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

In the Matter of:

Susanne C. Johnson, LPC-12110,
Licensed Professional Counselor,
In the State of Arizona.

RESPONDENT

CASE NO. 2014-0060

**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), Susanne C. Johnson ("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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 and the Healthcare Integrity and Protection Data Bank.

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

20 **FINDINGS OF FACT**

21 1. Respondent is the holder of License No. LPC-12110 for the practice of
22 counseling in the state of Arizona.

23 2. Respondent held a private practice in professional counseling.

24 3. On 06/11/14, the Board received a complaint from a third party that alleged the
25 following:

1 a. Respondent provided professional counseling services to an adult male client
2 ("Client").

3 b. Respondent and Client engaged in sexual conduct.

4 4. Respondent acknowledges engaging in sexual conduct with the former Client.

5 5. During the course of the Board's investigation, Respondent agreed to voluntarily
6 surrender her license to practice professional counselling.

7 **CONCLUSIONS OF LAW**

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

11 2. The conduct and circumstances described in the Findings of Fact constitute a
12 violation of A.R.S. § 32-3251(15)(v), any sexual conduct between a licensee and a client or
13 former client.

14 **ORDER**

15 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to
16 the provision and penalties imposed as follows:

17 **Practice Termination Plan**

18 1. Within 14 days of the effective date of the consent agreement, Respondent shall
19 submit a written plan for terminating her private practice for pre-approval by the Board Chair or
20 designee. At a minimum, the proposed termination plan must include each of the following:

21 a. A written protocol for the secure storage, transfer and access of the clinical
22 records of Respondent's clients and former clients.

23 b. The procedure by which Respondent shall notify each client and former client
24 in a timely manner regarding the future location of the clinical records of
25 ...

1 Respondent's clients and former clients and how those records can be
2 accessed after the termination of Respondent's practice.

3 c. A written protocol for developing an appropriate referral for continuation of
4 care for Respondent's current clients.

5 d. A list of Respondent's current clients and the timeframe for terminating
6 services to each client. The timeframe for terminating services shall not
7 exceed 30 days.

8 **SURRENDER ORDER**

9 1. Respondent's license, LPC-12110, 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 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

13
14 Susanne C. Johnson
15 Susanne C. Johnson

14 8-11-14
15 Date

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

17 Dated this 18th day of August, 2014.

18
19 By:

19 [Signature]
20 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

21 **ORIGINAL** of the foregoing filed

22 This 18th day of August, 2014 with:

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

25 **COPY** of the foregoing mailed via Interagency Mail

This 18th day of August, 2014, to:

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

COPY of the foregoing mailed via
Certified mail no. 70140510000137193365
This 18th day of August, 2014, to:

Susanne C. Johnson
Address of Record
Respondent

COPY of the foregoing mailed via Mail
This 18th day of August, 2014 to:

Susan McLellan
3101 N. Central Ave., STE 600
Phoenix, AZ 85012
Attorney for Respondent

Tobi Zavala, Executive Director
602-542-1617