

**STATE OF CONNECTICUT
BOARD OF EXAMINERS OF PSYCHOLOGISTS**

**Rachel Sampson
License No. 002212**

Petition No. 2021-307

MEMORANDUM OF DECISION

Procedural Background

On June 22, 2022, the Department of Public Health (“Department”) filed a Motion for Summary Suspension (“Motion”) and a Statement of Charges (“Charges”) with the Board of Examiners of Psychologists (“the Board”) against Rachel Sampson, Psychologist (“Respondent”). Board Exhibit (“Bd. Ex.”) 1. The Charges allege that Respondent’s license is subject to disciplinary action under Conn. Gen. Stat. § 20-192. Bd. Ex. 1.

On July 5, 2022, Respondent filed an objection to the Motion. Bd. Ex. 4

On July 11, 2022, based on the allegations in the Charges, affidavits and reports attached to the Motion and Respondent’s objection and attachments, the Board found that Respondent’s continued practice as a psychologist did not present a clear and immediate danger to public health and safety. Thus, the Board denied the Department’s Motion to summarily suspend Respondent’s license to practice psychology. Transcript 12/12/22, page 5. (“Tr. 12/12/22, p.”).

On July 11, 2022, the Charges and a Notice of Hearing were sent to Respondent by electronic and first-class mail. Bd. Ex. 2. The Notice of Hearing directed Respondent to appear before the Board on September 12, 2022, for a hearing regarding the Charges. Bd. Ex. 3.

On August 15, 2022, the Department filed a Motion for Continuance of the hearing. Respondent did not object. Bd. Ex. 3. The Board granted the Motion for Continuance. Bd. Ex. 6. The hearing was rescheduled for December 12, 2022. Bd. Ex. 7.

On November 30, 2022, Respondent filed an Answer to the Charges. Bd. Ex. 8. The Board held a hearing on the Charges on December 12, 2022 and February 6, 2023, in accordance with § 4-166 et seq. of the Connecticut General Statutes and § 19a-9a-1 et seq. of the Regulations of Connecticut State Agencies (“Regulations”). Respondent was represented by Attorney Mary Alice Moore Leonhardt; Attorney Aden Baume represented the Department. Both parties were given the opportunity to present evidence and argument on all issues and to conduct cross-examination.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence. *Pet v. Department of Health Services*, 228 Conn. 651 (1994). To the extent the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc., v. S & H Computer Systems, Inc.*, 605 F.Supp. 816 (Md. Tenn. 1985).

Allegations

1. In paragraph one of the Charges, the Department alleges that Respondent of Harwinton, Connecticut, is, and has been at all times referenced in the Charges, the holder of Connecticut psychologist license number 002212. Bd. Ex. 1.
2. In paragraph two of the Charges, the Department alleges as a result of concerns related to Respondent's clinical care, Respondent underwent a neuropsychological fitness for duty examination on or about May 14, 2021 and/or May 19, 2021, which indicates mental illness, emotional disorder, and/or cognitive deficits. Bd. Ex. 1.
3. In paragraph three of the Charges, the Department alleges that Respondent's physical or mental illness, emotional disorder, and/or loss of motor skill, including but not limited to, deterioration through the aging process, does, and/or may, affect her practice as a psychologist. Bd. Ex. 1.
4. In paragraph four of the Charges the Department alleges that the above facts constitute grounds for disciplinary action pursuant to the Statutes, § 20-192, including but not limited to suffering from mental illness and/or an emotional disorder. Bd. Ex. 1.

Findings of Fact

1. Respondent of Harwinton, Connecticut, is and has been at all times referenced in the Charges, the holder of Connecticut psychologist license number 002212. Bd. Ex. 8.
2. In April 2021, Respondent entered an assistance program¹. While in the assistance program, Respondent received a recommendation to see a neurologist. Department Exhibit ("Dept. Ex.") 3 (sealed); Tr. 2/6/23, pp. 68, 69 (sealed).

¹ Pursuant to §19a-12a(5) of the Statutes, "Assistance program" means the program established pursuant to subsection (b) of this section to provide education, prevention, intervention, referral assistance, rehabilitation or support services to health care professionals who have a chemical dependency, emotional or behavioral disorder or physical or mental illness.

3. On May 14 and May 19, 2021, Respondent underwent a neuropsychological fitness for duty examination conducted by Dr. Caleb P. Peck (“the examination”). The results of such examination are contained in a report (“report”). Bd. Ex. 8; Dept. Ex. 4, pp. 1-6 (sealed); Tr 2/6/23, pp. 65-72.
4. The report indicates Respondent has mental illness, emotional disorder, and/or cognitive deficits, but does not include diagnostic specificity. Bd. Ex. 8; Dept. Ex. 4, pp. 1-6 (sealed). The report indicates that there is a strong indication of psychiatric disturbance. Dept. Ex. 4, pp. 1 and 5.
5. Dr. Peck recommended that the report be used as a baseline for Respondent and that a follow-up neuropsychological examination be conducted to ensure improvements. Dept. Ex. 1, p. 10 (sealed), Dept. Ex. 4, p. 6 (sealed).
6. In or about November 2021, Respondent withdrew from the assistance program. Dept. Ex. 1, pp. 8-10 (sealed); Tr. 2/6/23, pp. 58, 59 (sealed).
7. Respondent’s physical or mental illness, emotional disorder, and/or loss of motor skill, including but not limited to, deterioration through the aging process may affect her practice as a psychologist. Dept. Ex. 4 (sealed); Tr. 2/6/23, pp. 47-60 (sealed).

Discussion

Pursuant to Conn. Gen. Stat. § 20-192, the Board “may take any of the actions set forth in § 19a-17² if the license holder: . . . is suffering from physical or mental illness, emotional disorder or loss of motor skill, including but not limited to, deterioration through the aging process or is suffering from the abuse or excessive use of drugs, including alcohol, narcotics or chemicals. . . .” The Department bears the burden of proving its case by a preponderance of the evidence. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-740 (2013).

As discussed below, the Board finds that the Department met its burden of proof with respect to allegations numbered 1 and 2 of the Charges and part of allegation numbered 3 of the Charges.

The allegations set forth in paragraphs 1 and 2 of the Charges are not in dispute. Respondent admits that she is from Harwinton, Connecticut and has been at all times referenced in the Charges, the holder of Connecticut psychologist license number 002212, and that on May 14 and May 19, 2021, she underwent the examination that indicated she has mental illness,

² Section 19a-17 of the Statutes provides the types of disciplinary action the Board may impose based on conduct that occurred prior or subsequent to the issuance of a license upon finding the existence of good cause.

emotional disorder, and/or cognitive deficits. Findings of Fact (“FF”) 1, 3. Therefore, Department’s burden of proof was met with respect to these allegations.

Respondent argued that she is fit to practice with skill and safety without any impairments or deficits and that the report relied upon by the Department is outdated and irrelevant. Bd. Ex. 8. In support of her arguments, Respondent submitted the report of an evaluation conducted on April 26 and June 17, 2022 by Dr. Walid Jaziri, as well as treatment records, lab reports, pharmacy records, and letters of support from peers. Bd. Ex. 8; Resp. Exs 1-13, 18-20 (sealed); Resp. Exs. 15-17; Tr. 2/6/23, pp. 22, 23. The Department argued that while Dr. Peck’s report does indicate that Respondent has mental illness, emotional disorder, and/or cognitive deficits, both Dr. Peck’s and Dr. Jaziri’s reports are insufficient to establish Respondent’s present ability to practice psychology with reasonable skill and safety. Dept. Ex. 1, p. 10 (sealed); Tr. 2/6/23, pp. 6, 7, 10, 11, 118, 127, 128. Thus, the Department requests that the Board order Respondent to submit to a neuropsychological evaluation or an evaluation of Respondent’s fitness for duty before she is permitted to practice without restrictions. Tr., 2/6/23, pp. 4, 5, 88 (sealed).

With respect allegation set forth in paragraph 3 of the Charges, the Board finds the Department sustained its burden of proof. Based on the record in this case, the Board finds that Respondent’s physical or mental illness, emotional disorder, and/or loss of motor skill, including but not limited to, deterioration through the aging process may affect her practice as a psychologist. FF 6. The report of Dr. Peck indicates that there is a strong indication of psychiatric disturbance that respondent is reluctant to acknowledge. Although, the Board finds that a neuropsychological evaluation or an evaluation of Respondent’s fitness for duty is not warranted, in order to ensure that respondent is capable of practicing psychology with reason skill and safety, and in order to protect the public, the Board finds that a supervisor is necessary.

Respondent testified that she entered the assistance program when the complaints made against her “coalesced with a very challenging, stressful time caring for two elderly parents as an only child, a single mother and sole proprietor” which led to financial difficulties Dept. Ex. 5, p. 5 (sealed); Tr. 2/6/23, pp. 43,44 (sealed). Respondent currently sees approximately six to ten clients per week, has an offer to work for a school, has reduced her intake of medication, attends support groups, receives psychotherapy, engages in meditation and exercise, and her financial difficulties have improved. Tr. 2/6/23, pp. 47, 54-56, 106-108, 120-122 (sealed). Respondent

has made strides in her self-care, but the Board orders the disciplinary action outlined below to ensure Respondent is practicing psychology with reasonable skill and safety and that the public is protected in accordance with Conn. Gen. Stat. §§ 19a-17 and 20-192.

Conclusion

In conclusion, the Department sustained its burden of proof with regard to numbered allegation 1 of the Charges. The Department also sustained its burden of proof with regard to numbered allegation 2 of the Charges. With regard to allegation 3 of the Charges, the Department sustained its burden of proof. The Board finds that there is sufficient basis to impose probation in order to ensure that the Respondent practices with reasonable skill and safety and that the public is protected in accordance with Conn. Gen. Stat. §§ 19a-17 and 20-192.

ORDER

Based upon the record in this case, the above findings of fact and the conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. § 19a-17 and § 20-192, the Board orders the following in the case of Petition No. 2021-307, concerning license number 002212.

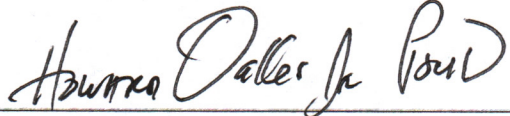
1. Respondent's license shall be placed on probation for a period of one year under the following terms and conditions:
 - a. Respondent shall obtain, at her own expense, the services of a psychologist, pre-approved by the Department ("supervisor"), to conduct a random review of at least two patients' records every two weeks, created or updated during the term of this Decision.
 - i. Respondent's supervisor shall meet with her not less than twice a month every month for the term of the probationary period.
 - ii. The supervisor shall have the right to monitor Respondent's practice by any other reasonable means which he or she deems appropriate.
Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - iii. Respondent shall be responsible for providing monthly written supervisor reports directly to the Department quarterly for the term of the

probationary period. Such supervisor's reports shall include documentation of dates and durations of meetings with Respondent, number and general description of the patient records, additional monitoring techniques utilized, and statement regarding whether Respondent is practicing with reasonable skill and safety.

2. All reports, correspondence and/or other communication with the Department and/or the Board required pursuant to this Order shall be sent to:

License Monitoring Unit
Department of Public Health
Division of Health Systems Regulations
410 Capitol Avenue, MS#12HSR
P.O. Box 340308
Hartford, CT 06134-0308

3. Respondent shall inform the Department in writing of her current address and any change thereto during the period of probation. All notices provided to respondent shall be sent to the most current address of respondent on file with the Department.
4. Respondent shall be responsible for all costs associated with the satisfaction of the terms of this Memorandum of Decision.
5. The provisions of this Order shall become effective on the first day of the month after the date of the signature of the Board Chairperson as indicated below.


By: _____
Howard Oakes, Jr., PsyD., Chairperson
Board of Examiners of Psychologists

Dated this 19th day of June, 2023.