

1 **BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS**

2 **In the Matter of:**

3 **Jennifer E. Druckman, LCSW-2811**  
4 **Licensed Clinical Social Worker,**  
5 **In the State of Arizona.**

6 **RESPONDENT**

**CASE NO. 2015-0051**

**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 July 14, 2015. After consideration, the  
9 Board voted to release Respondent from the terms and conditions of the Consent Agreement  
10 and Order dated July 14, 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 14, 2015.

15 Dated this 7<sup>th</sup> day of December, 2015.

16  
17 By:

M. Zavalala  
18 **TOBI ZAVALA, Executive Director**  
**Arizona Board of Behavioral Health Examiners**

19 **ORIGINAL** of the foregoing filed

20 This 7<sup>th</sup> day of December, 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. 70142870000189571770  
This 7<sup>th</sup> day of December, 2015, to:

25 Jennifer E. Druckman  
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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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           8.       Respondent further understands that any violation of this Consent Agreement  
19 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(15)(n) and may result in  
20 disciplinary action pursuant to A.R.S. § 32-3281.

21           9.       Although Respondent does not agree that all the Findings of Fact set forth in this  
22 Consent Agreement are supported by the evidence, Respondent acknowledges that it is  
23 the Board's position that, if this matter proceeded to formal hearing, the Board could establish  
24 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted  
25 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent

1 Agreement as an economical and practical means of resolving the issues associated with the  
2 complaint(s) filed against her. Further, Respondent acknowledges that the Board may use the  
3 evidence in its possession relating to this Consent Agreement for purposes of determining  
4 sanctions in any further disciplinary matter.

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

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

9 **FINDINGS OF FACT**

10 1. Respondent is the holder of License No. LCSW-2811 for the practice of social  
11 work in Arizona.

12 2. From 03/14 to 10/14, Respondent provided family therapy to an adult female  
13 client ("Niece"), her mother ("Mother"), and her aunt ("Aunt").

14 3. Respondent's progress notes reflect Aunt attended 8 family sessions with Niece  
15 and 2 individual sessions.

16 4. In 04/14, Aunt signed a consent for treatment form identifying her as a client.

17 5. Respondent maintains that Aunt was not receiving individual treatment, however  
18 this is contradicted by the client record.

19 6. In 09/14, Aunt attempted suicide.

20 7. In 10/14, Aunt contacted Respondent to inquire about a future session, and  
21 Respondent informed Aunt that there would be no further sessions.

22 8. Upon notification of a Board complaint being filed, Respondent requested that  
23 Niece and Mother write letters to the Board on Respondent's behalf.

24 **CONCLUSIONS OF LAW**

25 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.*

1 and the rules promulgated by the Board relating to Respondent's professional practice as a  
2 licensed behavioral health professional.

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

6 3. The conduct and circumstances described in the Findings of Fact constitute a  
7 violation of A.R.S. § 32-3251(15)(x), exploiting a client, former client or supervisee.

8 **ORDER**

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

11 1. Respondent's license, LCSW-2811, will be placed on probation, effective from  
12 the date of entry as signed below.

13 2. Respondent shall not practice under her license, LCSW-2811, unless she is fully  
14 compliant with all terms and conditions in this Consent Agreement. If, for any reason,  
15 Respondent is unable to comply with the terms and conditions of this Consent Agreement, she  
16 shall immediately notify the Board in writing and shall not practice under her license until she  
17 submits a written request to the Board to re-commence compliance with this Consent  
18 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

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

23 **Continuing Education**

24 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
25 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock

1 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course  
2 addressing current behavioral health documentation standards in Arizona. All required  
3 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,  
4 Respondent shall submit a certificate of completion of the required continuing education.

5 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
6 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a  
7 three semester credit hour graduate level behavioral health ethics course from an accredited  
8 college or university, pre-approved by the Board Chair or designee. Upon completion,  
9 Respondent shall submit to the Board an official transcript establishing completion of the  
10 required course.

#### 11 Early Release

12 6. After completion of the continuing education requirements set forth in this  
13 Consent Agreement, Respondent may request early release from the Consent Agreement if all  
14 other terms of the Consent Agreement have been met.

#### 15 GENERAL PROVISIONS

##### 16 Provision of Clinical Supervision

17 7. Respondent shall not provide clinical supervision while subject to this Consent  
18 Agreement.

##### 19 Civil Penalty

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

22 9. Respondent's payment of the civil penalty shall be stayed so long as Respondent  
23 remains compliant with the terms of this Consent Agreement. If Board staff determines that  
24 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the  
25 exception of the tolling provision under Paragraph 3, the stay of the civil penalty payment shall

1 be automatically lifted and payment of the civil penalty shall be made by certified check or  
2 money order payable to the Board within 30 days after being notified in writing of the lifting of  
3 the stay.

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

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

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

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

1 copy of the Consent Agreement.

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

1 16. Respondent shall practice behavioral health 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 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

24 Jennifer E. Druckman  
25 Jennifer E. Druckman

7/9/15  
Date

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

3 Dated this 14th day of July, 2015.

4  
5 By:

MEZQ  
TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

6  
7 **ORIGINAL** of the foregoing filed

8 This 14 day of July, 2015 with:

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

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

This 14 day of July, 2015, to:

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

15 **COPY** of the foregoing mailed via

Certified mail no. 7014 2870 0001 8957 0766

16 This 14 day of July, 2015, to:

17 Jennifer E. Druckman  
18 Address of Record  
Respondent