

**Before the West Virginia Board of Examiners of Psychologists**

**West Virginia Board of  
Examiners of Psychologists,**

**Complainant,**

v.

**Case No. 2016-3**

**J. Scott Mizes, Ph.D.**

**Respondent.**

**Final Order –Suspension of Respondent’s License to Practice Psychology**

On March 11, 2016, the West Virginia Board of Examiners of Psychologists (“Board”), pursuant to W. Va. Code § 30-1-8(e)(1), summarily suspended the license of Respondent J. Scott Mizes, Ph.D., prior to having a hearing because evidence existed that Respondent’s continuation in the practice of psychology constituted an immediate danger to the public. The reasons for the summary suspension were detailed in the Board’s Order that was executed on or about March 16, 2016, and is hereby incorporated by reference.

**Findings of Fact and Conclusions of Law**

1. The Board is a state entity created for the purpose of regulating the practice of psychology. See W. Va. Code § 30-21-1 *et seq.*

2. It is the public policy of West Virginia that the practice of psychology affects the general welfare and public interest of the state and its citizens; that persons without necessary qualifications, training and education, and persons not of good character should not engage in the practice of psychology; and that the evils of such unauthorized and unqualified practice may be best prevented and the interest of the public best served by regulating and controlling such practice. See W. Va. Code § 30-21-1.

3. The Board has the authority to suspend the license of psychologists prior to a hearing if the person's continuation in practice constitutes and immediate danger to the public. See W. Va. Code § 30-1-8(e)(1).

4. During the relevant time period, Respondent was a licensed psychologist (No. #763) in West Virginia. As such, he was subject to the Board's jurisdiction and authority.

5. Respondent is a former employee of the WVU School of Medicine, Department of Behavior Medicine and Psychiatry.

6. On or about January 7, 2016, the Board received a report of "impaired functioning and judgment concerns" from the Director of the WVU Faculty Staff Assistance Program concerning Respondent. The Director expressed concern about Respondent's ability to provide safe, effective mental health treatment.

7. Also, in January 2016, a criminal complaint was issued against Respondent in Pennsylvania relating to his visit to the home of a supposed female friend. The allegations in the complaint included the following:

The unlawful restraining of a female as to interfere substantially with her liberty in violation of the Pennsylvania Crimes Act and unlawful trespass at the same female's residence. The unlawful possession of an offensive electric weapon, disorderly conduct and criminal harassment. (See Criminal Complaint File).

8. The Respondent subsequently pleaded guilty to disorderly conduct and criminal harassment and was sentenced to probation and ordered to pay a fine and costs. (Id.).

9. In addition, Respondent was sent an eviction notice from the building where he had located his professional office. The Respondent allegedly confronted a mental health professional who uses the office adjacent to his office. This confrontation initiated by the Respondent occurred in front of the other mental health professional's patient.

10. The Board held a properly noticed meeting on Friday, March 11, 2016, in Morgantown, West Virginia.

11. The Respondent attended the meeting and spoke to the Board concerning the aforementioned issues. The Respondent was represented by legal counsel during the meeting. Respondent's legal counsel participated via teleconference.

12. During the meeting, the Board voted to suspend Respondent's license. The Board concluded that Respondent's continuation in practice at that time constituted an immediate danger to the public.

13. The facts and/or circumstances supporting the Board's decision included, but were not limited to, the following: a) the criminal charges brought against the Respondent in Pennsylvania, and subsequent guilty plea; b) Respondent's Facebook postings; and, c) Respondent's oral presentation to the Board on Friday, March 11, 2016.

14. The Board concluded that Respondent's oral presentation was one of a psychologically impaired individual. In addition, the Board had serious concerns whether Respondent could interact with others in an appropriate and professional manner. Information received by the Board indicated unprofessionalism on the Respondent's part.

15. In lieu of having a hearing concerning the summary suspension, the Board and Respondent, by their legal counsel, agreed to refer Respondent to a psychologist to undergo a fitness for duty/independent psychological evaluation. The psychologist was to assess whether Respondent's continuation in the independent practice of psychology constituted an immediate danger to the public, and to make other determinations.

16. Respondent underwent psychological evaluation at the SAAR Psychological Group, beginning August 9, 2016.

17. A report was issued thereafter on or about October 17, 2016, where Dr. Saar concluded that Respondent is mentally impaired and his continuation in both independent and supervised practice of psychology constitutes an immediate danger to the public.

18. Dr. Saar did conclude it may be possible for Respondent to return to the practice of psychology if Respondent received and complied with appropriate treatment and if Respondent could demonstrate substantial and sustained progress over an extended period of time. Dr. Saar further recommended Respondent's return to the practice of psychology would be contingent upon Respondent's practice being supervised.

### **Order**

On the basis of the foregoing, the Board does hereby orders as follows:

- 1) Dr. Mizes' license remains suspended indefinitely;
- 2) Dr. Mizes may apply for reinstatement of his license if he completes two years of weekly psychotherapy treatment at his own expense with a Board-approved psychologist;
- 3) The Board-approved treating psychologist submits a summary report confirming that Respondent has completed a two year treatment regimen and that Respondent has demonstrated sustained progress over an extended period of time;
- 4) Thereafter, at his own expense, Respondent submits to an Independent Psychological/Fitness for Duty evaluation by a Board-approved psychologist to answer the following:
  - a) Is Respondent is mentally stable?
  - b) Can Respondent practice psychology, while under supervision, in an ethical, professional and competent manner without it constituting an immediate danger to the public?
- 5) If Respondent's license is reinstated, during the first two years after reinstatement, and at his expense, Respondent shall practice psychology only under the supervision of a Board-approved psychologist, who shall cosign all evaluative and treatment work completed by Respondent. The supervising psychologist shall meet with Respondent once a week for a minimum of one hour. The supervising

psychologist shall submit quarterly reports to the Board regarding Respondent's performance.

One month prior to the expiration of the 2-year supervisory period, the supervising psychologist shall submit a final report to the Board that shall include a recommendation concerning Respondent's ability to return to independent practice.

The parties shall execute a supervisory agreement outlining the terms of supervision.

At the conclusion of the supervisory period, Respondent shall appear before the Board to document and assure the Board that he has meet all the requirements of the supervisory agreement and affirm he is ready and able to return to independent practice.

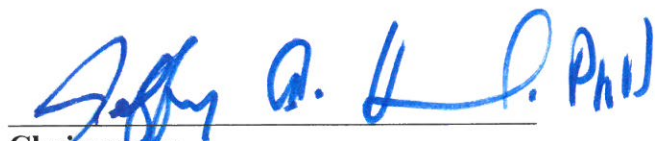
Pursuant to W. Va. Code § 30-21-11(b), Respondent may request a hearing concerning this matter if, within twenty (20) days of receipt of a copy of this Order, he files with the Board a written demand for such hearing.

This Final Order will be mailed, via certified mail, directly to Respondent and Respondent's legal counsel, as follows:

J. Scott Mizes, Ph.D.  
44 McKinley Street  
Westover, West Virginia 26501

Justin D. Jack, Esquire  
Flaherty Sensabaugh Bonasso, PLLC  
200 Capitol Street  
Charleston, West Virginia 25301-2206

Entered this 6 day of March, 2017



**Chairperson**  
**W. Va. Board of Examiners of Psychologists**  
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