

1 BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

2 In the Matter of:

CASE NO. 2015-0012

3 Liana J. Condello, LISAC-11765
4 Licensed Independent Substance Abuse
5 Counselor,
6 In the State of Arizona.

RELEASE FROM
CONSENT AGREEMENT AND ORDER

RESPONDENT

7
8 The Board received a request from Respondent to release him from the terms and
9 conditions of the Consent Agreement and Order dated November 18, 2014. After consideration,
10 the Board voted to release Respondent from the terms and conditions of the Consent
11 Agreement and Order dated November 18, 2014.

12 ORDER

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 November 18, 2014.

15 Dated this 19th day of January, 2016.

16
17 By:

M. Zavala

18 TOBI ZAVALA, Executive Director
19 Arizona Board of Behavioral Health Examiners

20 **ORIGINAL** of the foregoing filed

This 19th day of January, 2016, with:

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

23 **COPY** of the foregoing mailed via

Certified mail no. 7014 2870 0001 8957 2695

24 This 19th day of January, 2016, to:

25 Liana J. Condello
Address of Record
Respondent

1 COPY of the foregoing mailed via Mail
This 19th day of January, 2016, to:

2
3 Susan McLellan
3101 N Central Ave, Ste. 600
4 Phoenix, AZ 85012
Attorney for Respondent

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BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:

Liana J. Condello, LISAC-11765,
Licensed Independent Substance Abuse
Counselor,
In the State of Arizona.

CASE NO. 2015-0012

CONSENT AGREEMENT

RESPONDENT

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), Liana J. Condello ("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.

...

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 and the Healthcare Integrity and Protection Data Bank.

21 8. Respondent further understands that any violation of this Consent Agreement
22 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(15)(n) and may result in
23 disciplinary action pursuant to A.R.S. § 32-3281.
24
25

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

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

5 **FINDINGS OF FACT**

6 1. Respondent is the holder of License No. LISAC-11765 for the practice of
7 substance abuse counseling in Arizona.

8 2. Respondent provided clinical supervision to an applicant ("Applicant") for
9 independent licensure from 09/10 to 11/12.

10 3. As part of Applicant's licensure application, Respondent provided Applicant with
11 a signed, notarized form attesting to Applicant's work experience including total hours, direct
12 client contact hours, and clinical supervision hours which included hours that were directly
13 observed.

14 4. During the application review process, Board staff requested additional
15 documentation of clinical supervision including the required 10 hours of direct observation.

16 5. Applicant consulted with Respondent to get records of the clinical supervision.

17 6. Applicant realized there was no documentation of direct observation hours as
18 required.

19 7. Respondent:

20 a. Participated with Applicant in the intentional creation of falsified supervision
21 records.

22 b. Backdated her signature on these records to misrepresent that these records
23 were created and signed years earlier.

24 8. When originally asked about the authenticity of the forms, Respondent insisted
25 they were created and signed contemporaneously.

1 9. Board staff demonstrated to Respondent that the direct observation hours were
2 submitted on a form that was created and displayed on the Board's website in October of 2012,
3 so it was not possible that her employer ("Agency") was using the form prior to that.

4 10. When presented with this information, Respondent admitted to recreating the
5 documentation and not initially being truthful about it.

6 CONCLUSIONS OF LAW

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

10 2. The conduct and circumstances described in the Findings of Fact constitute a
11 violation of the following A.R.S. §32-3251(15)(c)(i), any oral or written misrepresentation of a
12 fact by an applicant or licensee to secure or attempt to secure the issuance or renewal of a
13 license.

14 3. The conduct and circumstances described in the Findings of Fact constitute a
15 violation of the following A.R.S. §32-3251(15)(c)(ii), any oral or written misrepresentation of a
16 fact by an applicant or licensee in any statements provided during an investigation or
17 disciplinary proceeding by the Board.

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

21 5. The conduct and circumstances described in the Findings of Fact constitute a
22 violation of the following A.R.S. §32-3251(15)(k), any conduct or practice that is contrary to
23 recognized standards of ethics in the behavioral health profession, as it relates to the NAADAC

24 Code of Ethics:
25

- 1 a. IV Professional Responsibility, Standard 1, #4: The addiction professional
2 practices honesty and congruency in all aspects of practice including accurate
3 billing for services, accurate accounting of expenses, faithful and accurate
4 reporting of interactions with clients and accurate reporting of professional
5 activities.
- 6 b. IV Professional Responsibility, Standard 2, #1: Addiction professionals will
7 honestly represent their professional qualifications, affiliations, credentials and
8 experience.
- 9 c. VIII Resolving Ethical Issues, #4: Addiction professionals will cooperate with
10 investigations, proceedings and requirements of ethics committees.
- 11 d. VII Supervision and Consultation, #1: Addiction professionals must take steps to
12 ensure appropriate resources are available when providing consultation to
13 others. Consulting counselors use clear and understandable language to inform
14 all parties involved of the purpose and expectations related to consultation.
- 15 e. VII Supervision and Consultation, #3: Addiction professionals serving as
16 supervisors shall clearly define and maintain ethical professional, personal and
17 social relationships with those they supervise. If other professional roles must be
18 assumed, standards must be established to minimize potential conflicts.
- 19 f. VII Supervision and Consultation, #6: Supervisors are responsible for
20 incorporating the principles of informed consent into the supervision relationship.

21 **ORDER**

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

- 24 1. Respondent shall not practice under her license, LISAC-11765, unless she is
25 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,

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

5 2. 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 Stayed Suspension

10 3. As of the effective date of this Consent Agreement, Respondent's license,
11 LISAC-11765, shall be **SUSPENDED** for 24 months. However, the suspension shall be stayed
12 and Respondent's license shall be placed on probation.

13 4. During the stayed suspension portion of the Order, if Respondent is
14 noncompliant with the terms of the Order in any way, the stay of the suspension shall be lifted
15 and Respondent's license shall be automatically suspended as set forth above.

16 5. If Respondent contests the lifting of the stay as it relates to this paragraph,
17 Respondent shall request in writing, within 10 days of being notified of the automatic
18 suspension of licensure, that the matter be placed on the Board agenda for the Board to review
19 and determine if the automatic suspension of Respondent's license was supported by
20 substantial evidence.

21 6. If the written request is received within 10 days of a regularly scheduled Board
22 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
23 scheduled Board meeting.

24 7. Pending the Board's review, Respondent's license shall be reported as
25 suspended - under review. Respondent may not work in any capacity as a licensed behavioral

1 health professional pending the Board's review. The Board's decision and Order shall not be
2 subject to further review.

3 **Continuing Education**

4 8. In addition to the continuing education requirements of A.R.S. § 32-3273, within
5 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
6 three semester credit hour graduate level course in behavioral health ethics from an accredited
7 college or university, pre-approved by the Board Chair or designee. Upon completion,
8 Respondent shall submit to the Board an official transcript establishing completion of the
9 required course.

10 9. 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 6
12 clock hours of the NASW Staying Out of Trouble continuing education course. Upon completion,
13 Respondent shall submit a certificate of completion of the required continuing education.

14 10. In addition to the continuing education requirements of A.R.S. § 32-3273, within 12
15 months of the effective date of this Consent Agreement, Respondent shall take and pass 12
16 hours of clinical supervision continuing education (or the requirement at time) that cannot be
17 completed until 2 months before requesting release from consent agreement. Upon completion,
18 Respondent shall submit a certificate of completion of the required continuing education.

19 **Clinical Supervision**

20 11. While on probation, Respondent shall submit to clinical supervision from a pre-
21 approved masters or higher level Licensed Independent Substance Abuse Counselor. Within 30
22 days of the date of this Consent Agreement, Respondent shall submit the name of a clinical
23 supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the date of
24 this Consent Agreement, the clinical supervisor shall submit a letter disclosing his/her prior
25 ...

1 relationship to Respondent. In that letter, the clinical supervisor must address why he/she
2 should be approved, acknowledge that he/she has reviewed the Consent Agreement and
3 include the results of an initial assessment and a supervision plan regarding the proposed
4 supervision of Respondent. The letter from the supervisor shall be submitted to the Board.

5 Focus and Frequency of Clinical Supervision

6 12. The focus of the supervision shall relate to ethics, documentation and Board
7 rules and laws. Respondent shall meet individually in person with the supervisor for a minimum
8 of one hour twice monthly for the first 2 months and then monthly for the remainder of the time.

9 Reports

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

- 14 a. Dates of each clinical supervision session
- 15 b. A comprehensive description of issues discussed during supervision sessions

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

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

23 Change of Clinical Supervisor During Probation

24 16. If, during the period of Respondent's probation, the clinical supervisor determines
25 that he/she cannot continue as the clinical supervisor, he/she shall notify the Board within 10

1 days of the end of supervision and provide the Board with an interim final report. Respondent
2 shall advise the Board Chair or designee within 30 days of cessation of clinical supervision by
3 the approved clinical supervisor and provide the name of a new proposed clinical supervisor.
4 The proposed clinical supervisor shall provide the same documentation to the Board as was
5 required of the initial clinical supervisor.

6 Early Release

7 17. After completion of the stipulations set forth in this Consent Agreement, and upon
8 the supervisor's recommendation, Respondent may request early release from the Consent
9 Agreement after 12 months.

10 GENERAL PROVISIONS

11 Provision of Clinical Supervision

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

14 Civil Penalty

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

17 20. Respondent's payment of the civil penalty shall be stayed so long as Respondent
18 remains compliant with the terms of this Consent Agreement. If Board staff determines that
19 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
20 exception of the tolling provision under Paragraph 2, the stay of the civil penalty payment shall
21 be automatically lifted and payment of the civil penalty shall be made by certified check or
22 money order payable to the Board within 30 days after being notified in writing of the lifting of
23 the stay.

24 21. Within 10 days of being notified of the lifting of the stay, Respondent may request
25 that the matter be reviewed by the Board for the limited purpose of determining whether the

1 automatic lifting of the stay was supported by substantial evidence. If the Board receives the
2 written request within 10 days or less of the next regularly scheduled Board meeting, the
3 request will not be heard at that meeting, but will be heard at the next regularly scheduled Board
4 meeting. The Board's decision on this matter shall not be subject to further review.

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

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

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

1 shall be deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's
2 employer(s) with a copy of the Consent Agreement.

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

17 26. Respondent shall practice substance abuse counseling using the name under
18 which she is licensed. If Respondent changes her name, she shall advise the Board of the
19 name change as prescribed under the Board's regulations and rules.

20 27. Prior to the release of Respondent from probation, Respondent must submit a
21 written request to the Board for release from the terms of this Consent Agreement at least 30
22 days prior to the date she would like to have this matter appear before the Board. Respondent
23 may appear before the Board, either in person or telephonically. Respondent must provide
24 evidence that she has successfully satisfied all terms and conditions in this Consent Agreement.
25 The Board has the sole discretion to determine whether all terms and conditions of this Consent

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

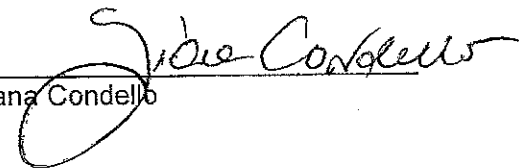
6 28. Respondent shall bear all costs relating to probation terms required in this
7 Consent Agreement.

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

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

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

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


15 
16 Liana Condello

15 11/14/14
16 Date

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

18 Dated this 18th day of November, 2014.

19 By:

20 
21 TOBI ZAVALA, Executive Director
22 Arizona Board of Behavioral Health Examiners

23 **ORIGINAL** of the foregoing filed

24 This 18th day of November, 2014 with:

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

COPY of the foregoing mailed via Interagency Mail

This 18th day of November, 2014, to:

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

COPY of the foregoing mailed via

Certified mail no. 70141200000066331862

This 18th day of November, 2014, to:

Liana Condello
Address of Record
Respondent

COPY of the foregoing mailed via Mail

This 18th day of November, 2014 to:

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

Donna Dalton, Assistant Director
602-542-1811