

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

In the Matter of:

**Norma A. Grijalva, LAC-15227,
Licensed Associate Counselor,
In the State of Arizona.**

RESPONDENT

**CASE NO. 2016-0006
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(H) and 41-1092.07(F)(5), Norma A. Grijalva ("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.

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 10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 The Board issues the following Findings of Fact, Conclusions of Law and Order:

19 **FINDINGS OF FACT**

20 1. Respondent is the holder of License No. LAC-15227 for the practice of associate
 21 counseling in Arizona.

22 2. From 11/03 – 11/14, Respondent was employed at a community health center
 23 ("Agency").

24 3. Although Respondent was providing behavioral health services while employed
 25 at Agency, she was not granted her license, LAC-15227, until 07/14.

1 4. In 05/07, Agency conducted an audit regarding Respondent's behavioral health
2 documentation and found that:

- 3 a. 99% of Respondent's clients did not have a treatment plan.
- 4 b. Respondent did not complete 74% of progress notes based upon the number
5 of sessions she billed.
- 6 c. A total of 81 billed sessions had no documentation in the patients' medical
7 records.

8 5. In 2009 and 2011, Respondent was issued a written reprimand for failing to
9 ensure that she received 4 hours of monthly clinical supervision, as required by the Office of
10 Behavioral Health Licensing.

11 6. In 06/14, Respondent was issued a non-disciplinary Coaching form as follows:

- 12 a. During an audit, it was discovered that out of the 52 notes that were
13 reviewed, 21 errors were identified including inadequate documentation to
14 support the services provided and incorrect number of units billed.
- 15 b. As a result, Respondent was required to comply with random note audits.

16 7. Also in 06/14, Respondent was issued a written reprimand regarding the
17 following:

- 18 a. A patient reported 2 personal boundary issues regarding Respondent and
19 requested a new therapist.
- 20 b. The patient indicated that Respondent attempted to hug him, but the patient
21 told Respondent that he didn't like to be touched.
- 22 c. On another occasion, Respondent inappropriately disclosed personal
23 information to the patient, including her own diagnosis and treatment.

24 8. A 08/14 Notification of Disciplinary Action Form indicated the following:

- 25 a. Summary of events:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

• In 06/14, Respondent's manager ("Manager") met with Respondent to discuss a disciplinary action form.

• When Manager presented the form to Respondent, she replied, "Oh are we going to talk about this shit again, [Manager]. You are going to drive me crazy with this shit."

b. Due to Respondent's extreme unprofessionalism and inappropriate conduct, she was suspended for 2 days.

9. Immediately following her suspension, between 06/14 – 08/14, Respondent went on short-term disability due to a behavioral health issue.

10. In 07/14, Respondent was issued her LAC license.

11. In 08/14, Respondent returned to work for one day, unable to perform her job duties.

12. Between 08/14 – 11/14, Respondent went back on short-term disability regarding a behavioral health issue.

13. In 11/14, at her request, Respondent was authorized by her psychiatrist to return to work.

14. Upon returning to work, Respondent represents that her employer provided her with 3 options as follows:

- a. Return to previous position with additional responsibilities
- b. Return to work at a lower paygrade
- c. Voluntarily resign

15. In 11/14, Respondent resigned from Agency.

16. Respondent represents that she has been on permanent disability since 2014.

CONCLUSIONS OF LAW

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(12)(l), any conduct, practice or condition that impairs the ability of
5 the Respondent to safely and competently practice the Respondent's profession.

6 **SURRENDER ORDER**

7 Based upon the foregoing Findings of Fact and Conclusion of Law, the parties agree to
8 the provision and penalties imposed as follows:

9 1. Respondent's license, LAC-15227, shall be surrendered to the Board, effective
10 from the date of entry as signed below.

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

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

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

16 
17 Norma A. Grijalva

18 June 2, 2015
Date

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

20 Dated this 13th day of July, 2015.

21 By: 
22 TOBÍ ZAVALA, Executive Director
23 Arizona Board of Behavioral Health Examiners

24 **ORIGINAL** of the foregoing filed
25 This 13 day of July, 2015 with:

1 Arizona Board of Behavioral Health Examiners
 2 3443 N. Central Ave., Suite 1700
 3 Phoenix, AZ 85012

4 **COPY of the foregoing mailed via Interagency Mail**
 5 This 13 day of July, 2015, to:

6 Marc Harris
 7 Assistant Attorney General
 8 1275 West Washington
 9 Phoenix, Arizona 85007

10 **COPY of the foregoing mailed via**
 11 **Certified mail no. 7014 2870 0001 8957 0742**
 12 This 13 day of July, 2015, to:

13 Norma A. Grijalva
 14 Address of Record
 15 Respondent

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30