BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: **Vicki E. Scott, LPC-2452 & LISAC-0714, Licensed Professional Counselor & Licensed Independent Substance Abuse Counselor, In the State of Arizona.** **RESPONDENT**	**CASE NO. 2013-0069** **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(F) and 41-1092.07(F)(5), Vicki E. Scott ("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 In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees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.

8. Respondent further understands that any violation of this Consent Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(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.

10. Although Respondent does not agree that all the Findings of Fact set forth in this

Consent Agreement are supported by the evidence, Respondent acknowledges that it is the Board's position that, if this matter proceeded to formal hearing, the Board could establish sufficient evidence to support a conclusion that certain of Respondent's conduct constituted unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent Agreement as an economical and practical means of resolving the issues associated with the complaint(s) filed against her. Further, Respondent acknowledges that the Board may use the evidence in its possession relating to this Consent Agreement for purposes of determining sanctions in any further disciplinary matter.

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

FINDINGS OF FACT

1. Respondent is the holder of License Nos. LPC-2452 and LISAC-0714 for the practice of counseling in Arizona.

2. Respondent began treating female client ("Mother") with Christian counseling in 08/06.

3. In 10/12, at Mother's request, Respondent sent a text message to Mother's daughter ("Daughter") which indicated:

   a. Your mother is dying.

   b. God is not happy about how you (Daughter) are treating her.

   c. Your behavior is decidedly unbiblical and you will answer for it.

4. Although Mother may have requested that Respondent attempt to connect Mother with Daughters, Respondent's actions appear inappropriate where:

   a. Despite the fact it may have been outside her role to even contact Complainant, Respondent:

      - Did not discuss specific content immediately before sending text message

- Though familiar with Complainant through years of communications with Mother about all aspects of Complainant's life, and through years of interaction between Licensee's daughter and Complainant, had not directly interacted with Complainant proximate in time to sending the message.
- Having worked with Mother for seven years, was familiar with familial issues both generally and specifically with respect to relationship between Mother and Complainant.
- Failed, albeit inadvertently, to identify herself in her text message

5. The Board determined from the information available to it that Respondent directly involved Mother in the complaint matter

a. Such action by Respondent appears concerning to the Board where Respondent is responsible for maintaining ethical boundaries and appropriate actions.

b. Respondent vehemently denies that she initiated direct involvement by Mother in the complaint matter, and maintains that daughter informed mother of the complaint matter, that mother initiated discussion about the complaint matter with Respondent and that mother sought an opportunity to memorialize the events pertaining to this matter, which opportunity Respondent's attorney afforded mother.

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:

1. Respondent's licenses, LPC-2452 and LISAC-0714, will be placed on probation, effective from the date of entry as signed below.

2. Respondent shall not practice under her licenses, LPC-2452 and LISAC-0714, 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 licenses 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.

3. 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.

Continuing Education

4. In addition to the continuing education requirements of A.R.S. § 32-3273, within 18 months of the effective date of this Consent Agreement, Respondent shall take and pass a three semester credit hour graduate level behavioral health ethics course from an accredited college or university, pre-approved by the Board Chair or designee. Upon completion, Respondent shall submit to the Board an official transcript establishing completion of the required course.

Clinical Supervision

5. While on probation, Respondent shall submit to clinical supervision for 24 months by a masters or higher level behavioral health professional licensed at the independent level.

Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a clinical supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the date of this Consent Agreement, the clinical supervisor shall submit a letter disclosing his/her prior relationship to Respondent. In that letter, the clinical supervisor must address why he/she should be approved, acknowledge that he/she has reviewed the Consent Agreement and include the results of an initial assessment and a supervision plan regarding the proposed supervision of Respondent. The letter from the supervisor shall be submitted to the Board.

Focus and Frequency of Clinical Supervision

6. The focus of the supervision shall relate to boundaries, countertransference, awareness and documentation. Respondent shall meet individually in person with the supervisor twice a month.

Reports

7. Once approved, the supervisor shall submit quarterly reports for review and approval by the Board Chair or designee. The quarterly reports shall include issues presented in this Consent Agreement that need to be reported and the supervisor shall notify the Board if more frequent supervision is needed. Quarterly reports shall include the following:

a. Dates of each clinical supervision session.

b. A comprehensive description of issues discussed during supervision sessions.

8. All quarterly supervision reports shall include a copy of clinical supervision documentation maintained for that quarter. All clinical supervision documentation maintained by the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(F)(4).

9. After Respondent's probationary period, the supervisor shall submit a final summary report for review and approval by the Board Chair or designee. The final report shall also contain a recommendation as to whether the Respondent should be released from this

Consent Agreement.

Change of Clinical Supervisor During Probation

10. If, during the period of Respondent's probation, the clinical supervisor determines that he/she cannot continue as the clinical supervisor, he/she shall notify the Board within 10 days of the end of supervision and provide the Board with an interim final report. Respondent shall advise the Board Chair or designee within 30 days of cessation of clinical supervision by the approved clinical supervisor and provide the name of a new proposed clinical supervisor. The proposed clinical supervisor shall provide the same documentation to the Board as was required of the initial clinical supervisor.

Early Release

11. After completion of the stipulations set forth in this consent agreement, and upon the clinical supervisor's recommendation, Respondent may request early release from the Consent Agreement after 12 months.

GENERAL PROVISIONS

Provision of Clinical Supervision

12. Respondent shall not provide clinical supervision while subject to this Consent Agreement.

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 3, 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 18 through 20 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(16)(n) and the Board will provide Respondent's employer(s) with a copy of the Consent Agreement.

20. If, during the period of Respondent's probation, Respondent changes employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on extended leave of absence for whatever reason that may impact her ability to timely comply with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the Board of her change of employment status. After the change and 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 a written statement providing the contact information of her new employer(s) and a signed statement from Respondent's new 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, as required, Respondent's failure to provide the required statement to the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's employer(s) with a copy of the Consent Agreement.

21. Respondent shall practice behavioral health 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.

22. Prior to the release of Respondent from probation, Respondent must submit a written request to the Board for release from the terms of this Consent Agreement at least 30 days prior to the date she would like to have this matter appear before the Board. Respondent may appear before the Board, either in person or telephonically. Respondent must provide evidence that she has successfully satisfied all terms and conditions in this Consent Agreement. The Board has the sole discretion to determine whether all terms and conditions of this Consent Agreement have been met and whether Respondent has adequately demonstrated that she has addressed the issues contained in this Consent Agreement. In the event that the Board determines that any or all terms and conditions of this Consent Agreement have not been met, the Board may conduct such further proceedings as it determines are appropriate to address those matters.

23. Respondent shall bear all costs relating to probation terms required in this Consent Agreement.

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

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

26. 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

Vicki E. Scott, LPC

Vicki E. Scott

7/29/16

Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 8th day of March, 2016.

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

ORIGINAL of the foregoing filed
This 8th day of March, 2016 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 March, 2016, to:

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

COPY of the foregoing mailed via
Certified mail no. 7014 2870 0001 8967 5471,
This 8th day of March, 2016, to:

Vicki E. Scott
Address of Record
Respondent

COPY of the foregoing mailed via Mail
This 8th day of March, 2016 to:

Larry Cohen
The Cohen Law Firm
PO Box 10056
Phoenix, AZ 85064
Attorney for Respondent

DOC#4929130