

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

4 **In the Matter of :**)
5 **Thomas C. Thompson, Ph.D.**)
6 **Holder of License No. 3543**)
7 **for the Practice of Psychology**)
8 **in the State of Arizona**)

Case No. 12-29
FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER

9 On May 3, 2013, the Arizona Board of Psychologist Examiners (“Board”) held an
10 Informal Interview in Case No. 12-29, regarding Thomas C. Thompson, Ph.D. (“Licensee”).
11 Dr. Thompson and his attorney, Bob Storrs, Esq., were present at the proceedings and made a
12 presentation to the Board. The complainant, Eric Basta (“Complainant”), was also present and
13 made a presentation to the Board. After the Informal Interview, the Board voted to issue
14 Licensee this Order.

15 **JURISDICTION**

- 16 1. The Board is authorized to regulate the practice of psychology in Arizona
17 pursuant to A.R.S. § 32-2061, *et seq.*
- 18 2. Licensee is the holder of license number 3543 for the practice of psychology in
19 the State of Arizona.
- 20 3. The Board has personal and subject matter jurisdiction over Licensee pursuant
21 to A.R.S. § 32-2061, *et seq.*

22 **FINDINGS OF FACT**

- 23 4. In 2007, the Complainant was the prosecutor in the death penalty case, and Dr.
24 Thompson was retained by the Defense counsel to conduct a neuropsychological consultation
25 and possibly provide testimony regarding the Defendant’s mental capacity.
- 26 5. After completing the evaluation and testing, Dr. Thompson disclosed two different
27 sets of raw data to the Prosecution on separate occasions.
- 28 6. An expert witness for the Prosecution in the trial outlined several errors made by
Dr. Thompson with regard to his raw data, including that one set of data came from an
evaluation of a different individual than the Defendant in question. Moreover, the raw data was

1 scored improperly and contained scoring errors.

2 7. Dr. Thompson was never called to testify, however, other experts in the trial relied
3 on Dr. Thompson's testing scores and results to formulate their conclusions.

4 8. The Defendant was found guilty, and sentenced to death by a jury. It is not clear
5 what, if any, effect the errors in the raw data provided by Dr. Thompson may have had on the
6 outcome of the trial.

7 9. At the time that Dr. Thompson was retained by Defense counsel he was beginning
8 the process of closing his private psychology practice, and beginning a new position at a
9 hospital. Dr. Thompson stated that he took on too many responsibilities at the time, and his
10 work performance suffered as a result.

11 10. Subsequently, Dr. Thompson has corrected the records management issues, and no
12 longer works in private practice.

13 CONCLUSIONS OF LAW

14 11. The conduct and circumstances described above constitute unprofessional conduct
15 pursuant to A.R.S. § 32-2061(A)(13)(h) – Failing or refusing to maintain and retain adequate
16 business, financial or professional records pertaining to the psychological services provided to
17 a client by providing the wrong client's raw test results to the Prosecutor, and failing to
18 recognize scoring errors in tests administered to the Defendant.

19 12. The conduct and circumstances described above constitute unprofessional conduct
20 pursuant to A.R.S. § 32-2061(A)(13)(o) – providing services that are unnecessary or unsafe or
21 otherwise engaging in activities as a psychologist that are unprofessional by current standards
22 of practice by failing to properly score the tests, failing to ascertain the need to retest the
23 Defendant, and providing data from the wrong client to opposing counsel in a death penalty
24 trial.

25 13. The conduct and circumstances described above constitutes unprofessional
26 conduct pursuant to A.R.S. § 32-2061(A)(13)(l) – Practicing psychology while impaired or
27 incapacitated to the extent and in a manner that jeopardizes the welfare of the client or renders
28 the psychological services provided ineffective by taking on too many responsibilities
simultaneously and failing to adequately address each responsibility effectively.

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2 **ORDER FOR PRACTICE RESTRICTION, SUPERVISION, AND MENTOR**

3 Pursuant to A.R.S. §32-2081(Q) the Board has determined that the Licensee's conduct
4 in RFI No. 12-29 warrants disciplinary action. Based upon the foregoing Findings of Fact and
5 Conclusions of Law, IT IS ORDERED THAT:

6 14. **PRACTICE RESTRICTION:** Licensee shall not practice in the area of
7 forensic psychology unless and until he demonstrates to the Board's satisfaction that he has
8 obtained additional training and education, and is current and knowledgeable in the field. Dr.
9 Thompson shall additionally update all informed consent notifications to reflect this practice
10 restriction.

11 15. **SUPERVISION:** Licensee shall meet with a Practice Supervisor at least once
12 every six months, for a period of two years. This shall include a periodic review of Dr.
13 Thompson's work and evaluate how he is performing professionally and personally. The
14 Practice Supervisor shall provide a written report to the Board every six months. The Practice
15 Supervisor shall be Robert Mayfield, Ph.D., New Mexico psychologist license number 0943. If
16 Dr. Mayfield is unavailable or unwilling to serve as the Practice Supervisor, the Licensee shall
17 notify the Board of his new supervisor within 30 days.

18 16. **LICENSEE MENTOR:** Licensee shall meet with a forensic expert to serve as
19 a Mentor to review the principles and protocols of forensic psychology practice. The Licensee
20 shall obtain a minimum of eight hours of mentoring. The forensic expert Mentor shall be Dr.
21 John Courtney, New Mexico psychologist license number 1232. If Dr. Courtney is unavailable
22 or unwilling to serve as mentor, the Licensee shall inform the Board of another possible mentor
23 within 30 days. The mentor training must be completed within six months of the effective date
24 of this Order. Dr. Courtney shall submit a letter to the Board indicating Dr. Thompson's
25 successful completion of the mentor hours.

26 17. **EFFECTIVE DATE:** The effective date of this Order is 35 days after the date
27 that an executed copy of the Order, is mailed to the Licensee.

28 18. **CONSIDERATION IN FUTURE ACTIONS:** Licensee understands that this
Order, or any part thereof, may be considered in any future disciplinary action against him.

1 19. **FINAL RESOLUTION:** This Order constitutes a final resolution of this
2 disciplinary matter 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
4 the Board's statutory authority or jurisdiction regarding any other pending or future
5 investigations, actions or proceedings. Further, this Order does not preclude any other agency,
6 subdivision or officer of this State from instituting other civil or criminal proceedings with
7 respect to the conduct that is the subject of this Order.

8 20. **TIME:** Time is of the essence with regard to this Order.

9 21. **COSTS:** The Licensee shall be responsible for all costs incurred as a result of
10 his compliance with this Order.

11 22. **NON-COMPLIANCE:** If Licensee fails to comply with the terms of this Order,
12 the Board shall properly institute proceedings for noncompliance with this Order, which may
13 result in suspension, revocation, or other disciplinary and/or remedial actions. Violation of this
14 Order is a violation of A.R.S. § 32-2061(13)(aa), which is "violating a formal board order,
15 consent agreement, term of probation or stipulated agreement."

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

20 24. **TOLLING:** If Licensee for any reason stops practicing psychology in Arizona
21 for more than 30 consecutive days or leaves Arizona to reside or practice psychology outside of
22 Arizona, the periods of temporary or permanent residency or practice outside of Arizona or the
23 non-practice within Arizona do not reduce the duration of the terms under this Order. Licensee
24 shall notify the Board in writing within five days of the dates of departure or the dates on non-
25 practice in Arizona.
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27 25. **PUBLIC RECORD:** This Order is a public record that may be publicly
28 disseminated as a formal action of the Board.

1 Phoenix, AZ 85003-2317
2 COPY of the foregoing mailed by interagency
3 this 10 day of June, 2013, to:

4 Jeanne M. Galvin, AAG
5 Office of the Attorney General
6 CIV/LES
7 1275 West Washington
8 Phoenix, Arizona 85007

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By: Megan Martin