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Ramona Mellott, Ph.D.



**State of Arizona
Board of Psychologist Examiners**

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Staff

Dr. Cindy Olvey
Executive Director
Megan Martin
Deputy Director
Heather Duracinski
Licensing Coordinator

**REGULAR SESSION MINUTES
July 31, 2012**

Capitol Center Building
15 S. 15th Avenue
Basement Conference Room
Phoenix, Arizona 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman Wechsler at 9:25 a.m. on July 31, 2012. One executive session was held.

2. ROLL CALL

Board Members Participating by Telephone

Frederick S. Wechsler, Psy.D., ABPP – Chair
Joseph C. Donaldson – Secretary
John P. DiBacco, Ph.D.
Daniel Larson
Ramona N. Mellott, Ph.D.

Staff Present

Dr. Cindy Olvey, Executive Director
Megan Martin, Deputy Director
Heather Duracinski, Licensing Coor.

Board Members Absent

Janice K. Brundage, Ph.D.
Bob Bohanske, Ph.D.

Attorney General’s Office

Jeanne Galvin, Esq.

3. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO RFI 12-28 PERTAINING TO DR. ANTHONY LUIKC INCLUDING , BUT NOT LIMITED , TO THE POSSIBLE SUMMARY SUSPENSION OF HIS LICENSE TO PRACTICE PSYCHOLOGY OR OTHER ADMINISTRATIVE REMEDIES AVAILABLE TO THE BOARD

Dr. Mellott provided a summary to the Board. The Complainant was present, requested to speak, made a statement and answered Board members questions. The Complainant stated that Dr. Luick recommended that her son (Son) not follow instructions given by a law enforcement officer. The Complainant stated that Son and Dr. Luick planned to have dinner, then after dinner, the Son was to spend the night at Dr. Luick’s house. The Complainant stated that Son’s biological father (Father) is the insurance carrier and that she has refused to help pay for Dr. Luick’s sessions because Dr. Luick does not take the Father’s insurance. Board members asked the Complainant about the custodial arrangement. The Complainant clarified that both parents are to agree on healthcare for their children. Board members asked the Complainant if she consented to Dr. Luick providing services to Son. The Complainant replied that she did not agree to have Dr. Luick provide services for Son. Board members questioned the Complainant about the citation Son received. The Complainant elaborated on the circumstances. Board members clarified with Complainant that Son is now 18. The Complainant confirmed that Son is now 18. Board members questioned the

Complainant about Son's text to Complainant indicating that he is not spending the night at Dr. Luick's house. The Complainant confirmed that she received a text from Son confirming that he was not going to spend the night at Dr. Luick's.

Dr. Luick and his legal counsel, Tom Slutes, were present. Mr. Slutes requested to speak, made a statement and answered Board members questions. Dr. Luick answered Board members questions. Mr. Slutes stated that they have provided sufficient evidence which does not support Dr. Luick being involved in a sexual relationship with Son. Mr. Slutes asserted that the Complainant is biased against Dr. Luick because of Father and their contentious relationship. Mr. Slutes stated that Dr. Luick referred Father and Son to a lawyer to seek legal advice regarding the Son's citation. Mr. Slutes explained that Dr. Luick met Son at a restaurant to help Son prepare for an intervention the following day. Mr. Slutes stated that Dr. Luick and Son met at a restaurant because Dr. Luick's office was temporarily unavailable due to loss of power. Mr. Slutes indicated that there is nothing in statute that prohibits a psychologist from meeting a client at a public place. Board members asked Dr. Luick if he has a work order for an electrician regarding the power outage. Dr. Luick stated that he had been out of town for ten days and when he returned to his office the power was not working and it was too late in the day to call an electrician. Dr. Luick stated that the following morning he decided to check the breaker and found that the breaker was tripped so an electrician was not called. Dr. Luick indicated that he was out of town during monsoon season, during which there was lightning and power surges. Dr. Luick stated that one of his office phone lines is not working due to the storms and that he has scheduled it for repair. Board members questioned Dr. Luick what prompted the dinner session with Son. Dr. Luick stated that the session was due to take place at his office the day that he came back into town and found that his office did not have power. Dr. Luick indicated that it was hot in the office, late in the day and he was flustered from just arriving back into town, therefore he decided that since Son has had a scheduled appointment for approximately one week he decided to ask Son to meet him at his house and they would go to a restaurant from there for the scheduled session. Board members asked when Dr. Luick scheduled the appointment with Son. Dr. Luick stated that Son called him while he was out of town and that the Son seemed to be in crisis concerning his upcoming meeting with Father. Board members asked Dr. Luick if he logs his phone calls with clients. Dr. Luick replied that he does log his calls but occasionally he will log them some time after the call takes place. Board members questioned Dr. Luick whether he logged the call with Son. Dr. Luick confirmed that he did not log the call or sequence of events with Son. Dr. Luick indicated that he had a Skype session with Son but did not document the session. Board members questioned Dr. Luick as to whether Son would be harmed if Dr. Luick terminated therapy. Dr. Luick confirmed that Son would be harmed. Board members question Dr. Luick whether he documented the confusion surrounding why Son was confused about spending the night at Dr. Luick's house. Dr. Luick asked Board members to review Son's session notes from July 9, 2012.

At 10:14 a.m., Mr. Donaldson made a motion, seconded by Dr. Mellott, to go into Executive Session to review confidential medical records. Open session reconvened at 10:35 a.m.

Board members deliberated and expressed concern that Dr. Luick failed to log his phone call with Son. Board members expressed concern that Dr. Luick may have entered into a multiple relationship. Board members expressed concern that Dr. Luick asked Son to meet him at his house before meeting in a public place. Board members expressed concern that there appears to be discrepancies between Dr. Luick's testimony and his progress notes of Son. After deliberation, Dr. Mellott made a motion, seconded by Mr. Larson to move RFI 12-28 to an Informal Interview to include findings of fact and possible violations of A.R.S. §32-2061(13)(g) Engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training and experience; A.R.S. §32-2061(13)(o) providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; A.R.S. §32-2061(13)(dd) Violating an ethical standard adopted by the Board; specifically, American Psychological Association Ethical Principles of Psychologists and Code of Conduct 3.05 Multiple Relationships. The motion included to issue a subpoena for Son to appear at the Information Interview, issue a subpoena for Dr. Luick's phone records including land lines and cell phones, for Dr. Luick to provide the Board with the work order to repair his office phone and to request that Dr. Luick type his progress notes and provide them to the Board. Motion carried 5-0 on a roll call vote.

4. ADJOURN

At 10:47 a.m. the meeting adjourned due to loss of a quorum.

Respectfully submitted,

**Joseph C. Donaldson
Board Secretary**