BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: **Gail Y. Wulbrecht, LPC-10532, Licensed Professional Counselor, In the State of Arizona.** **RESPONDENT**	**CASE NOS. 2015-0035 & 2015-0118** **CONSENT AGREEMENT FOR VOLUNTARY SURRENDER OF LICENSE**

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(F) and 41-1092.07(F)(5), Gail Y. Wulbrecht ("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.

3. Respondent has the right to consult with an attorney prior to entering into this

Consent Agreement.

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

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

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 In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees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

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

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

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of professional counseling in the State of Arizona.

2. Respondent is the holder of License No. LPC-10532.

3. Respondent operates a private practice in Chandler.

4. On 10/04/14, a mother ("Mother") brought her 12-year-old daughter ("Client") to

Respondent's office for a 5:00 p.m. appointment.

5. Mother noticed Respondent was wobbly and smelled of alcohol.

6. After leaving the office, Mother called police to do a welfare check on Respondent.

7. When police arrived, they found Respondent to be under the influence of alcohol.

8. In her response to the Board, Respondent indicated:

a. She had a very stressful week.

b. She saw three clients earlier that day and then drove to a store and bought wine.

c. She returned to her office and drank several mini bottles of wine.

d. She decided to cancel her last appointment and thought she had texted Client's mother to notify her, however she texted another client with the same name by mistake.

9. In 11/14, Respondent entered into an Interim Consent Agreement ("ICA") with the Board which allowed her to continue to practice.

10. Respondent fulfilled all the terms and conditions set forth in the ICA including undergoing an evaluation by a Board approved addictionologist.

11. In 01/15, the Board recommended releasing Respondent from the ICA upon acceptance of a Consent Agreement.

12. In 02/15, Respondent entered into a Consent Agreement that stipulated she shall completely abstain from the personal use of alcohol or controlled substances.

13. In 06/15, the Board received a complaint alleging that Respondent was found intoxicated outside her office by a 16-year-old client.

14. During the Board's investigation into that matter, Board staff obtained medical records from the hospital in which Respondent was transported to by the fire department.

15. Respondent's hospital records indicated that:

a. Respondent admitted to drinking 4 bottles of wine at her office.

b. The results of a blood test measured Respondent's BAC at .421%.

16. Based on the investigative findings, Board staff suspended Respondent's license pursuant to the stipulations of her Consent Agreement.

17. In 08/15, Respondent contacted Board staff, indicating that she was willing to voluntarily surrender her license.

CONCLUSIONS OF LAW

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

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

SURRENDER ORDER

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

1. Respondent's license, LPC-10532, shall be surrendered to the Board, effective from the date of entry as signed below.

2. The surrender shall be considered a revocation of Respondent's license.

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

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PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Gail Wulbrecht 8-20-15

Gail Y. Wulbrecht Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 8th day of September, 2015.

By: Tobi Zavala

TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

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

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

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

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

COPY of the foregoing mailed via
Certified mail no. 70142870000129571107,
This 8th day of September, 2015, to:

Gail Y. Wulbrecht
Address of Record
Respondent

BEFORE THE ARIZONA BOARD OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: **GAIL Y. WULBRECHT, LPC-10532,** **Licensed Professional Counselor,** **In the State of Arizona,** **Respondent**	**CASE NO. 2015-0035** **ORDER OF SUSPENSION**

On February 26, 2015, the Arizona Board of Behavioral Health Examiners ("Board") accepted a Consent Agreement placing Gail Y. Wulbrecht ("Respondent") on probation subject to terms and conditions set forth in the Consent Agreement. The Consent Agreement included the following provisions:

1. Respondent's license, LPC-10532, was suspended.
2. The suspension was stayed and Respondent's license was placed on probation.
3. If Respondent was noncompliant with the terms of the Consent Agreement in any way, the stay of the suspension would be lifted and Respondent's license would be automatically suspended.
4. Respondent had the right to contest the lifting of the stay by requesting in writing, within 10 days of being notified of the automatic suspension of licensure, that the matter be placed on a Board agenda for the Board to review and determine if the automatic suspension of Respondent's license was supported by substantial evidence.

On June 30, 2015, the Board mailed Respondent written notice that, because she failed to comply with the terms of the Consent Agreement, the stay of the suspension of her license was lifted and her license was suspended. Respondent was further advised that she had the right to contest the lifting of the stay by submitting a written request for Board review within 10 days of the date of the letter. Respondent did not submit such a request.

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ORDER

Therefore, IT IS ORDERED that License No. LPC-10532 issued to Gail Y. Wulbrecht is hereby **SUSPENDED.**

Dated this 28th day of July, 2015

Tobi Zavala, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed

The 28 day of July, 2015, with:

Board of Behavioral Health Examiners
3443 North Central Avenue, Suite 1700
Phoenix, AZ 85012

COPY of the foregoing mailed via Interagency Mail
This 28 day of July, 2015, to:

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

COPY of the foregoing mailed via
Certified mail no. 7014 2870 0001 8957 0940,
This 28 day of July, 2015, to:

Gail Y. Wulbrecht
Address of Record
Respondent

COPY of the foregoing mailed via Mail
This 28 day of July, 2015 to:

Susan McLellan
3101 N Central Ave, Suite 600
Phoenix, AZ 85012
Attorney for Respondent

BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: **Gail Y. Wulbrecht, LPC-10532** **Licensed Professional Counselor,** **In the State of Arizona.** **RESPONDENT**	**CASE NO. 2015-0035** **CONSENT AGREEMENT**

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), Gail Y. Wulbrecht ("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.

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

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

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

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

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

8. Respondent further understands that any violation of this Consent Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(15)(n) and may result in disciplinary action pursuant to A.R.S. § 32-3281.

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

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

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of professional counseling in the State of Arizona.

2. Respondent is the holder of License No. LPC-10532.

3. Respondent operates a private practice in Chandler.

4. On 10/4/14, a mother ("Mother") brought her 12 year old daughter ("Client") to Respondent's office for a 5:00 p.m. appointment.

5. Mother noticed Respondent was wobbly and smelled of alcohol.

6. After leaving the office, Mother called police to do a welfare check on Respondent.

7. When police arrived, they found Respondent to be under the influence of alcohol.

8. In her response to the Board, Respondent indicated:

   a. She had a very stressful week.

   b. She saw three clients earlier that day and then drove to a store and bought wine.

   c. She returned to her office and drank several mini bottles of wine.

   d. She decided to cancel her last appointment and thought she had texted Client's mother to notify her, however she texted another client with the same name by mistake.

9. In 11/14, Respondent entered into an interim consent agreement ("ICA") with the Board which allowed her to continue to practice.

10. Respondent fulfilled all the terms and conditions set forth in the ICA including undergoing an evaluation by a Board approved addictionologist.

11. On 01/15/15, the Board recommended releasing Respondent from the ICA upon acceptance of a Consent Agreement.

CONCLUSIONS OF LAW

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

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

ORDER

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

Stayed Suspension

1. As of the effective date of this Consent Agreement, Respondent's license, LPC-10532, shall be **SUSPENDED** for 24 months. However, the suspension shall be stayed and Respondent's license shall be placed on probation.

2. During the stayed suspension portion of the Order, if Respondent is noncompliant with the terms of the Order in any way, the stay of the suspension shall be lifted and Respondent's license shall be automatically suspended as set forth above.

3. If Respondent contests the lifting of the stay as it relates to this paragraph, Respondent shall request in writing, within 10 days of being notified of the automatic suspension of licensure, that the matter be placed on the Board agenda for the Board to review and determine if the automatic suspension of Respondent's license was supported by substantial evidence.

4. If the written request is received within 10 days of a regularly scheduled Board meeting, the request will not be heard at that meeting, but will be heard at the next regularly scheduled Board meeting.

5. Pending the Board's review, Respondent's license shall be reported as suspended - under review. Respondent may not work in any capacity as a licensed behavioral health professional pending the Board's review. The Board's decision and Order shall not be subject to further review.

6. Respondent shall not practice under her license, LPC-10532, unless she is fully compliant with all terms and conditions in this Consent Agreement. If, for any reason, Respondent is unable to comply with the terms and conditions of this Consent Agreement, she shall immediately notify the Board in writing and shall not practice under her license until she submits a written request to the Board to re-commence compliance with this Consent Agreement. All such requests shall be pre-approved by the Board Chair or designee.

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

Therapy

8. During the period of probation, Respondent will meet with a Board approved addiction psychiatrist who functions as a treating psychiatrist on at least a quarterly basis. The treating psychiatrist should discuss appropriate psychotropic medication management, if Respondent's symptoms cannot be controlled by psychotherapy only. Respondent shall completely abstain from the personal use of alcohol or controlled substances, unless noncontrolled prescriptions have been tried and failed. If a controlled substance is prescribed, the treating psychiatrist must provide a written explanation to the Board of why it is being used. The treating psychiatrist shall monitor abstinence from alcohol and may use random toxicology at his/her discretion. The treating psychiatrist shall submit quarterly reports to the Board Chair or designee for review.

9. During the period of probation, Respondent shall continue therapy with her current Board approved therapist.

Focus and Frequency of Therapy

10. The focus of the therapy shall relate to relapse prevention, experience in recovery groups, attention to any personality traits, and resolution of any potential anxiety or mood symptoms. Respondent shall meet with the therapist weekly. Upon recommendation by the Board approved therapist, the frequency of the visits may lessen from weekly, but not less than once per month.

Change of Therapist or Psychiatrist

11. In the event that, during the period of Respondent's probation, Respondent's Board-approved therapist or psychiatrist discontinues treatment, Respondent shall submit the name of a new therapist or psychiatrist and the therapist's or psychiatrist's curriculum vitae for pre-approval by the Board Chair or designee within 30 days of the discontinued treatment. Also within 30 days of the date of the discontinued treatment, the proposed therapist or psychiatrist shall submit a letter addressing why he/she should be approved, acknowledging that he/she has reviewed the Consent Agreement, and include the results of an initial assessment and a treatment plan regarding the proposed treatment of Respondent.

Recovery Program

12. While on probation, Respondent shall attend recovery support meetings at a minimum of 2 times per week. Respondent shall keep her current sponsor and the sponsor shall provide quarterly reports to the Board Chair or designee attesting to Respondent's attendance and participation.

GENERAL PROVISIONS

Civil Penalty

13. Subject to the provisions set forth in paragraph 14, the Board imposes a civil

penalty against the Respondent in the amount of $1,000.00.

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

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

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

17. If Respondent currently sees clients in their own private practice, and obtains any other type of behavioral health position, either as an employee or independent contractor, where she provides behavioral health services to clients of another individual or agency, she shall comply with requirements set forth in Paragraphs 45 through 46 below.

18. Within 10 days of the effective date of this Order, if Respondent is working in a position where Respondent provides any type of behavioral health related services or works in a

setting where any type of behavioral health, health care, or social services are provided, Respondent shall provide the Board Chair or designee with a signed statement from Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this Consent Agreement. If Respondent does not provide the employer's statement to the Board within 10 days of the effective date, the Board will provide Respondent's employer(s) with a copy of the Consent Agreement.

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

20. Respondent shall practice counseling using the name under which she is licensed. If Respondent changes her name, she shall advise the Board of the name change as prescribed under the Board's regulations and rules.

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

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

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

PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Gail Y. Wulbrecht

Gail Y. Wulbrecht

2-23-15
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 26th day of February, 2015.

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

ORIGINAL of the foregoing filed
This 26th day of February, 2015 with:

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

COPY of the foregoing mailed via Interagency Mail
This 26th day of February, 2015, to:

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

COPY of the foregoing mailed via
Certified mail no. 70141200000064336935,
This 26th day of February, 2015, to:

Gail Y. Wulbrecht
Address of Record
Respondent

COPY of the foregoing mailed via Mail
This 26th day of February, 2015 to:

Susan McLellan
3101 N Central Ave, Suite 600
Phoenix, AZ 85012
Attorney for Respondent

BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: **Gail Wulbrecht, LPC-10532** **Licensed Professional Counselor,** **In the State of Arizona.** **Respondent**	**CASE NO. 2015-0035** **INTERIM CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona State Board of Behavioral Health Examiners ("Board") and Gail Wulbrecht ("Respondent"), the parties enter into this Interim Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement") as an interim disposition of this matter.

RECITALS

Respondent understands and agrees that:

1. The Board may adopt this Interim Consent Agreement, or any part thereof, pursuant to A.R.S. § 32-3251 *et seq.* and A.R.S. § 41-1092.07(F)(5).

2. Respondent has read and understands this Interim Consent Agreement as set forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an attorney or has waived the opportunity to discuss this Interim Consent Agreement with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so agrees to abide by all of its terms and conditions.

3. By entering into this Interim Consent Agreement, Respondent freely and voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters related to the Interim Consent Agreement.

4. Respondent understands that this Interim Consent Agreement does not constitute a dismissal or resolution of this matter or any matters that may be currently pending before the Board and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigations, actions, or proceedings. Respondent also understands that acceptance of this Interim Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting civil or criminal proceedings with respect to the conduct that is the subject of this Interim Consent Agreement. Respondent does not intend her acceptance of this Interim Consent Agreement to constitute an admission of any fact or facts and she enters into this agreement as an interim compromise of a pending matter. Respondent further does not relinquish her rights to an administrative hearing, rehearing, review, reconsideration, judicial review or any other administrative and/or judicial action, concerning the matters related to a final disposition of this matter, unless she affirmatively does so as part of the final resolution of this matter.

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

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

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

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

9. Respondent understands that this Interim Consent Agreement does not alleviate her responsibility to comply with the applicable license-renewal statutes and rules. If this Interim Consent Agreement remains in effect at the time Respondent's behavioral health license come up for renewal, she must renew her license if Respondent wishes to retain her license. If Respondent elects not to renew her license as prescribed by statute and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes final action in this matter. Once the Board takes final action, in order for Respondent to be licensed in the future, she must submit a new application for licensure and meet all of the requirements set forth in the statutes and rules at that time.

10. Respondent understands that any violation of this Interim Consent Agreement constitutes unprofessional conduct under A.R.S. § 32-3251(15)(n), violating a formal order, consent agreement, term of probation or stipulated agreement, and may result in disciplinary action under A.R.S.§ 32-3281.

Respondent understands and agrees that:

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of professional counseling in the State of Arizona.

2. Respondent is the holder of License No. LPC-10532.

3. Respondent operates a private practice in Chandler.

4. On 10/4/14, a mother ("Mother") brought her 12 year old daughter ("Client") to Respondent's office for a 5:00 p.m. appointment.

5. Mother noticed Respondent was wobbly and smelled of alcohol.

6. After leaving the office, Mother called police to do a welfare check on Respondent.

7. When police arrived, they found Respondent to be under the influence of alcohol.

8. In her response to the Board, Respondent indicated:

   a. She had a very stressful week.

   b. She saw three clients earlier that day and then drove to a store and bought wine.

   c. She returned to her office and drank several mini bottles of wine.

   d. She decided to cancel her last appointment and thought she had texted Client's mother to notify her, however she texted another client with the same name by mistake.

9. Because there has not been sufficient time to assess what would be an appropriate final disposition in this matter, the parties agreed to enter into this Interim Consent Agreement. The Interim Consent Agreement is intended to protect the public and ensure that Respondent is able to safely engage in the practice of behavioral health in Arizona.

INTERIM CONCLUSIONS OF LAW

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

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

INTERIM ORDER

Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to the authority granted to the Board under A.R.S. § 32-3281, Respondent's license, LPC-10532,

Licensed Professional Counselor will be placed on the following practice restrictions effective from the date of entry as signed below and lasting until such time as the Board takes further action in this matter.

1. Respondent shall not practice under her license unless she is fully compliant with all terms and conditions in this Interim Consent Agreement. If, for any reason, Respondent is unable to comply with the terms and conditions of this Interim Consent Agreement, she shall immediately notify the Board in writing and shall not practice under her license until she submits a written request to the Board to re-commence compliance with this Interim Consent Agreement. All such requests shall be pre-approved by the Board.

Alcohol Use

2. Respondent shall abstain completely from the personal use of alcohol.

Therapy

3. While subject to the Interim Consent Agreement, Respondent shall continue with the following therapeutic activities:

a. Attend at least 3 recovery meetings per week.

(1) Respondent shall provide weekly attendance reports to the Board.

b. Participate in therapy weekly with current therapist.

(1) The focus of the therapy shall relate to addiction, psychological aspects of addiction, relapse prevention and the impact of impairment on professional practice.

(2) The therapist shall submit monthly reports for review and approval by the Board. The monthly reports shall include Respondent's attendance and participation. The therapist shall notify the Board if Respondent presents a danger to the public.

PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Gail Wulbrecht

Gail Wulbrecht

11-24-14

Date

...

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 25th day of November, 2014.

By: _____
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed
This 25th day of November, 2014, with:

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

COPY of the foregoing mailed via Interagency Mail
This 25th day of November, 2014, to:

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

COPY of the foregoing mailed via
Certified mail no. 7014 1200 0000 6633 2895,
This 25th day of November, 2014, to:

Gail Wulbrecht
Address of Record
Respondent

COPY of the foregoing mailed via Mail
This 25th day of November, 2014 to:

Susan McLellan
Schneider & Onofry, P.C.
3101 N. Central Ave., #600
Phoenix, Arizona 85012
Attorney for Respondent

_____
Donna Dalton, Assistant Director
602-542-1811