

Before the West Virginia Board of Examiners of Psychologists

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

Complainant,

v.

Ethical Inquiry No.: 2020-02

**Aleisha Arbogast, MA
(License No. 1008)**

Respondent.

Consent Agreement and Order

Pursuant to W. Va. Code § 30-21-1 *et seq.*, the West Virginia Board of Examiners of Psychologists (“Board”) launched an investigation concerning licensed psychologist Aleisha Arbogast, MA, and a complaint of possible violation of the Board’s Code of Conduct as set forth in W. Va. Code R. § 17-6-1 *et seq.* Respondent may have engaged in a dual relationship with a patient and did not take reasonable steps to minimize harm where it was foreseeable and unavoidable.

Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of the state. Respondent submitted a written answer concerning the issues set forth in the complaint.

The parties have reached an agreement as to the appropriate disposition of this matter, with consideration to necessary safeguards for protection of the public, and do hereby agree to the following Findings of Fact, Conclusions of Law, and Order.

WHEREAS, the Board agrees and acknowledges this agreement is a compromise of claims disputed by Respondent.

WHEREAS, the parties have reached an understanding concerning the proper disposition of the matter in controversy, and do hereby agree to the following:

Findings of Fact

1. The Board is a State entity created by W. Va. Code § 30-21-1 *et seq.*, and is empowered to regulate the practice of psychology in this State.

2. Respondent, at all times relevant to this investigation, was a licensee of the Board, possessing License No. 1008, and is subject to the jurisdiction and authority of the Board and applicable licensing requirements.

3. The Board conducted an investigation regarding a written complaint it received from a former patient of Respondent concerning a dual relationship that may have violated the Board's applicable codes of conduct.

4. The alleged behavior took place during the time Respondent was providing therapy services to the patient.

5. Respondent admits during the time she was providing therapy to this patient, she had multiple social interactions with the patient, including dinners, and the Respondent and patient frequently sent messages to each other through a Facebook Messenger application concerning therapy and their social relationship.

6. Respondent admits she should have sought guidance on how to handle the situation once it became apparent to her that the therapeutic relationship was being impacted negatively.

7. The Board alleges, based on its review of documents and records in this matter, Respondent may have engaged conduct, practices, or acts contrary to the Board's Code of Conduct for psychologists as set forth in W. Va. Code R. § 17-6-5, which prohibits multiple or dual relationships with a patient that would reasonably be expected to impair a psychologist's judgment or objectivity or risk harm to the patient.

8. Respondent avers and maintains that, at all times at issue herein, and at all times in her practice as a licensee before the Board, she has acted in good faith and followed applicable laws and regulations and has behaved reasonably and within the accepted standards of the profession.

9. The Board and Respondent desire to resolve this disputed claim through the use of this negotiated Consent Agreement and Order as follows:

Conclusions of Law

1. The Board has jurisdiction to take disciplinary action against Respondent.

2. The Board is empowered to suspend, revoke, or otherwise discipline an individual's psychology license. See W. Va. Code § 30-21-10.

3. The Board may, after notice and opportunity for hearing, take disciplinary action against a psychologist, up to and including revocation of license, upon satisfactory proof that the psychologist, in his or her professional capacity, engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct in violation of W. Va. Code § 30-21-1 *et seq.* or the rules of the Board.

4. According to the Board's Code of Conduct, concerning the prohibition of multiple relationships, psychologists recognize that multiple relationship may occur because of the psychologist's present or previous social relationship with the patient. Psychologists are supposed to take reasonable steps to ensure that if such a multiple relationship occurs, it is not exploitative of the patient. See W. Va. Code R. § 17-6-5.1,

5. According to the Board's Code of Conduct, a multiple relationship that is exploitative of the patient is prohibited. Psychologists must take all reasonable steps to ensure that any multiple relationship does not impair the psychologist's professional judgment or objectivity or result in a conflict of interest with the patient. See W. Va. Code R. § 17-6-5.1. a,

6. According the Board's Code of Conduct, multiple relationships that are not reasonably to be expected to impair a psychologist's judgment or objectivity or risk harm to the patient are not expressly prohibited. See W. Va. Code R. § 17-6-5.1. b.

7. Respondent breached the Board's Code of Conduct, W. Va. Code R. §17-6-5, by having a multiple relationship with a patient and not taking all reasonable steps to ensure that her multiple relationship with the patient did not impair her professional judgment or objectivity or result in a conflict with the patient or risk harm to the patient.

8. The allegations set out above in the Findings of Fact, if proved consistent with the applicable burden of proof, would likely demonstrate that Respondent failed to comply with applicable law, codes of conduct and/or regulation concerning licensed psychologists in West Virginia, which is grounds for disciplinary action pursuant to W. Va. Code § 30-1-8, W. Va. Code § 30-21-10, and applicable Board rules and codes of conduct.

Consent of Licensee

The Respondent, by affixing her signature hereto, acknowledges the following.

1. Respondent acknowledges that the Board has jurisdiction over her and the conduct which has precipitated this Consent Agreement and Order.

2. Respondent has been given the opportunity to consult with legal counsel and she executes this negotiated Consent Agreement and Order voluntarily, freely, without compulsion or duress, and she is mindful that it has legal consequences.

3. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein.

4. Respondent acknowledges that she is aware she may pursue this matter through appropriate administrative and/or court proceedings, and she is aware of her legal rights regarding this matter, but intelligently, knowingly, and voluntarily waives such rights, but she does not waive her rights regarding the interpretation, execution, or compliance with this Consent Agreement and Order.

5. Respondent expressly acknowledges that the entire agreement is contained in this Consent Agreement and Order and that no representations, promises, or inducements have been made by or to Respondent other than as appear in this Consent Agreement and Order.

6. Respondent acknowledges that this Consent Agreement and Order is a public document available for inspection by the public in accordance with the provisions set forth in the West Virginia Freedom of Information Act (W. Va. Code § 29B-1 *et seq.*), and may be reported to other governmental agencies, professional boards or other organizations.

7. Respondent waives any defenses including, but not limited to, laches, statute of limitations, and estoppel, that she may have otherwise claimed as a condition of this Consent Agreement and Order.

8. Respondent admits that, if the Board met its burden of proof, the allegations regarding the Respondent's conduct would have violated applicable Board statutes and/or regulations.

9. Respondent consents to the entry of the following Order affecting her conduct as a licensed psychologist in the State of West Virginia.

Order

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Beginning on the date of execution of this Consent Agreement and Order, Respondent's license shall be placed on probation for a period of 12 months. There are no restrictions being placed on Respondent's license to practice during this probationary period.

2. During this period of probation, and at her expense, Respondent shall enroll in and successfully complete a three (3) hour Board-approved graduate level course in the ethical practice of psychology. Respondent shall submit written verification to the Board of her enrollment and shall submit proof of having successfully completed the course. Respondent acknowledges this course is in addition to the continuing education hours that may be needed in the normal course of renewing her license.

3. Prior to the conclusion of the probationary period, Respondent shall appear before the Board in-person, virtually, or via teleconference, to document and assure the Board she has met all requirements of the Consent Agreement and Order.

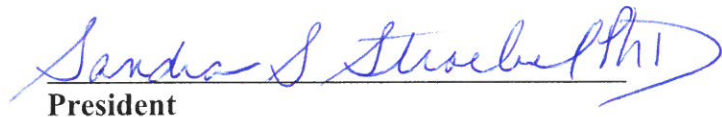
4. After meeting with the Board, Respondent shall be reinstated to a licensee in good standing, provided she has complied with all the foregoing requirements of the Consent Agreement and Order, and subject to her meeting continuation education requirements that may be needed in the normal course of renewing her license.

5. Respondent shall at all times cooperate with the Board, and any of its agents or employees, in the monitoring or investigation of Respondent's compliance with the terms and conditions of this Consent Agreement and Order.

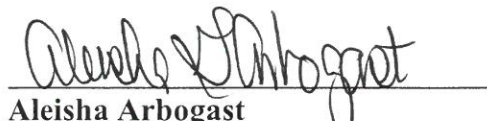
6. Respondent's failure to comply with the terms and conditions of this Consent Agreement and Order hereby imposed shall be deemed a violation of this Consent Agreement and Order, and should Respondent violate any of the terms of this Consent Agreement and Order, the Board may initiate proceedings to discipline Respondent's license. Respondent shall have the right to contest any such allegations of violating the Consent Agreement and Order by way of hearing. Any such hearing shall be scheduled and conducted in accordance with the provisions of West Virginia Code § 30-1-8 and § 30-21-11, and W. Va. Code R. §17-5 *et seq.*

Entered this 12th of November, 2020.

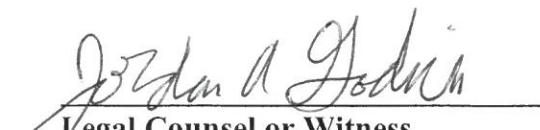
W. Va. Board of Examiners of Psychologists


President

Inspected and Agreed to by:


Aleisha Arbogast
Respondent

11/10/20
Date


Legal Counsel or Witness
for the Respondent

11/10/2020
Date