

1 BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

2 In the Matter of:

CASE NO. 2013-0022

3 Judy A. Emerson, LCSW-2591,  
4 Licensed Clinical Social Worker,  
5 In the State of Arizona.

RELEASE FROM  
CONSENT AGREEMENT AND ORDER

6 RESPONDENT

7 The Board received a request from Respondent to release her from the terms and  
8 conditions of the Consent Agreement and Order dated July 6, 2015. After consideration, the  
9 Board voted to release Respondent from the terms and conditions of the Consent Agreement  
10 and Order dated July 6, 2015.

11 ORDER

12 GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:

13 Respondent is hereby released from all terms and conditions of the Consent Agreement  
14 and Order dated July 6, 2015.

15 Dated this 12<sup>th</sup> day of August, 2015.

16  
17 By:

Tobi Zavala  
18 TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

19 ORIGINAL of the foregoing filed

20 This 12<sup>th</sup> day of August, 2015, with:

21 Arizona Board of Behavioral Health Examiners  
22 3443 N. Central Ave., Suite 1700  
Phoenix, AZ 85012

23 COPY of the foregoing mailed via

24 Certified mail no. 7014 2870000189573064  
This 12<sup>th</sup> day of August, 2015, to:

25 Judy A. Emerson  
Address of Record  
Respondent

1 **COPY** of the foregoing mailed via Mail  
2 This 12<sup>th</sup> day of August, 2015 to:

3 Faren Akins  
4 Renaud, Cook, Drury, Mesaros, PA  
5 One N. Central Ave, Suite #900  
6 Phoenix, AZ 85004-4417  
7 Attorney for Respondent  
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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 her  
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 and may be used for purposes of determining  
7 sanctions in any future disciplinary matter.

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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

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

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

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

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

25     ...

1 FINDINGS OF FACT

2 1. Respondent is the holder of License No. LCSW-2591 for the practice of social  
3 work in Arizona.

4 2. From 08/11 – 08/12, Respondent provided behavioral health services to a client  
5 ("Client").

6 3. In 08/12, Respondent made the decision to terminate the therapeutic relationship  
7 with Client.

8 4. Despite Client's behavioral health indicating the need for ongoing treatment,  
9 Respondent failed to make an appropriate referral for continuation of care.

10 5. Respondent did not establish clear financial arrangements with Client that were  
11 reasonably understandable.

12 CONCLUSIONS OF LAW

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

16 2. The conduct and circumstances described in the Findings of Fact constitute a  
17 violation of A.R.S. § 32-3251(12)(p), failing to conform to minimum practice standards as  
18 developed by the Board, as it relates to A.A.C. R4-6-1104 Financial and Billing Records.

19 3. The conduct and circumstances described in the Findings of Fact constitute a  
20 violation of A.R.S. § 32-3251(12)(s), terminating behavioral health services to a client without  
21 making appropriate referral for continuation of care for the client if continuing behavioral health  
22 services are indicated.

23 ORDER

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





1           12.     If Respondent currently sees clients in their own private practice, and obtains any  
2 other type of behavioral health position, either as an employee or independent contractor, where  
3 she provides behavioral health services to clients of another individual or agency, she shall  
4 comply with requirements set forth in Paragraphs 13 through 15 below.

5           13.     Within 10 days of the effective date of this Order, if Respondent is working in a  
6 position where Respondent provides any type of behavioral health related services or works in a  
7 setting where any type of behavioral health, health care, or social services are provided,  
8 Respondent shall provide the Board Chair or designee with a signed statement from  
9 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this  
10 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
11 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a  
12 copy of the Consent Agreement.

13           14.     If Respondent is not employed as of the effective date of this Order, within 10  
14 days of accepting employment in a position where Respondent provides any type of behavioral  
15 health related services or in a setting where any type of behavioral health, health care, or social  
16 services are provided, Respondent shall provide the Board Chair or designee with a written  
17 statement providing the contact information of her new employer and a signed statement from  
18 Respondent's new employer confirming Respondent provided the employer with a copy of this  
19 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
20 within 10 days, as required, Respondent's failure to provide the required statement to the Board  
21 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's  
22 employer(s) with a copy of the Consent Agreement.

23           15.     If, during the period of Respondent's probation, Respondent changes  
24 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on  
25 extended leave of absence for whatever reason that may impact her ability to timely comply with



1 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the  
2 Board of her change of employment status. After the change and within 10 days of accepting  
3 employment in a position where Respondent provides any type of behavioral health related  
4 services or in a setting where any type of behavioral health, health care, or social services are  
5 provided, Respondent shall provide the Board Chair or designee a written statement providing  
6 the contact information of her new employer(s) and a signed statement from Respondent's new  
7 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent  
8 Agreement. If Respondent does not provide the employer's statement to the Board within 10  
9 days, as required, Respondent's failure to provide the required statement to the Board shall be  
10 deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's  
11 employer(s) with a copy of the Consent Agreement.

12       16. Respondent shall practice behavioral health using the name under which she is  
13 licensed. If Respondent changes her name, she shall advise the Board of the name change as  
14 prescribed under the Board's regulations and rules.

15       17. Prior to the release of Respondent from probation, Respondent must submit a  
16 written request to the Board for release from the terms of this Consent Agreement at least 30  
17 days prior to the date she would like to have this matter appear before the Board. Respondent  
18 may appear before the Board, either in person or telephonically. Respondent must provide  
19 evidence that she has successfully satisfied all terms and conditions in this Consent Agreement.  
20 The Board has the sole discretion to determine whether all terms and conditions of this Consent  
21 Agreement have been met and whether Respondent has adequately demonstrated that she has  
22 addressed the issues contained in this Consent Agreement. In the event that the Board  
23 determines that any or all terms and conditions of this Consent Agreement have not been met,  
24 the Board may conduct such further proceedings as it determines are appropriate to address  
25 those matters.

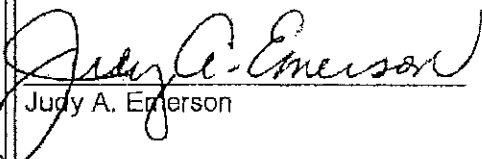
1 18. Respondent shall bear all costs relating to probation terms required in this  
2 Consent Agreement.

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

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

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

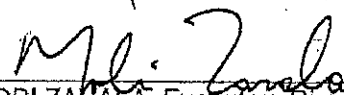
9  
10 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

11   
12 Judy A. Emerson

7/1/2015  
Date

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

14 Dated this 6<sup>th</sup> day of July, 2015.

15  
16 By:   
17 TOBIN ZAWALA, Executive Director  
Arizona Board of Behavioral Health Examiners

18 **ORIGINAL** of the foregoing filed  
This 6<sup>th</sup> day of July, 2015 with:

19 Arizona Board of Behavioral Health Examiners  
20 3443 N. Central Ave., Suite 1700  
Phoenix, AZ 85012

21 **COPY** of the foregoing mailed via Interagency Mail  
22 This 6<sup>th</sup> day of July, 2015, to:

23 Marc Harris  
24 Assistant Attorney General  
1275 West Washington  
Phoenix, Arizona 85007

1 COPY of the foregoing mailed via  
2 Certified mail no. 7014 2870 0001 8957 0612  
3 This 6<sup>th</sup> day of July, 2015, to:

4 Judy A. Emerson  
5 Address of Record  
6 Respondent

7 COPY of the foregoing mailed via Mail  
8 This 6<sup>th</sup> day of July, 2015 to:

9 Faren Akins  
10 1 N. Central Ave Ste 900  
11 Phoenix, AZ 85004  
12 Attorney for Respondent  
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