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BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:

Janet M. Carpentier, LISAC-10475  
Licensed Independent Substance Abuse  
Counselor  
In the State of Arizona.

RESPONDENT

CASE NO. 2012-0032

RELEASE FROM  
CONSENT AGREEMENT AND ORDER

The Board received a request from Respondent to release him from the terms and conditions of the Consent Agreement and Order dated October 23, 2014. After consideration, the Board voted to release Respondent from the terms and conditions of the Consent Agreement and Order dated October 23, 2014.

ORDER

GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:

Respondent is hereby released from all terms and conditions of the Consent Agreement and Order dated October 23, 2014.

Dated this 9th day of November, 2015.

By:



TOBIN ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed

This 9th day of November, 2015, with:

Arizona Board of Behavioral Health Examiners  
3443 N. Central Ave., Suite 1700  
Phoenix, AZ 85012

COPY of the foregoing mailed via

Certified mail no. 70142870000189075927

This 9th day of November, 2015, to:

Janet M. Carpentier  
Address of Record  
Respondent

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BEFORE THE ARIZONA BOARD  
OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:

Janet M. Carpentier, LISAC-10475,  
Licensed Independent Substance Abuse  
Counselor,  
In the State of Arizona.

CASE NO. 2012-0032  
CONSENT AGREEMENT

RESPONDENT

In the interest of a prompt and speedy settlement of the above captioned matter, consistent with the public interest, statutory requirements and responsibilities of the Arizona State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(H) and 41-1092.07(F)(5), Janet M. Carpentier ("Respondent") and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

Respondent understands and agrees that:

1. Any record prepared in this matter, all investigative materials prepared or received by the Board concerning the allegations, and all related materials and exhibits may be retained in the Board's file pertaining to this matter.
2. Respondent has the right to a formal administrative hearing at which Respondent can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably waives her right to such formal hearing concerning these allegations and irrevocably waives her right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.

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

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

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

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

17          7.       Respondent understands that once the Board approves and signs this Consent  
18 Agreement, it is a public record that may be publicly disseminated as a formal action of the  
19 Board, and that it shall be reported as required by law to the National Practitioner Data Bank  
20 and the Healthcare Integrity and Protection Data Bank.

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

24

25 ...

1 The Board therefore retains jurisdiction over Respondent and may initiate disciplinary  
2 action against Respondent if it determines that she has failed to comply with the terms of this  
3 Consent Agreement or of the practice act.

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

5 **FINDINGS OF FACT**

6 1. Respondent is the holder of License No. LISAC-10475 for the practice of  
7 substance abuse in Arizona.

8 2. Respondent experienced substance abuse for a number of years.

9 3. From 04/08 – 01/09, Respondent filled prescriptions for hydrocodone at 3  
10 different pharmacies.

11 4. In 03/11, Respondent was involved in a 5 car injury collision while driving under  
12 the influence of alcohol and prescription drugs.

13 5. Scottsdale Police Department records indicate that Respondent had a BAC of  
14 0.047%, 3 hours after that accident. Respondent had 6 different prescription medications in her  
15 system.

16 6. In 08/11, Respondent pled guilty to DUI Liquor/Drugs/Vapors Combo, a class 1  
17 misdemeanor.

18 7. In 08/11, Respondent entered into an ICA with the Board, and agreed not to  
19 practice under her license.

20 8. In 04/13, Respondent submitted a request for reinstatement of her license.

21 9. From 08/11 through 11/11, Respondent was treated for substance abuse through  
22 Calvary's inpatient and intensive outpatient programs

23 10. Respondent attended 566 AA meetings from 10/13/11 – 07/14/14.

24 11. Respondent reports that she has demonstrated her sobriety through the  
25 following:



1 Respondent is unable to comply with the terms and conditions of this Consent Agreement, she  
2 shall immediately notify the Board in writing and shall not practice under her license until she  
3 submits a written request to the Board to re-commence compliance with this Consent  
4 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

5 4. In the event that Respondent is unable to comply with the terms and conditions  
6 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until  
7 such time as she is granted approval to re-commence compliance with the Consent  
8 Agreement.

#### 9 Recovery Program

10 5. While on probation, Respondent shall attend AA in person at a minimum of 1  
11 time per week. Respondent shall obtain a sponsor and the sponsor shall provide quarterly  
12 reports to the Board Chair or designee attesting to Respondent's attendance and participation.

#### 13 Relapse Prevention Program/Medical Management

14 6. While on probation, Respondent shall continue services with Dr. Sucher for 24  
15 months. Dr. Sucher shall submit quarterly reports to the Board.

#### 16 Early Release

17 7. After 12 months and upon Dr. Sucher's recommendation, Respondent may  
18 request early release from the Consent Agreement if all other terms of the Consent Agreement  
19 have been met.

#### 20 GENERAL PROVISIONS

#### 21 Provision of Clinical Supervision

22 8. Respondent shall not provide clinical supervision while subject to this Consent  
23 Agreement.

#### 24 Civil Penalty

25 ...

1           9.     Subject to the provisions set forth in paragraph 10, the Board imposes a civil  
2 penalty against the Respondent in the amount of \$1,000.00.

3           10.    Respondent's payment of the civil penalty shall be stayed so long as Respondent  
4 remains compliant with the terms of this Consent Agreement. If Board staff determines that  
5 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the  
6 exception of the tolling provision under Paragraph 3, the stay of the civil penalty payment shall  
7 be automatically lifted and payment of the civil penalty shall be made by certified check or  
8 money order payable to the Board within 30 days after being notified in writing of the lifting of  
9 the stay.

10          11.    Within 10 days of being notified of the lifting of the stay, Respondent may request  
11 that the matter be reviewed by the Board for the limited purpose of determining whether the  
12 automatic lifting of the stay was supported by substantial evidence. If the Board receives the  
13 written request within 10 days or less of the next regularly scheduled Board meeting, the  
14 request will not be heard at that meeting, but will be heard at the next regularly scheduled Board  
15 meeting. The Board's decision on this matter shall not be subject to further review.

16          12.    The Board reserves the right to take further disciplinary action against  
17 Respondent for noncompliance with this Consent Agreement after affording Respondent notice  
18 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply  
19 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final  
20 and the period of probation shall be extended until the matter is final.

21          13.    Within 10 days of the effective date of this Order, works in a setting where any  
22 type of behavioral health, health care, or social services are provided, Respondent shall provide  
23 the Board Chair or designee with a signed statement from Respondent's employer(s) confirming  
24 Respondent provided the employer(s) with a copy of this Consent Agreement. If Respondent  
25 ...

1 does not provide the employer's statement to the Board within 10 days of the effective date, the  
2 Board will provide Respondent's employer(s) with a copy of the Consent Agreement.

3 14. If Respondent is not employed as of the effective date of this Order, within 10  
4 days of accepting employment in a setting where any type of behavioral health, health care, or  
5 social services are provided, Respondent shall provide the Board Chair or designee with a  
6 written statement providing the contact information of her new employer and a signed statement  
7 from Respondent's new employer confirming Respondent provided the employer with a copy of  
8 this Consent Agreement. If Respondent does not provide the employer's statement to the Board  
9 within 10 days, as required, Respondent's failure to provide the required statement to the Board  
10 shall be deemed a violation of A.R.S. § 32-3251(12)(n) and the Board will provide Respondent's  
11 employer(s) with a copy of the Consent Agreement.

12 15. If, during the period of Respondent's probation, Respondent changes  
13 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on  
14 extended leave of absence for whatever reason that may impact her ability to timely comply with  
15 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the  
16 Board of her change of employment status. After the change and within 10 days of accepting  
17 employment in a setting where any type of behavioral health, health care, or social services are  
18 provided, Respondent shall provide the Board Chair or designee a written statement providing  
19 the contact information of her new employer(s) and a signed statement from Respondent's new  
20 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent  
21 Agreement. If Respondent does not provide the employer's statement to the Board within 10  
22 days, as required, Respondent's failure to provide the required statement to the Board shall be  
23 deemed a violation of A.R.S. § 32-3251(12)(n) and the Board will provide Respondent's  
24 employer(s) with a copy of the Consent Agreement.

25 ...

1           16.     Respondent shall practice substance abuse using the name under which she is  
2 licensed. If Respondent changes her name, she shall advise the Board of the name change as  
3 prescribed under the Board's regulations and rules.

4           17.     Prior to the release of Respondent from probation, Respondent must submit a  
5 written request to the Board for release from the terms of this Consent Agreement at least 30  
6 days prior to the date she would like to have this matter appear before the Board. Respondent  
7 may appear before the Board, either in person or telephonically. Respondent must provide  
8 evidence that she has successfully satisfied all terms and conditions in this Consent Agreement.  
9 The Board has the sole discretion to determine whether all terms and conditions of this Consent  
10 Agreement have been met and whether Respondent has adequately demonstrated that she has  
11 addressed the issues contained in this Consent Agreement. In the event that the Board  
12 determines that any or all terms and conditions of this Consent Agreement have not been met,  
13 the Board may conduct such further proceedings as it determines are appropriate to address  
14 those matters.

15           18.     Respondent shall bear all costs relating to probation terms required in this  
16 Consent Agreement.

17           19.     Respondent shall be responsible for ensuring that all documentation required in  
18 this Consent Agreement is provided to the Board in a timely manner.

19           20.     This Consent Agreement shall be effective on the date of entry below.

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

23  
24           **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

25     ...

1 Janet Carpentier  
Janet Carpentier

10/22/14  
Date

3 BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

4 Dated this 28<sup>th</sup> day of October, 2014.

5 By: Tobi Zavala  
6 TOBI ZAVALA, Executive Director  
7 Arizona Board of Behavioral Health Examiners

9 ORIGINAL of the foregoing filed  
10 This 28<sup>th</sup> day of October, 2014 with:

11 Arizona Board of Behavioral Health Examiners  
12 3443 N. Central Ave., Suite 1700  
13 Phoenix, AZ 85012

14 COPY of the foregoing mailed via Interagency Mail  
15 This 28<sup>th</sup> day of October, 2014, to:

16 Marc Harris  
17 Assistant Attorney General  
18 1275 West Washington  
19 Phoenix, Arizona 85007

20 COPY of the foregoing mailed via  
21 Certified mail no. 7941200000066330964  
22 This 28<sup>th</sup> day of October, 2014, to:

23 Janet Carpentier  
24 Address of Record  
25 Respondent

26 COPY of the foregoing mailed via Mail  
27 This 28<sup>th</sup> day of October, 2014 to:

28 Larry Cohen  
29 P.O. Box 10056  
30 Phoenix, AZ 85064  
31 Attorney for Respondent



1 rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative  
2 and/or judicial action, concerning the matters as set forth herein.

3 4. Respondent understands that this Interim Consent Agreement does not constitute a  
4 dismissal or resolution of any matters that may be currently pending before the Board and does  
5 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction  
6 regarding any other pending or future investigations, actions, or proceedings. Respondent also  
7 understands that acceptance of this Interim Consent Agreement does not preclude any other  
8 agency, subdivision, or officer of this State from instituting civil or criminal proceedings with  
9 respect to the conduct that is the subject of this Interim Consent Agreement. Respondent does  
10 not intend her acceptance of this Interim Consent Agreement to constitute an admission of any  
11 fact or facts and she enters into this agreement as an interim compromise of a pending matter.

12 5. Respondent acknowledges and agrees that upon signing this Interim Consent  
13 Agreement and returning it to the Board's Executive Director, Respondent may not revoke her  
14 acceptance of this Interim Consent Agreement or make any modifications to it. Any modification  
15 of this original document is ineffective and void unless mutually approved by the parties in  
16 writing.

17 6. Respondent understands that this Interim Consent Agreement shall not become  
18 effective unless and until it is adopted by the Board and signed by its Executive Director.

19 7. Respondent understands and agrees that if the Board does not adopt this Interim  
20 Consent Agreement, she will not assert in any future proceedings that the Board's consideration  
21 of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or other similar  
22 defense.

23 8. Respondent understands that this Interim Consent Agreement is a public record that  
24 may be publicly disseminated as a formal action of the Board, and that it shall be reported as  
25 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
Protection Data Bank.



1 5. On 04/05/11, Respondent notified the Board of her charges in writing.

2 6. A preliminary review of Ms. Carpentier's pharmacy records revealed that from 04/08  
3 to 01/09, Ms. Carpentier filled Hydrocodone prescriptions at 3 different pharmacies for a total of  
4 413 tablets, with the Hydrocodone ranging from 5mg/500mg tablets to 10mg/325mg per  
5 prescription.

6 7. A review of Ms. Carpentier's 03/16/11 blood alcohol analysis provided by the  
7 Scottsdale Police Department indicated that Ms. Carpentier's blood alcohol content was 0.047%  
8 approximately 3 hours after her accident.

9 8. A review of Ms. Carpentier's 03/16/11 drug analysis report provided by the Scottsdale  
10 Police Department indicated that Ms. Carpentier had the following drugs in her system at the  
11 time of her arrest:

- 12 a. Diazepam
- 13 b. Nordiazepam
- 14 c. Temazepam
- 15 d. Oxazepam
- 16 e. Alprazolam
- 17 f. Meprobamate

18 9. Ms. Carpentier currently practices as a substance abuse counselor at Gila River  
19 Indian Community.

#### 20 INTERIM CONCLUSIONS OF LAW

21 1. The Board possesses subject matter and personal jurisdiction over Respondent  
22 pursuant to A.R.S. § 32-3251 *et seq.*

23 2. The Board is authorized to enter into an interim consent agreement with an  
24 independent substance abuse counselor to limit or restrict the professional's practice in order to  
25 protect the public and ensure that the professional is able to safely engage in the practice of  
substance abuse A.R.S. § 32-3281.

1 INTERIM ORDER

2 Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to  
3 the authority granted to the Board under A.R.S. § 32-3281:

4 IT IS HEREBY ORDERED that Respondent shall not practice under her license until  
5 such time as she submits a written request for the reinstatement of her license to the Board and  
6 the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its  
7 discretion, require any combination of staff-approved physical, psychiatric, or psychological  
8 examinations, or other types of examinations, evaluations or interviews it believes are  
9 necessary to assist the Board in determining whether Respondent is able to safely and  
10 competently return to the practice of substance abuse. The Board's affirmative approval to  
11 permit Respondent to return to practicing under her license shall not preclude the Board from  
12 taking any other action it deems appropriate based upon the conduct set forth in the Interim  
13 Findings of Fact.

14 Respondent's agreement not to practice under License No. LISAC-10475 will be  
15 considered an interim suspension of her license.

16 PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

17 Jamet Carpentier  
18 JAMET CARPENTIER

19 1-10-13  
20 Date

21 BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

22 Dated this 18th day of January, 2013.

23 By: Debra Rinaudo  
24 DEBRA RINAUDO, Executive Director  
25 Arizona Board of Behavioral Health Examiners

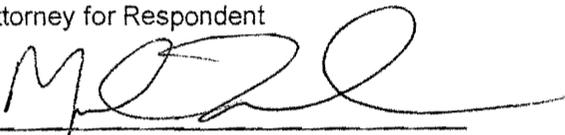
1 ORIGINAL of the foregoing filed  
This 18<sup>th</sup> day of January, 2013, with:

2  
3 Arizona Board of Behavioral Health Examiners  
3443 N. Central Ave., Suite 1700  
Phoenix, AZ 85012

4  
5 COPY of the foregoing mailed via  
Certified mail no. 7012 1640 0001 9941 9990  
This 18<sup>th</sup> day of January, 2013, to:

6  
7 Janet Carpentier  
Address of Record  
Respondent

8  
9 Larry Cohen, Esq.  
The Cohen Law Firm  
P.O. Box 10056  
10 Phoenix, Arizona 85064  
Attorney for Respondent

11 

12  
13 Tobi Zavala, Compliance Officer  
602-542-1617