

1 **BEFORE THE ARIZONA BOARD**
2 **OF BEHAVIORAL HEALTH EXAMINERS**

3 **In the Matter of:**

4 **Karen L. Mueller, LCSW-17417,**
5 **Licensed Clinical Social Worker,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2021-0123
DECREE OF CENSURE

8 In the interest of a prompt and speedy settlement of the above captioned matter,
9 consistent with the public interest, statutory requirements and responsibilities of the Arizona
10 State Board of Behavioral Health Examiners (“Board”), and pursuant to A.R.S. §§ 32-3281(F)
11 and 41-1092.07(F)(5), Karen L. Mueller (“Respondent”) and the Board enter into this Consent
12 Agreement, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final
13 disposition of this matter.

14 **RECITALS**

15 Respondent understands and agrees that:

16 1. Any record prepared in this matter, all investigative materials prepared or
17 received by the Board concerning the allegations, and all related materials and exhibits may be
18 retained in the Board’s file pertaining to this matter.

19 2. Respondent has the right to a formal administrative hearing at which Respondent
20 can present evidence and cross examine the State’s witnesses. Respondent hereby irrevocably
21 waives their right to such formal hearing concerning these allegations and irrevocably waives
22 their right to any rehearing or judicial review relating to the allegations contained in this Consent
23 Agreement.

24 3. Respondent has the right to consult with an attorney prior to entering into this
25 Consent Agreement.

1 4. Respondent acknowledges and agrees that upon signing this Consent
2 Agreement and returning it to the Board's Executive Director, Respondent may not revoke their
3 acceptance of this Consent Agreement or make any modifications to it. Any modification of this
4 original document is ineffective and void unless mutually approved by the parties in writing.

5 5. The findings contained in the Findings of Fact portion of this Consent Agreement
6 are conclusive evidence of the facts stated herein between only Respondent and the Board for
7 the final disposition of this matter and may be used for purposes of determining sanctions in any
8 future disciplinary matter.

9 6. This Consent Agreement is subject to the Board's approval, and will be effective
10 only when the Board accepts it. In the event the Board in its discretion does not approve this
11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,
12 nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except
13 that Respondent agrees that should the Board reject this Consent Agreement and this case
14 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its
15 review and discussion of this document or of any records relating thereto.

16 7. Respondent acknowledges and agrees that the acceptance of this Consent
17 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
18 other proceedings as may be appropriate now or in the future. Furthermore, and
19 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
20 preclude in any way any other state agency or officer or political subdivision of this state from
21 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
22 in the future relating to this matter or other matters concerning Respondent, including but not
23 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
24 than with respect to the Board, this Consent Agreement makes no representations, implied or

25 ...

1 otherwise, about the views or intended actions of any other state agency or officer or political
2 subdivision of the state relating to this matter or other matters concerning Respondent.

3 8. Respondent understands that once the Board approves and signs this Consent
4 Agreement, it is a public record that may be publicly disseminated as a formal action of the
5 Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

6 9. Respondent further understands that any violation of this Consent Agreement
7 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
8 disciplinary action pursuant to A.R.S. § 32-3281.

9 10. The Board therefore retains jurisdiction over Respondent and may initiate
10 disciplinary action against Respondent if it determines that they have failed to comply with the
11 terms of this Consent Agreement or of the practice act.

12 The Board issues the following Findings of Fact, Conclusions of Law and Order:

13 **FINDINGS OF FACT**

14 1. Respondent is the holder of License No. LCSW-17417 for the practice of social
15 work in the State of Arizona.

16 2. From 01/21 – 03/21, Respondent provided behavioral health services to an adult
17 male client (“Husband”) at a behavior health agency (“Agency”).

18 3. Husband’s wife (“Wife”) was a client of another licensee (“Complainant”) at
19 Agency.

20 4. On 03/11/21, Respondent sent Complainant an email inquiring about
21 coordinating a session with Husband and Wife.

22 5. On 03/15/21, Complainant sent Respondent an email which indicated she was
23 not sure getting Husband and Wife together would be necessary for Wife, along with specific
24 information regarding her opinion.

25 ...

1 6. On 03/15/21, Respondent sent Husband a text message that included the
2 following:

- 3 a. “I heard from [Complainant] today.”
- 4 b. Wife “does not want to meet as a couple...”
- 5 c. Wife “told [Complainant] that she had no idea about a divorce being
6 imminent??”
- 7 d. “She also thinks I am saying disparaging things about her to you??”
- 8 e. “Your wife apparently said you need to work on your feelings about her
9 affair.”

10 7. On 03/23/21, Complainant submitted a complaint to the Board.

11 8. Respondent represented the following to Board staff:

- 12 a. With the benefit of hindsight, Respondent understands and acknowledges
13 that she should not have shared this information with Husband.
- 14 b. Respondent should have simply stated that Wife was not interested in a
15 joint counseling session.
- 16 c. Husband had been insistent and dogging Respondent about having her
17 reach out to Complainant about meeting with Wife.
- 18 d. “I just wanted him off my back, and I compromised my better judgement.”
- 19 e. Respondent had never spoken to or met with Wife and did not have a
20 signed release of information (“ROI”) from Wife.
- 21 f. Respondent believes that Complainant should have come to her before
22 filing a complaint with the Board.

23 9. Despite not having an ROI from Wife, Respondent acknowledged disclosing
24 confidential information about Wife with Husband.

25 ...

1 **CONCLUSIONS OF LAW**

2 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.*
3 and the rules promulgated by the Board relating to Respondent’s professional practice as a
4 licensed behavioral health professional.

5 2. The conduct and circumstances described in the Findings of Fact constitute a
6 violation of A.R.S. § 32-3251(16)(k), engaging in any conduct or practice that is contrary to
7 recognized standards of ethics in the behavioral health profession or that constitutes a danger
8 to the health, welfare or safety of a client, as it relates to the ACA Code of Ethics:

9 **1.07 Privacy and Confidentiality**

10 (f) Social workers may disclose confidential information when appropriate with
11 valid consent from a client or a person legally authorized to consent on behalf of
12 a client.

13 AND

14 **2.02 Confidentiality**

15 Social workers should respect confidential information shared by colleagues in
16 the course of their professional relationships and transactions. Social workers
17 should ensure that such colleagues understand social workers' obligation to
18 respect confidentiality and any exceptions related to it.

19 **ORDER of CENSURE**

20 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to
21 the provisions and penalties imposed as follows:

22 1. Respondent is hereby censured, which is an official action against their license,
23 for their conduct as set forth in the Findings of Fact.

24 2. This Consent Agreement shall be effective on the date of entry below.

25 ...

1 3. This Consent Agreement is conclusive evidence of the matters described herein
2 and may be considered by the Board in determining appropriate sanctions in the event a
3 subsequent violation occurs.

4
5 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

6 *Karen Mueller*
7 Karen Mueller (Sep 14, 2021 14:04 PDT)

8 Karen L. Mueller

9 Sep 14, 2021

10 Date

11 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

12 By: *Mpli Zavala*

13 TOBI ZAVALA, Executive Director
14 Arizona Board of Behavioral Health Examiners

15 Sep 15, 2021

16 Date

17 **ORIGINAL** of the foregoing filed Sep 15, 2021
18 with:

19 Arizona Board of Behavioral Health Examiners
20 1740 West Adams Street, Suite 3600
21 Phoenix, AZ 85007

22 **EXECUTED COPY** of the foregoing sent electronically Sep 15, 2021
23 to:

24 Mona Baskin
25 Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

Karen L. Mueller
Address of Record
Respondent

Mandi Karvis
Wicker, Smith, O'Hara, McCoy & Ford
One North Central Avenue, Suite 885
Phoenix, AZ 85004
Attorney for Respondent