

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

2 **In the Matter of:**

3 **Amanda S. Leno, LPC-13642**
4 **Licensed Professional Counselor**
5 **In the State of Arizona.**

6 **RESPONDENT**

CASE NO. 2015-0001

**RELEASE FROM
CONSENT AGREEMENT AND ORDER**

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 7, 2015. After consideration,
9 the Board voted to release Respondent from the terms and conditions of the Consent
10 Agreement and Order dated December 7, 2015.

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 7, 2015.

15 Dated this 19th day of January, 2016.

17 By:

18 Tobi Zavala
19 **TOBI ZAVALA, Executive Director**
20 **Arizona Board of Behavioral Health Examiners**

21 **ORIGINAL** of the foregoing filed

22 This 19th day of January, 2016, with:

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

COPY of the foregoing mailed via

Certified mail no. 70142870000189573699
This 19th day of January, 2016, to:

Amanda S. Leno
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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 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. LPC-13642 for the practice of
3 counseling in Arizona.

4 2. From 09/11 – 12/11 and 01/13 – 04/13, Respondent provided individual and
5 family counseling to a minor child (“Daughter”).

6 3. Respondent documented the following in Daughter’s 09/11 treatment plan:

7 a. Problem: Daughter is a sexual abuse victim.

8 b. Objectives: Implement steps to protect Daughter from further sexual
9 abuse and identify feelings connected to the abuse.

10 c. Interventions: Report Daughter’s sexual abuse to the appropriate agency
11 and use play therapy principles to help Daughter identify and express
12 feelings surrounding sexual abuse.

13 4. Despite Daughter’s treatment plan containing concerns of sexual abuse,
14 Respondent did not report this information to a peace officer or the Department of Child Safety
15 as required by A.R.S. § 13-3620.

16 5. During a 01/08/13 session, Daughter again indicated previous sexual abuse by
17 drawing a picture for Respondent.

18 6. Respondent documented that she contacted the police and reported Daughter’s
19 disclosures approximately 20 days after the session.

20 **CONCLUSIONS OF LAW**

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

24 2. The conduct and circumstances described in the Findings of Fact constitute a
25 violation of A.R.S. § 32-3251(12)(ii), violating any federal or state law, rule or regulation

1 applicable to the practice of behavioral health, as it relates to:

2 A.R.S. § 13-3620: Duty to Report Abuse of Minors.

3 **ORDER**

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

6 1. Respondent's license, LPC-13642, will be placed on probation, effective from the
7 date of entry as signed below.

8 2. Respondent shall not practice under her license, LPC-13642, unless she is fully
9 compliant with all terms and conditions in this Consent Agreement. If, for any reason,
10 Respondent is unable to comply with the terms and conditions of this Consent Agreement, she
11 shall immediately notify the Board in writing and shall not practice under her license until she
12 submits a written request to the Board to re-commence compliance with this Consent
13 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

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

18 **Continuing Education**

19 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within
20 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
21 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course
22 addressing current behavioral health documentation standards in Arizona. All required
23 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,
24 Respondent shall submit a certificate of completion of the required continuing education.

25 ...

1 11. Within 10 days of being notified of the lifting of the stay, Respondent may request
2 that the matter be reviewed by the Board for the limited purpose of determining whether the
3 automatic lifting of the stay was supported by substantial evidence. If the Board receives the
4 written request within 10 days or less of the next regularly scheduled Board meeting, the
5 request will not be heard at that meeting, but will be heard at the next regularly scheduled Board
6 meeting. The Board's decision on this matter shall not be subject to further review.

7 12. The Board reserves the right to take further disciplinary action against
8 Respondent for noncompliance with this Consent Agreement after affording Respondent notice
9 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
10 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
11 and the period of probation shall be extended until the matter is final.

12 13. If Respondent currently sees clients in their own private practice, and obtains any
13 other type of behavioral health position, either as an employee or independent contractor, where
14 she provides behavioral health services to clients of another individual or agency, she shall
15 comply with requirements set forth in Paragraphs 14 through 16 below.

16 14. Within 10 days of the effective date of this Order, if Respondent is working in a
17 position where Respondent provides any type of behavioral health related services or works in a
18 setting where any type of behavioral health, health care, or social services are provided,
19 Respondent shall provide the Board Chair or designee with a signed statement from
20 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this
21 Consent Agreement. If Respondent does not provide the employer's statement to the Board
22 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a
23 copy of the Consent Agreement.

24 15. If Respondent is not employed as of the effective date of this Order, within 10
25 days of accepting employment in a position where Respondent provides any type of behavioral

1 health related services or in a setting where any type of behavioral health, health care, or social
2 services are provided, Respondent shall provide the Board Chair or designee with a written
3 statement providing the contact information of her new employer and a signed statement from
4 Respondent's new employer confirming Respondent provided the employer with a copy of this
5 Consent Agreement. If Respondent does not provide the employer's statement to the Board
6 within 10 days, as required, Respondent's failure to provide the required statement to the Board
7 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
8 employer(s) with a copy of the Consent Agreement.

9 16. If, during the period of Respondent's probation, Respondent changes
10 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
11 extended leave of absence for whatever reason that may impact her ability to timely comply with
12 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
13 Board of her change of employment status. After the change and within 10 days of accepting
14 employment in a position where Respondent provides any type of behavioral health related
15 services or in a setting where any type of behavioral health, health care, or social services are
16 provided, Respondent shall provide the Board Chair or designee a written statement providing
17 the contact information of her new employer(s) and a signed statement from Respondent's new
18 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent
19 Agreement. If Respondent does not provide the employer's statement to the Board within 10
20 days, as required, Respondent's failure to provide the required statement to the Board shall be
21 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 17. Respondent shall practice behavioral health using the name under which she is
24 licensed. If Respondent changes her name, she shall advise the Board of the name change as
25 prescribed under the Board's regulations and rules.

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

12 19. Respondent shall bear all costs relating to probation terms required in this
13 Consent Agreement.

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

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

17 22. This Consent Agreement is conclusive evidence of the matters described herein
18 and may be considered by the Board in determining appropriate sanctions in the event a
19 subsequent violation occurs.

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

22 Amanda Leno, M
23 Amanda S. Leno

12/1/15
Date

24 ...
25 ...

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

2 Dated this 7th day of December, 2015.

3
4 By: M. Zavala
5 TOBI ZAVALA, Executive Director
6 Arizona Board of Behavioral Health Examiners

7 **ORIGINAL** of the foregoing filed
8 This 7th day of December, 2015 with:

9 Arizona Board of Behavioral Health Examiners
10 3443 N. Central Ave., Suite 1700
11 Phoenix, AZ 85012

12 **COPY** of the foregoing mailed via Interagency Mail
13 This 7th day of December, 2015, to:

14 Marc Harris
15 Assistant Attorney General
16 1275 West Washington
17 Phoenix, Arizona 85007

18 **COPY** of the foregoing mailed via
19 Certified mail no. 7014 2870000189571848
20 This 7th day of December, 2015, to:

21 Amanda S. Leno
22 Address of Record
23 Respondent
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