

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. LMSW-13736 for the practice of social
3 work in Arizona.

4 2. Respondent provided behavioral health services to a minor client ("Client") from
5 09/25/13 to 02/28/14.

6 3. In a 01/22/14 session, Client indicated to Respondent:

7 a. She had marijuana at home and planned to use it.

8 b. She would feel safer using it under her mother's ("Mom") supervision.

9 4. At Client's request, Respondent facilitated a conference call to Mom to discuss
10 the possibility of using marijuana with Mom present.

11 5. Mom did not agree with allowing something illegal in her home and ended the
12 call.

13 6. Respondent failed to take proper action before facilitating the call including:

14 a. Consulting with her Clinical Director on the situation.

15 b. Maintaining her initial standpoint of recommending abstinence from illegal
16 substances to Client.

17 c. Educating Mom on the efforts she made with Client prior to the call.

18 7. Following the incident, Mom terminated Client's therapy.

19 **CONCLUSIONS OF LAW**

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

23 2. The conduct and circumstances described in the Findings of Fact constitute a
24 violation of A.R.S. § 32-3251(15)(l), any conduct, practice or condition that impairs the ability of
25 the licensee to safely and competently practice the licensee's profession.

1 **ORDER of CENSURE**

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

4 1. Respondent is hereby censured, which is an official action against her license,
5 for her conduct as set forth in the Findings of Fact.

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

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

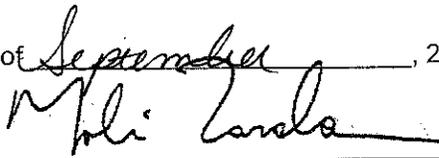
10 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

11 
12 Laura P. Kessler

8/20/15
Date

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

14 Dated this 8th day of September, 2015.

15 By: 
16 TOBÍ ZAVALA, Executive Director
17 Arizona Board of Behavioral Health Examiners

18 **ORIGINAL** of the foregoing filed
19 This 8th day of September, 2015 with:

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

22 **COPY** of the foregoing mailed via Interagency Mail
23 This 8th day of September, 2015, to:

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

1 **COPY** of the foregoing mailed via
Certified mail no. 7042870000189571091

2 This 8th day of September, 2015, to:

3 Laura P. Kessler
4 Address of Record
5 Respondent

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