

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. LBSW-1692 for the practice of social
3 work in Arizona.

4 2. On 08/21/13, Respondent was arrested for DUI.

5 3. Respondent's blood alcohol content was measured at .112% approximately an
6 hour after being stopped.

7 4. Respondent failed to report the arrest to the Board within 10 days as required.

8 **CONCLUSIONS OF LAW**

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

12 2. The conduct and circumstances described in the Findings of Fact constitute a
13 violation of A.R.S. § 32-3251(12)(ii), violating any federal or state law, rule, or regulation
14 applicable to the practice of behavioral health, as it relates to:

15 A.R.S. § 32-3208: Criminal charges; mandatory reporting requirements; civil penalty:

16 (A) A professional who has been charged with a misdemeanor involving conduct
17 that may affect patient safety or a felony after receiving or renewing a license or
18 certificate must notify the health professional's regulatory board in writing within
19 ten working days after the charge is filed.

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

23 **ORDER**

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

1 **Probation**

2 1. Respondent's license, LBSW-1692, will be placed on probation, effective from
3 the date of entry as signed below.

4 2. Respondent shall not practice under her license, LBSW-1692, unless she is fully
5 compliant with all terms and conditions in this Consent Agreement. If, for any reason,
6 Respondent is unable to comply with the terms and conditions of this Consent Agreement, she
7 shall immediately notify the Board in writing and shall not practice under her license until she
8 submits a written request to the Board to re-commence compliance with this Consent
9 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

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

14 **Continuing Education**

15 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within
16 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
17 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course.
18 All required continuing education shall be pre-approved by the Board Chair or designee. Upon
19 completion, Respondent shall submit a certificate of completion of the required continuing
20 education.

21 **Early Release**

22 5. After completion of the continuing education requirements set forth in this
23 Consent Agreement, Respondent may request early release from the Consent Agreement if all
24 other terms of the Consent Agreement have been met.

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 12 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(16)(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(16)(n) and the Board will provide Respondent's
11 employer(s) with a copy of the Consent Agreement.

12 15. Respondent shall practice behavioral health 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 Susan M Newberry
11 Susan M. Newberry

7/31/2015
Date

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

13 Dated this 10th day of August, 2015.

14 By:

15 Tobi Zavala
16 TOBI ZAVALA, Executive Director
17 Arizona Board of Behavioral Health Examiners

18 **ORIGINAL** of the foregoing filed

19 This 10th day of August, 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 10th day of August, 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. 70142870000189570377

2 This 10th day of August, 2015, to:

3 Susan M. Newberry
4 Address of Record
5 Respondent

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