

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

2 **In the Matter of:**

3 **Sophia A. Rodriguez, LMSW-15756,**
4 **Licensed Master Social Worker,**
5 **In the State of Arizona.**

CASE NO. 2015-0060

**RELEASE FROM
CONSENT AGREEMENT AND ORDER**

6 **RESPONDENT**

7 The Board received a request from Respondent to release them from the terms and
8 conditions of the Consent Agreement and Order dated August 12, 2015. After consideration, the
9 Board voted to release Respondent from the terms and conditions of the Consent Agreement
10 and Order dated August 12, 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 August 12, 2015.

15 Dated this 18th day of September, 2017.

17 By:

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

21 **ORIGINAL** of the foregoing filed

22 This 18th day of September, 2017, with:

23 Arizona Board of Behavioral Health Examiners
24 3443 N. Central Ave., Suite 1700
25 Phoenix, AZ 85012

26 **COPY** of the foregoing mailed via

27 Certified mail no. 70171457000086887714
28 This 18th day of September, 2017, to:

29 Sophia A. Rodriguez
30 Address of Record
31 Respondent

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

3 **In the Matter of:**

4 **Sophia A. Rodriguez, LMSW Applicant**
5 **Licensed Master Social Worker,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2015-0060

CONSENT AGREEMENT
FOR ISSUANCE OF LICENSE

8 In the interest of a prompt and speedy settlement of the above captioned matter,
9 consistent with the public interest, statutory requirements and responsibilities of the Arizona
10 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(H)
11 and 41-1092.07(F)(5), Sophia A. Rodriguez ("Respondent") and the Board enter into this
12 Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as
13 a final disposition of this matter.

14 **RECITALS**

15 Respondent understands and agrees that:

16 1. Any record prepared in this matter, all investigative materials prepared or
17 received by the Board concerning the allegations, and all related materials and exhibits may be
18 retained in the Board's file pertaining to this matter.

19 2. Respondent has the right to a formal administrative hearing at which Respondent
20 can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably
21 waives her right to such formal hearing concerning these allegations and irrevocably waives her
22 right to any rehearing or judicial review relating to the allegations contained in this Consent
23 Agreement.

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

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

1 **FINDINGS OF FACT**

2 1. Respondent is an applicant for licensure for the practice of social work in
3 Arizona.

4 2. In 01/12, Respondent's LMSW application was denied by the Board based on
5 employment related issues.

6 3. Since the 01/12 denial, Respondent's previous employer reported ongoing
7 performance issues including three verbal or written warnings and one performance
8 improvement plan.

9 4. The issues reported by previous employer included:

- 10 a. Timeliness of submitting required tasks
- 11 b. Completion of monthly reports to her supervisor
- 12 c. Lack of adherence to work schedule
- 13 d. Understanding of previous employer's programs and standards

14 5. Respondent has been employed by her current employer since 07/14.

15 6. Current employer reports no ongoing issues with Respondent's work
16 performance.

17 **CONCLUSIONS OF LAW**

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

21 2. The conduct and circumstances described in the Findings of Fact constitute a
22 violation of A.R.S. § 32-3251(12)(I), any conduct, practice or condition that impairs the ability of
23 the licensee to safely and competently practice the licensee's profession.

24 ...

25 ...

1 **ORDER**

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's application to be a licensed master social worker is approved
5 pending Respondent's passage of the ASWB examination.

6 2. The license issued to Respondent pursuant to paragraph 1 will be immediately
7 placed on probation for 24 months.

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

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

18 **Supervised Practice Setting**

19 5. While on probation, if Respondent engages in the practice of behavioral health,
20 she shall do so only while working at a behavioral health state licensed agency. Respondent's
21 direct supervisor shall submit quarterly reports to the Board Chair or designee reviewing
22 Respondent's performance for a period of twenty four months.

23 ...
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25 ...

1 11. 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 14 below.

5 12. 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 13. 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(15)(n) and the Board will provide Respondent's
22 employer(s) with a copy of the Consent Agreement.

23 14. 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(15)(n) and the Board will provide Respondent's
11 employer(s) with a copy of the Consent Agreement.

12 15. Respondent shall practice social work 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 16. 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 17. Respondent shall bear all costs relating to probation terms required in this
2 Consent Agreement.

3 18. 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 19. This Consent Agreement shall be effective on the date of entry below.

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

10 *Sophia Rodriguez* *2/12/2015*
11 Sophia A. Rodriguez Date

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

13 Dated this *12th* day of *August*, 2015.

14
15 By: *Tobi Zavala*
16 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

17 **ORIGINAL** of the foregoing filed
18 This *12th* day of *August*, 2015 with:

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

21 **COPY** of the foregoing mailed via Interagency Mail
This *12th* day of *August*, 2015, to:

22 Marc Harris
Assistant Attorney General
23 1275 West Washington
24 Phoenix, Arizona 85007
25

1 **COPY** of the foregoing mailed via
Certified mail no. 70142870000189572609
2 This 12th day of August, 2015, to:

3 Sophia A. Rodriguez
4 Address of Record
5 Respondent

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