

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

2 **In the Matter of:**

3 **Yvette N. Rodriguez, LMSW-15429**
4 **Licensed Master Social Worker**
5 **In the State of Arizona.**

CASE NO. 2014-0043

**RELEASE FROM
CONSENT AGREEMENT AND ORDER**

6 **RESPONDENT**

7 The Board received a request from Respondent to release him from the terms and
8 conditions of the Consent Agreement and Order dated December 8, 2014. After consideration,
9 the Board voted to release Respondent from the terms and conditions of the Consent
10 Agreement and Order dated December 8, 2014.

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 December 8, 2014.

15 Dated this 19th day of January, 2016.

16
17 By: *M. Zavala*
18 **TOBI ZAVALA, Executive Director**
 Arizona Board of Behavioral Health Examiners

19 **ORIGINAL** of the foregoing filed
This 19th day of January, 2016, with:

20 Arizona Board of Behavioral Health Examiners
21 3443 N. Central Ave., Suite 1700
22 Phoenix, AZ 85012

23 **COPY** of the foregoing mailed via
Certified mail no. 70142870000189572708
This 19th day of January, 2016, to:

24 Yvette N. Rodriguez
25 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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 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(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 ...

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

2 **FINDINGS OF FACT**

3 1. On 04/16/11, Applicant was charged with DUI after a blood alcohol test yielded a
4 BAC of .095%.

5 2. On 10/25/12, Applicant was convicted of DUI and court ordered to complete
6 sentencing requirements.

7 3. Applicant completed all court-ordered requirements.

8 4. On 07/05/13, Applicant submitted her application for Licensed Master Social
9 Worker in the state of Arizona.

10 **CONCLUSIONS OF LAW**

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

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

17 **ORDER**

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

20 1. Respondent's application to be a Licensed Master Social Worker is approved
21 pending Respondent's passage of the ASWB examination.

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

24 3. Respondent shall not practice under her license, unless she is fully compliant
25 with all terms and conditions in this Consent Agreement. If, for any reason, Respondent is

1 unable to comply with the terms and conditions of this Consent Agreement, she shall
2 immediately notify the Board in writing and shall not practice under her license until she submits
3 a written request to the Board to re-commence compliance with this Consent Agreement. All
4 such requests shall be pre-approved by the Board Chair or designee.

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

9 **Continuing Education**

10 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within
11 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
12 three semester credit hour graduate level course addressing addictions from an accredited
13 college or university, pre-approved by the Board Chair or designee. Upon completion,
14 Respondent shall submit to the Board an official transcript establishing completion of the
15 required course.

16 **Recovery Program**

17 6. While on probation, Respondent shall attend monthly Mothers Against Drunk
18 Driving ("M.A.D.D.") meetings in person for 12 months. Respondent shall provide quarterly
19 reports to the Board Chair or designee substantiating her attendance and participation.

20 **Early Release**

21 7. After completion of the continuing education requirements and attendance of at
22 least 12 M.A.D.D. meetings as set forth in this Consent Agreement, Respondent may request
23 early release from the Consent Agreement if all other terms of the Consent Agreement have
24 been met.

1 13. Within 10 days of the effective date of this Order, if Respondent is working in a
2 position where Respondent provides any type of behavioral health related services or works in a
3 setting where any type of behavioral health, health care, or social services are provided,
4 Respondent shall provide the Board Chair or designee with a signed statement from
5 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this
6 Consent Agreement. If Respondent does not provide the employer's statement to the Board
7 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a
8 copy of the Consent Agreement.

9 14. If Respondent is not employed as of the effective date of this Order, within 10
10 days of accepting employment in a position where Respondent provides any type of behavioral
11 health related services or in a setting where any type of behavioral health, health care, or social
12 services are provided, Respondent shall provide the Board Chair or designee with a written
13 statement providing the contact information of her new employer and a signed statement from
14 Respondent's new employer confirming Respondent provided the employer with a copy of this
15 Consent Agreement. If Respondent does not provide the employer's statement to the Board
16 within 10 days, as required, Respondent's failure to provide the required statement to the Board
17 shall be deemed a violation of A.R.S. § 32-3251(12)(n) and the Board will provide Respondent's
18 employer(s) with a copy of the Consent Agreement.

19 15. If, during the period of Respondent's probation, Respondent changes
20 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
21 extended leave of absence for whatever reason that may impact her ability to timely comply with
22 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
23 Board of her change of employment status. After the change and within 10 days of accepting
24 employment in a position where Respondent provides any type of behavioral health related
25 services or in a setting where any type of behavioral health, health care, or social services are

1 provided, Respondent shall provide the Board Chair or designee a written statement providing
2 the contact information of her new employer(s) and a signed statement from Respondent's new
3 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent
4 Agreement. If Respondent does not provide the employer's statement to the Board within 10
5 days, as required, Respondent's failure to provide the required statement to the Board shall be
6 deemed a violation of A.R.S. § 32-3251(12)(n) and the Board will provide Respondent's
7 employer(s) with a copy of the Consent Agreement.

8 16. Respondent shall practice social work using the name under which she is
9 licensed. If Respondent changes her name, she shall advise the Board of the name change as
10 prescribed under the Board's regulations and rules.

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

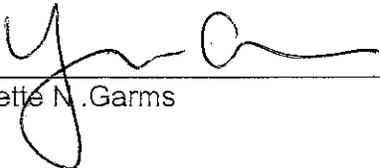
22 18. Respondent shall bear all costs relating to probation terms required in this
23 Consent Agreement.

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

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

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

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

6 
7 Yvette N. Garms

March, 17, 2014
Date

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

9
10 Dated this 8th day of December, 2014.

11 By:


12 TOBI ZAVALA, Interim Executive Director
Arizona Board of Behavioral Health Examiners

13
14 **ORIGINAL** of the foregoing filed
This 8th day of December, 2014 with:

15 Arizona Board of Behavioral Health Examiners
16 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

17 **COPY** of the foregoing mailed via Interagency Mail
18 This 8th day of December, 2014, to:

19 Beth Campbell
Assistant Attorney General
20 1275 West Washington
Phoenix, Arizona 85007

21 **COPY** of the foregoing mailed via
22 Certified mail no. 70141200000066335136
This 8th day of December, 2014, to:

23 Yvette N. Garms
24 Address of Record
Respondent

Tobi Zavala

Tobi Zavala, Interim Deputy Director
602-542-1617

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