment forms signed by RJ and JW did not
26

1 specify who would be providing the treatment nor indicate that Respondent was the supervisor
2 overseeing services nor contain Respondent's contact information; and Respondent did not review
3 the billing submitted for services provided by MW in a timely and appropriate manner.

4 9. The Board also found that Respondent did not maintain adequate records regarding
5 the supervision she provided to MW. There was no written supervision agreement and Respondent
6 failed to keep notes for supervision sessions she had with MW. Respondent acknowledges that
7 her supervision documentation fell below the standard of practice, and that she now understands
8 the importance of documenting supervision. Respondent has completed multiple continuing
9 education courses since being notified of the complaint, in the areas of billing and supervision.

10 CONCLUSIONS OF LAW

11 10. The conduct and circumstances described above constitute unprofessional conduct
12 pursuant to:

13 a. A.R.S. § 32-2061(16)(h), failing or refusing to maintain and retain adequate
14 business, financial or professional records pertaining to the psychological services provided to a
15 client or patient;

16 b. A.R.S. § 32-2061(16)(q)¹, representing activities or services as being
17 performed under the licensee's supervision if the psychologist has no assumed responsibility for
18 them and has not exercised control, oversight and review.

19 ORDER

20 Pursuant to A.R.S. § 32-2081(K), the Board has determined that the Respondent's conduct
21 in Complaint No. 20-35 warrants disciplinary action. Based on the foregoing Findings of Fact and
22 Conclusions of Law, IT IS ORDERED THAT:

23 11. **PROBATION:** Respondent's license as a psychologist is placed on probation for
24

25
26 ¹ During the Informal Interview, it was discovered that the Notice of Informal Interview that was sent to Respondent did not contain notice of a possible violation of A.R.S. §32-2061(16)(q). Prior to the conclusion of the proceedings, Respondent and her counsel waived the lack of written notice of A.R.S. §32-2061(16)(q).

1 a minimum period of six (6) months beginning on the effective date of this Order. The effective
2 date of this Order is thirty-five (35) days from the date that it is mailed to Respondent unless there
3 are intervening legal proceedings.

4 12. **PRACTICE MONITOR:** While on probation, Respondent shall work with a
5 Practice Monitor pre-approved by the Board's Executive Director or designee and who will
6 provide professional guidance and input to Respondent with respect to her role as a supervisor;
7 supervisory practices, policies and documentation; best practices for supervisors; billing; and any
8 other topic deemed pertinent by the Practice Monitor. The Practice Monitor shall submit to the
9 Executive Director a detailed monitoring program outlining the monitoring goals and objectives
10 and how achievement of them will be measured, and the activities Respondent will be required to
11 complete. The written monitoring program shall be provided to the Executive Director within
12 thirty (30) days of contracting with Respondent to serve as Practice Monitor.

13 13. Respondent shall submit the name of the psychologist who shall serve as the
14 Practice Monitor to the Board's Executive Director for approval within ten (10) business days of
15 the effective date of this Order. Within twenty (20) business days of the effective date of this
16 Order, Respondent shall enter into the Practice Monitor agreement. The Practice Monitor shall
17 have no familial or business relationship with Respondent.

18 14. Respondent shall meet with the Practice Monitor at least twice per month for a
19 minimum of two hours each session during the probationary period. The Practice Monitor shall
20 review a minimum of three of Respondent's recent patient records each quarter and discuss with
21 Respondent the Monitor's findings, conclusions, and recommendations for improvement. The
22 Practice Monitor shall also review and discuss Respondent's policies for supervision, financial
23 policies and procedures, and recordkeeping. The Practice Monitor shall submit to the Board
24 quarterly written reports of the meetings, to include topics covered and any modifications made
25 to Respondent's practice. The Practice Monitor shall provide written reports to the Board within
26 30 days after the end of each quarter. The first quarter shall begin on the date of the first session

1 between the Respondent and the Practice Monitor. Before the conclusion of the probationary
2 period, the Practice Monitor is to complete a final written report to the Board summarizing their
3 interaction with Respondent, topics discussed, areas of progress, matters of remaining concern,
4 and overall impressions. The final report shall be submitted to the Board within 30 days prior to
5 the date of the meeting at which the Board considers Respondent's written request to terminate
6 probation as set forth in paragraph 16. Respondent shall present this Order to the Board-approved
7 Practice Monitor before the first meeting. The first meeting between Respondent and the Practice
8 Monitor shall occur within 45 days of the effective date of this Order.

9 15. If, during the probationary period, the Practice Monitor is unable or unwilling to
10 continue to act as Respondent's Practice Monitor, within 10 business days of the Practice
11 Monitor's termination of the practice monitor relationship, Respondent shall contact the
12 Executive Director in writing and present another potential Practice Monitor for approval.
13 Respondent shall notify the Board of her new Practice Monitor within 20 business days of
14 receiving approval. The sessions between Respondent and the Practice Monitor that occurred
15 prior to the effective date of this Order shall not count toward those sessions required under this
16 Order.

17 16. **TERMINATION OF PROBATION:** At the end of 6 months, unless otherwise
18 ordered by the Board, Respondent shall petition the Board, in writing, and request termination
19 from probation and supervision. If the Board determines that Respondent has not complied with
20 the requirements of this Order, the Board may either (a) continue the probation, or (b) institute
21 proceedings for noncompliance with this Order, which may result in the suspension, revocation,
22 or other disciplinary or remedial action.

23 17. **EFFECTIVE DATE:** The effective date of this Order is 35 days after the date that
24 an executed Copy of the Order is mailed to Respondent.

25 18. **CONSIDERATION IN FUTURE ACTIONS:** Respondent understands that this
26 Order, or any part thereof, may be considered in any future disciplinary action against her.

1 19. **FINAL RESOLUTION:** This Order constitutes a final resolution of these
2 disciplinary matters but does not constitute a dismissal or resolution of other matters currently
3 pending before the Board, if any, and does not constitute any waiver, expressed or implied, of the
4 Board’s statutory authority or jurisdiction regarding any other pending or future investigations,
5 actions, or proceedings. Further, this Order does not preclude any other agency, subdivision, or
6 officer of this State from instituting other civil or criminal proceedings with respect to the conduct
7 that is the subject of this Order.

8 20. **COSTS:** The Respondent shall be responsible for all costs incurred as a result of
9 her compliance with this Order.

10 21. **NON-COMPLIANCE:** If Respondent fails to comply with the terms of this
11 Order, the Board may properly institute proceedings for noncompliance, which may result in
12 suspension, revocation, or other disciplinary or remedial actions. Violation of this Order is a
13 violation of A.R.S. § 32-2061(16)(aa), which is “violating a formal board order, consent
14 agreement, term of probation or stipulated agreement issued under this chapter.”

15 22. **NON-RENEWAL OR LATE RENEWAL:** If Respondent fails to renew her
16 license while under the terms of this Order and subsequently applies for late renewal of license
17 or a new license, the remaining terms of this Order shall be imposed if the late renewal or
18 reapplication for license is granted.

19 23. **TOLLING:** If Respondent for any reason stops practicing psychology Arizona for
20 more than 30 consecutive days or leaves Arizona to reside or practice psychology outside of
21 Arizona, the periods of temporary or permanent residency or practice outside Arizona or the non-
22 practice within Arizona do not reduce the duration of the terms under this Order. Respondent
23 shall notify the Board in writing within five (5) business days of the dates of departure or the
24 dates of non-practice in Arizona.

25 24. **PUBLIC RECORD:** This Order is a public record that may be publicly
26 disseminated as a formal action of the Board and reported to the National Practitioner Data Bank.

1 **COPY** of the foregoing mailed by USPS regular mail
This 10 day of September, 2020 to:

2
3 John Ager, Esq.
4 Sandweg & Ager, P.C.
5 1221 East Osborn Road
6 Suite 100
7 Phoenix, AZ 85014

8 **COPY** of the foregoing via email (jeanne.galvin@azag.gov)
9 This 10 day of September, 2020 to:

10 Jeanne M. Galvin
11 Assistant Attorney General
12 2005 North Central Ave. SGD/LES
13 Phoenix, Arizona 85004

14 By: 