

1 3. Respondent has the right to consult with an attorney prior to entering into this
2 Consent Agreement.

3 4. Respondent acknowledges and agrees that upon signing this Consent
4 Agreement and returning it to the Board's Executive Director, Respondent may not revoke her
5 acceptance of this Consent Agreement or make any modifications to it. Any modification of this
6 original document is ineffective and void unless mutually approved by the parties in writing.

7 5. The findings contained in the Findings of Fact portion of this Consent Agreement
8 are conclusive evidence of the facts stated herein and may be used for purposes of determining
9 sanctions in any future disciplinary matter.

10 6. This Consent Agreement is subject to the Board's approval, and will be effective
11 only when the Board accepts it. In the event the Board in its discretion does not approve this
12 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,
13 nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except
14 that Respondent agrees that should the Board reject this Consent Agreement and this case
15 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its
16 review and discussion of this document or of any records relating thereto.

17 7. Respondent understands that once the Board approves and signs this Consent
18 Agreement, it is a public record that may be publicly disseminated as a formal action of the
19 Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

20 8. Respondent further understands that any violation of this Consent Agreement
21 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
22 disciplinary action pursuant to A.R.S. § 32-3281.

23 9. The Board therefore retains jurisdiction over Respondent and may initiate
24 disciplinary action against Respondent if it determines that she has failed to comply with the
25 terms of this Consent Agreement or of the practice act.

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

2 **FINDINGS OF FACT**

3 1. Respondent is the holder of License Nos. LCSW-11126 and LISAC-10865 for the
4 practice of social work and substance abuse counseling in Arizona.

5 2. In 08/13, a mother ("Mother") and her two daughters ("Daughters") participated in
6 family counseling with Respondent based on a recommendation from family court.

7 3. Daughters' father ("Father") was receiving court ordered treatment from another
8 therapist who referred him to Respondent to facilitate family counseling due to family court
9 issues resulting from domestic violence charges.

10 4. Respondent identified Father as her client, and from approximately 07/13-01/14,
11 Father attended 10 individual sessions and 5 family sessions.

12 5. Of the 5 family sessions, Daughters participated in all of them and Mother
13 participated in one.

14 6. At the onset of Father's treatment, Respondent was made aware that Father had
15 no decision making authority of Daughters.

16 7. Despite only physically meeting Mother in one family session, Respondent
17 submitted a letter to family court which indicated:

18 a. Mother is not welcoming of the process and is impeding the healing
19 process for all members of the family.

20 b. Mother should have a full scale psychological evaluation.

21 c. Father should have equal decision-making power and parenting time with
22 Daughters.

23 d. Mother needs counseling to address her own personal history of trauma
24 and abuse that may be affecting her judgment regarding Daughters.

25 8. Respondent's letter to the court:

- 1 a. Was inappropriate as the court order did not require information about
2 Mother or her abilities to parent, yet Respondent suggested possible
3 psychological diagnoses for her.
- 4 b. Was shared with Father despite the court order specifically stating that
5 the report was not to be made available to either parent.
- 6 c. Appeared to be partial to Father when Respondent had very little
7 interaction with Mother, and Mother was not an identified client.

8 9. Although Daughters attended 5 sessions, Respondent's clinical record failed to
9 clearly establish their role in therapy or indicate whether Daughters were clients or collateral
10 participants.

11 10. Respondent did not obtain Mother's consent to treat Daughters, nor did she
12 provide Mother a copy of the treatment plan.

13 11. In 12/15, Respondent solicited information from Father to support her after being
14 informed of the pending Board complaint.

15 12. Respondent sent Father a questionnaire containing questions related to issues
16 raised in the complaint attached to an email indicating Respondent "would greatly appreciate it
17 since this will help her with the Board about the complaint pending."

18 13. Respondent's decision to directly involve Father in the complaint matter appears
19 concerning where:

- 20 a. Father is not a behavioral health professional or qualified to comment on
21 whether Respondent's actions were congruent with Respondent's
22 governing agency's rules and ethical expectations of her profession.
- 23 b. Respondent is responsible for maintaining ethical boundaries and
24 appropriate actions.
- 25

1 CONCLUSIONS OF LAW

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

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

8 3. The conduct and circumstances described in the Findings of Fact constitute a
9 violation of A.R.S. § 32-3251(15)(p), failing to conform to minimum practice standards as
10 developed by the board as it relates to: A.A.C. R4-6-1101, Consent for Treatment.

11 4. The conduct and circumstances described in the Findings of Fact constitute a
12 violation of A.R.S. § 32-3251(15)(k), any conduct or practice that is contrary to recognized
13 standards of ethics, as it relates to the following:

14 NASW Code of Ethics:

- 15 a. Section 1.01: Commitment to client
- 16 b. Section 1.02: Self-determination
- 17 c. Section 1.07: Privacy and confidentiality

18 ORDER

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

21 Stayed Suspension

22 1. As of the effective date of this Consent Agreement, Respondent's licenses,
23 LCSW-11126 and LISAC-10865, shall be **SUSPENDED** for 24 months. However, the
24 suspension shall be stayed and Respondent's licenses shall be placed on probation.

25 ...

1 addressing current behavioral health documentation standards in Arizona. Upon completion,
2 Respondent shall submit a certificate of completion of the required continuing education.

3 **Audit**

4 13. While on probation, Respondent shall submit to an audit of all of her private
5 practice records by a pre-approved auditor. Within 30 days of this consent agreement,
6 Respondent shall submit the name of an auditor and a plan for conducting the audit for pre-
7 approval by the Board Chair or designee. The audit shall be completed within 60 days of the
8 effective date of this consent agreement. Also within 60 days of the effective date of this
9 consent agreement, the auditor shall provide an audit report and a proposed audit plan
10 addressing any deficiencies found during the audit to the Board Chair or designee for review
11 and approval.

12 **Practice Monitor**

13 14. While on probation, Respondent shall establish and maintain a relationship with a
14 practice monitor who is a masters or higher level behavioral health professional licensed at the
15 independent level. The practice monitor shall provide training and assistance to Respondent
16 regarding setting up appropriate forms and formats for Respondent's clinical records,
17 implementing current behavioral health standards of practice related to behavioral health
18 assessment and treatment planning, providing treatment consistent with the documented
19 treatment plan, and documenting the treatment provided in accordance with current behavioral
20 health standards. Respondent and the practice monitor shall review the clinical documentation
21 produced for each and every active client Respondent sees at least once per month. The
22 practice monitor shall ensure that Respondent complies with the audit plan approved by the
23 Board Chair or designee. Respondent shall meet with the practice monitor a minimum of twice
24 monthly for the first 12 months of probation. Following the first 12 months of probation, the

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1 frequency in which Respondent meets with the practice monitor shall be at the recommendation
2 of the practice monitor.

3 15. Within 30 days of the effective date of this Consent Agreement, Respondent shall
4 submit the name of a practice monitor for pre-approval by the Board Chair or designee. Also
5 within 30 days of the effective date of this Consent Agreement, the proposed Practice Monitor
6 shall submit a letter disclosing his/her prior relationship to Respondent. In that letter, the
7 practice monitor shall address why he/she should be approved, acknowledge that he/she has
8 reviewed the Consent Agreement and include the results of an initial assessment and a
9 monitoring plan regarding the proposed practice monitoring of Respondent. The letter from the
10 proposed Practice Monitor shall be submitted to the Board.

11 **Monitoring Quarterly Reports**

12 16. Once approved, the practice monitor shall submit quarterly reports for review and
13 approval by the Board Chair or designee. The quarterly reports shall include issues presented in
14 this consent agreement that need to be reported and the practice monitor shall notify the Board
15 if more frequent monitoring is needed. The practice monitor shall submit a final summary report
16 for review and approval by the Board Chair or designee. The final summary report submitted by
17 the practice monitor shall address Respondent's competency to engage in independent practice
18 in accordance with current standards of practice.

19 **Change of Practice Monitor During Probation**

20 17. If, during the period of Respondent's probation, the practice monitor determines
21 that he/she cannot continue as the practice monitor, he/she shall notify the Board within 10 days
22 of the end of monitoring and provide the Board with an interim final report. Respondent shall
23 advise the Board Chair or designee within 30 days of cessation of monitoring by the approved
24 practice monitor of the name of a new proposed practice monitor. The proposed practice

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1 monitor shall provide the same documentation to the Board as was required of the initial
2 practice monitor.

3 **Early Release**

4 18. After completion of the stipulations set forth in this Consent Agreement, and upon
5 the practice monitor's recommendation, Respondent may request early release from this
6 Consent Agreement after 12 months.

7 **GENERAL PROVISIONS**

8 **Provision of Clinical Supervision**

9 19. Respondent shall not provide clinical supervision while subject to this Consent
10 Agreement.

11 **Civil Penalty**

12 20. Subject to the provisions set forth in paragraph 21, the Board imposes a civil
13 penalty against the Respondent in the amount of \$1,000.00.

14 21. Respondent's payment of the civil penalty shall be stayed so long as Respondent
15 remains compliant with the terms of this Consent Agreement. If Board staff determines that
16 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
17 exception of the tolling provision under paragraph 8, the stay of the civil penalty payment shall
18 be automatically lifted and payment of the civil penalty shall be made by certified check or
19 money order payable to the Board within 30 days after being notified in writing of the lifting of
20 the stay.

21 22. Within 10 days of being notified of the lifting of the stay, Respondent may request
22 that the matter be reviewed by the Board for the limited purpose of determining whether the
23 automatic lifting of the stay was supported by substantial evidence. If the Board receives the
24 written request within 10 days or less of the next regularly scheduled Board meeting, the
25 ...

1 request will not be heard at that meeting, but will be heard at the next regularly scheduled Board
2 meeting. The Board's decision on this matter shall not be subject to further review.

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

8 24. If Respondent currently sees clients in their own private practice, and obtains any
9 other type of behavioral health position, either as an employee or independent contractor, where
10 she provides behavioral health services to clients of another individual or agency, she shall
11 comply with requirements set forth in paragraphs 25 through 27 below.

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

20 26. If Respondent is not employed as of the effective date of this Order, within 10
21 days of accepting employment in a position where Respondent provides any type of behavioral
22 health related services or in a setting where any type of behavioral health, health care, or social
23 services are provided, Respondent shall provide the Board Chair or designee with a written
24 statement providing the contact information of her new employer and a signed statement from
25 Respondent's new employer confirming Respondent provided the employer with a copy of this

1 Consent Agreement. If Respondent does not provide the employer's statement to the Board
2 within 10 days, as required, Respondent's failure to provide the required statement to the Board
3 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
4 employer(s) with a copy of the Consent Agreement.

5 27. If, during the period of Respondent's probation, Respondent changes
6 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
7 extended leave of absence for whatever reason that may impact her ability to timely comply with
8 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
9 Board of her change of employment status. After the change and within 10 days of accepting
10 employment in a position where Respondent provides any type of behavioral health related
11 services or in a setting where any type of behavioral health, health care, or social services are
12 provided, Respondent shall provide the Board Chair or designee a written statement providing
13 the contact information of her new employer(s) and a signed statement from Respondent's new
14 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent
15 Agreement. If Respondent does not provide the employer's statement to the Board within 10
16 days, as required, Respondent's failure to provide the required statement to the Board shall be
17 deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
18 employer(s) with a copy of the Consent Agreement.

19 28. Respondent shall practice behavioral health using the name under which she is
20 licensed. If Respondent changes her name, she shall advise the Board of the name change as
21 prescribed under the Board's regulations and rules.

22 29. Prior to the release of Respondent from probation, Respondent must submit a
23 written request to the Board for release from the terms of this Consent Agreement at least 30
24 days prior to the date she would like to have this matter appear before the Board. Respondent
25 may appear before the Board, either in person or telephonically. Respondent must provide

1 evidence that she has successfully satisfied all terms and conditions in this Consent Agreement.
2 The Board has the sole discretion to determine whether all terms and conditions of this Consent
3 Agreement have been met and whether Respondent has adequately demonstrated that she has
4 addressed the issues contained in this Consent Agreement. In the event that the Board
5 determines that any or all terms and conditions of this Consent Agreement have not been met,
6 the Board may conduct such further proceedings as it determines are appropriate to address
7 those matters.

8 30. Respondent shall bear all costs relating to probation terms required in this
9 Consent Agreement.

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

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

13 33. This Consent Agreement is conclusive evidence of the matters described herein
14 and may be considered by the Board in determining appropriate sanctions in the event a
15 subsequent violation occurs.

16
17 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

18 
19 Lakshmi R. Nollett

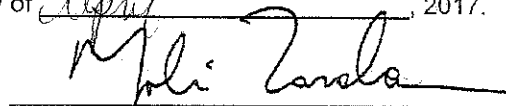
20 Date

21 4/28/2017

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

23 Dated this 28th day of April, 2017.

24 By:

25 
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

1 **ORIGINAL** of the foregoing filed
This 28th day of April, 2017 with:

2
3 Arizona Board of Behavioral Health Examiners
3443 N. Central Ave., Suite 1700
4 Phoenix, AZ 85012

5 **COPY** of the foregoing mailed via Interagency Mail
This 28th day of April, 2017, to:

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

9 **COPY** of the foregoing mailed via
Certified mail no. 70162140 0000 18040839
10 This 28th day of April, 2017, to:

11 Lakshmi R. Nolletti
12 Address of Record
Respondent

13 **COPY** of the foregoing mailed via Mail
This 28th day of April, 2017 to:

14 Davis Miles McGuire Gardner, PLLC
15 David Williams
40 E. Rio Salado Pkwy #425
16 Tempe, AZ 85281
Attorney for Respondent