

1 BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

2 In the Matter of:

3 Marisa B. Marvin, LMSW-13907,
4 Licensed Master Social Worker,
5 In the State of Arizona.

6 RESPONDENT

CASE NO. 2013-0044

RELEASE FROM
CONSENT AGREEMENT AND ORDER

7 The Board received a request from Respondent to release her from the terms and
8 conditions of the Consent Agreement and Order dated June 18, 2013. After consideration, the
9 Board voted to release Respondent from the terms and conditions of the Consent Agreement
10 and Order dated June 18, 2013.

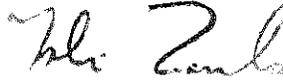
11 ORDER

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 June 18, 2013.

15 Dated this 12th day of August, 2015.

16 By:



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

19 ORIGINAL of the foregoing filed

20 This 12th 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. 70142870000189577623

25 This 12th day of August, 2015, to:

Marisa B. Marvin
Address of Record
Respondent

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 and the Healthcare Integrity and Protection Data Bank.

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

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

25 . . .

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

2 **FINDINGS OF FACT**

3 1. Respondent has acknowledged abusing alcohol beginning in mid-2009 in order
4 to deal with her behavioral health issues.

5 2. Also beginning in 2009, Respondent began participation in Celebrate Recovery.

6 3. In 04/10, Respondent was charged with DUI.

7 4. She pled guilty to DUI in 09/10.

8 5. In 10/10, Respondent submitted her first Licensed Master Social Worker
9 ("LMSW") application to the Board, one month after pleading guilty to DUI.

10 6. The Substance Abuse Credentialing Committee denied Respondent's first
11 licensure application due, in part, to her misrepresentations regarding her alcohol use and her
12 failure to obtain substance abuse treatment.

13 7. In 2011, Respondent began participating in AA online.

14 8. In 05/12 and 06/12, Respondent participated in 2 sessions with a licensed
15 substance abuse counselor to address her substance abuse issues.

16 9. In 08/12, Respondent submitted her second LMSW application to the Board.

17 10. In 09/12, Respondent began participating in AA in person on a weekly basis.

18 11. Respondent indicated the following regarding her sobriety date:

19 a. Since the 04/10 DUI, Respondent "had a drink on 1 occasion, several months
20 ago. [She] took one drink, stopped, and called a friend."

21 b. She did not drink for 2 years until that recent slip up and is willing to
22 participate in random alcohol testing.

23 12. Although there is no evidence that Respondent currently has any active
24 substance abuse problems:

25 a. Respondent has only recently begun AA participation in person.

- a. Dates of each clinical supervision session
- b. A comprehensive description of issues discussed during supervision sessions

12. All quarterly supervision reports shall include a copy of clinical supervision documentation maintained for that quarter. All clinical supervision documentation maintained by the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(F)(4).

13. After 24 months, the supervisor shall submit a final summary report for review and approval by the Substance Abuse Credentialing Committee Chair or designee. The final report shall also contain a recommendation as to whether the Respondent should be released from this Consent Agreement.

Change of Clinical Supervisor During Probation

14. If, during the period of Respondent's probation, the clinical supervisor determines that he/she cannot continue as the clinical supervisor, he/she shall notify the Board within 10 days of the end of supervision and provide the Board with an interim final report. Respondent shall advise the Substance Abuse Credentialing Committee Chair or designee within 30 days of cessation of clinical supervision by the approved clinical supervisor of the name of a new proposed clinical supervisor. The proposed clinical supervisor shall provide the same documentation to the Board as was required of the initial clinical supervisor.

Recovery Program

15. While on probation, Respondent shall immediately begin attending AA meetings in person at a minimum of 1 time per week. Respondent shall submit AA attendance sheets substantiating her AA attendance to the Substance Abuse Credentialing Committee Chair or designee on a quarterly basis. Respondent shall obtain an AA sponsor within 2 months of the effective date of the Consent Agreement. The sponsor shall provide quarterly reports to the Substance Abuse Credentialing Committee Chair or designee attesting to Respondent's attendance and participation.

1 **Biological Fluid Testing**

2 16. Within 10 days of the effective date of this Order, Respondent shall enroll in a
3 program that meets Board criteria for observed random ETG biological fluid testing. The
4 chemicals tested shall be determined by the Substance Abuse Credentialing Committee Chair
5 or designee. Random testing shall be done at a minimum of weekly and may be required more
6 frequently as requested by the Board or its designee. Respondent shall direct the Board-
7 approved testing laboratory to provide a copy of each test result to the Board. Respondent shall
8 direct the Board-approved testing laboratory to advise the Board or its designee within 7 days
9 regarding any issue of noncompliance by Respondent. Respondent shall notify the biological
10 fluid testing laboratory and the Board, in writing, of unavailability to test prior to an anticipated
11 absence or if unable to provide a sample due to illness. Respondent must submit in writing
12 within 7 days of the missed specimen, documentation from a treating physician who has
13 personally evaluated Respondent on the day of the requested screen that Respondent was not
14 physically able to report to the laboratory for biological fluid testing.

15 ***Failure to show for a random biological fluid test or failure to provide a random***
16 ***biological fluid sample on a day when a sample is requested by the Board, its designee***
17 ***or the laboratory will be considered an admission of a positive urine screening.*** The
18 following situations will also constitute ***an admission of a positive urine screen***: submission of
19 a specimen where the integrity has been compromised as indicated by the presence of
20 adulterants, with determination made by laboratory personnel; submission of a sample that is
21 below acceptable volume or temperature to be tested; failure to provide written advance notice
22 of anticipated absence; and failure to provide written verification of illness from a physician
23 within 7 days of the missed specimen.

24 ***Failure to show for the random biological fluid test, failure to provide a random***
25 ***biological fluid sample*** or a positive drug screen showing evidence of any drug other than an

1 authorized medication ***will constitute a violation of this Order. A violation of this Order for***
2 ***those reasons will be deemed to be a threat to the public's health, safety and welfare.***
3 ***The Board may then summarily suspend Respondent's license and may impose***
4 ***disciplinary action including but not limited to suspension or revocation of Respondent's***
5 ***license, after notice and opportunity for a hearing. The issue at such hearing will be***
6 ***limited to whether Respondent violated this Order by failing to show for a random***
7 ***biological fluid test, failing to provide a random biological fluid sample or for having***
8 ***tested positive for any drug other than an authorized medication.***

9 17. Respondent shall abstain completely from the personal use of the following
10 substances: opiates, foodstuffs containing poppy seeds, foodstuffs containing hemp products,
11 and herbal or health preparations containing derivatives of controlled substances. Respondent
12 is fully responsible for any and all ingested materials and their contents.

13 18. Respondent shall abstain completely from the personal use of alcohol or
14 controlled substances or possession of controlled substances, as defined in the State Controlled
15 Substances Act and Dangerous Drugs and Narcotics as defined by law or any drugs requiring a
16 prescription. Respondent shall abstain from the use of alcohol and all over-the-counter
17 medications except plain aspirin, acetaminophen, or ibuprofen.

18 19. Orders prohibiting Respondent from personal use or possession of controlled
19 substances, dangerous drugs, narcotics, or medications do not apply to medications lawfully
20 prescribed to Respondent for a bona fide illness or condition by a medical care provider. During
21 the duration of this Consent Agreement, Respondent shall select one (1) medical care provider
22 to coordinate her health care needs and to be aware of all prescriptions utilized by Respondent.
23 Respondent shall immediately submit to that provider a copy of this Consent Agreement and
24 shall execute all release of information forms as required by the Board or its designee. The
25 medical care provider shall, within 14 days of the effective date of this Consent Agreement,

1 inform the Board, in writing, of knowledge of Respondent's Consent Agreement and provide a
2 list of medications prescribed for Respondent. During the duration of this Consent Agreement,
3 Respondent shall cause all providers to notify the Board of any additional medications ordered
4 by the provider. The notification shall be made in writing within 7 days of the provider's issuance
5 of the prescription.

6 20. If Respondent has a lawful prescription for a narcotic or mood-altering drug,
7 Respondent shall cause her prescribing provider to submit monthly reports to the Board by the
8 30th day of each month regarding the continued need for the prescribed narcotic or mood-
9 altering medications. The Board or its designee may, at any time, request the provider to
10 document the continued need for prescribed medications. Respondent shall keep a written
11 record of medications taken, including over the counter drugs, and produce such record upon
12 request by the Board or its designee.

13 **GENERAL PROVISIONS**

14 **Provision of Clinical Supervision**

15 21. Respondent shall not provide clinical supervision while subject to this Consent
16 Agreement.

17 **Civil Penalty**

18 22. Subject to the provisions set forth in paragraph 23, the Board imposes a civil
19 penalty against the Respondent in the amount of \$1,000.00.

20 23. Respondent's payment of the civil penalty shall be stayed so long as Respondent
21 remains compliant with the terms of this Consent Agreement. If Board staff determines that
22 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
23 exception of the tolling provision under Paragraph 8, the stay of the civil penalty payment shall
24 be automatically lifted and payment of the civil penalty shall be made by certified check or
25 . . .

1 money order payable to the Board within 30 days after being notified in writing of the lifting of
2 the stay.

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

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

14 26. Within 10 days of the effective date of this Order, if Respondent is working in a
15 position where Respondent provides any type of behavioral health related services or works in a
16 setting where any type of behavioral health, health care, or social services are provided,
17 Respondent shall provide the Substance Abuse Credentialing Committee Chair or designee
18 with a signed statement from Respondent's employer(s) confirming Respondent provided the
19 employer(s) with a copy of this Consent Agreement. If Respondent does not provide the
20 employer's statement to the Board within 10 days of the effective date, the Board will provide
21 Respondent's employer(s) with a copy of the Consent Agreement.

22 27. If Respondent is not employed as of the effective date of this Order, within 10
23 days of accepting employment in a position where Respondent provides any type of behavioral
24 health related services or in a setting where any type of behavioral health, health care, or social
25 services are provided, Respondent shall provide the Substance Abuse Credentialing Committee

1 Chair or designee with a written statement providing the contact information of her new
2 employer and a signed statement from Respondent's new employer confirming Respondent
3 provided the employer with a copy of this Consent Agreement. If Respondent does not provide
4 the employer's statement to the Board within 10 days, as required, Respondent's failure to
5 provide the required statement to the Board shall be deemed a violation of A.R.S. § 32-
6 3251(12)(n) and the Board will provide Respondent's employer(s) with a copy of the Consent
7 Agreement.

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

22 29. Respondent shall practice social work using the name under which she is
23 licensed. If Respondent changes her name, she shall advise the Board of the name change as
24 prescribed under the Board's regulations and rules.

25 . . .

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

12 31. Respondent shall bear all costs relating to probation terms required in this
13 Consent Agreement.

14 32. Respondent shall be responsible for ensuring that all documentation required in
15 this Consent Agreement is provided to the Board in a timely manner.

16 33. This Consent Agreement shall be effective on the date of entry below.

17 34. This Consent Agreement is conclusive evidence of the matters described herein
18 and may be considered by the Board in determining appropriate sanctions in the event a
19 subsequent violation occurs.

20 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

21 Marisa Spletter
22 Marisa Spletter

1-1-13
Date

23 ...
24 ...
25 ...

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

2 Dated this 18th day of June, 2013.

3
4 By:


5 DEBRA RINAUDO, Executive Director
Arizona Board of Behavioral Health Examiners

6 **ORIGINAL** of the foregoing filed

7 This 18th day of June, 2013 with:

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

10 **COPY** of the foregoing mailed via Interagency Mail

This 18th day of June, 2013, to:

11 Marc H. Harris
12 Assistant Attorney General
1275 West Washington
13 Phoenix, Arizona 85007

14 **COPY** of the foregoing mailed via

14 Certified mail no. 2012 2920 0001 8731 7364
15 This 18th day of June, 2013, to:

16 Marisa Spletter
16 Address of Record
17 Respondent

18 

19 Tobi Zavala, Compliance Officer
20 602-542-1617