#### 2

### 3

# 4 5

#### \_

## 6 7

# 8

# 9

### 10

# 11

# 12

## 13

#### 14

#### 15

# 16

# 17 18

### 19

### 20

### 21

## 22 23

# 24 25

#### BEFORE THE ARIZONA BOARD

#### OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:

Jay K. Dexter, LCSW-13699, Licensed Clinical Social Worker, In the State of Arizona.

#### RESPONDENT

CASE NO. 2015-0061
CONSENT AGREEMENT

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(F) and 41-1092.07(F)(5), Jay K. Dexter ("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:

- 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 his right to such formal hearing concerning these allegations and irrevocably waives his 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.

- 4. Respondent acknowledges and agrees that upon signing this Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke his acceptance of this Consent Agreement or make any modifications to it. Any modification of this original document is ineffective and void unless mutually approved by the parties in writing.
- 5. The findings contained in the Findings of Fact portion of this Consent Agreement are conclusive evidence of the facts stated herein and may be used for purposes of determining sanctions in any future disciplinary matter.
- 6. This Consent Agreement is subject to the Board's approval, and will be effective only when the Board accepts it. In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or of any records relating thereto.
- 7. Respondent understands that once the Board approves and signs this Consent Agreement, it is a public record that may be publicly disseminated as a formal action of the Board, and that it shall be reported as required by law to the National Practitioner Data Bank.
- 8. Respondent further understands that any violation of this Consent Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in disciplinary action pursuant to A.R.S. § 32-3281.
- 9. The Board therefore retains jurisdiction over Respondent and may initiate disciplinary action against Respondent if it determines that he has failed to comply with the terms of this Consent Agreement or of the practice act.

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

4

12

#### **FINDINGS OF FACT**

- Respondent is the holder of License No. LCSW-13699 for the practice of social work in Arizona.
- 2. From 02/12-11/14, Respondent worked at a behavioral health agency ("Agency") as a family preservation therapist.
- 3. On 11/25/14, while on scheduled vacation, Respondent submitted his notice of resignation indicating that he would not be returning.
  - Respondent did not take the following proper steps with his clients:
    - a. Inform them of his departure
    - b. Provide them closure
    - c. Inform them of their options for continuation of care
- 5. Despite Agency having a policy requiring prior authorization before the use of social networking, Respondent acknowledges using Facebook to examine client profiles and communicate with Agency clients.
- 6. Respondent did not request authorization to utilize social networking in this fashion and there is no documentation to indicate he had received permission.
- 7. During his employment at Agency, Respondent provided clinical supervision to a supervisee who was anticipating applying for independent licensure.
- Respondent provided no notice to the supervisee that he was leaving the Agency.
- 9. Respondent represents that his documentation of clinical supervision was saved and left at Agency rather than maintained by Respondent for a minimum of 7 years as required pursuant to A.A.C. R4-6-212.
- 10. Following his termination in 11/14, Respondent relocated out of state and took employment there.

24.

- 11. Respondent failed to provide the Board with his new home or employer address within 30 days as required.
- 12. As part of the Board's investigation, Respondent was questioned about where he was currently working, and Respondent failed to provide accurate information until Board staff presented information found through public resources that indicated that he had alternate employment that he was not reporting.

#### **CONCLUSIONS OF LAW**

- 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 et seq. and the rules promulgated by the Board relating to Respondent's professional practice as a licensed behavioral health professional.
- 2. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(15)(I), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.
- 3. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(16)(o),failing to furnish information within a specified time to the Board or its investigators or representatives if legally requested by the Board.
- 4. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(15)(p),failing to conform to minimum practice standards as developed by the Board, as it relates to the following:
  - a. A.A.C. R4-6-205, Change of address.
  - b. A.A.C. R4-6-212(F)(4), Clinical Supervision Requirements.

#### ORDER

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

1. As of the effective date of the Consent Agreement, Respondent shall not practice

1.	under his license.
2	2. Respondent's license, LCSW-13699, shall by rule, expire on 09/30/16.
4	3. Respondent agrees not to renew his license.
5	4. Respondent agrees not to submit any type of new license application to the
6	Board for a minimum of five (5) years.
7 8 9	5. This Consent Agreement is conclusive evidence of the matters described herein and may be considered by the Board in determining appropriate sanctions in the event a
10	subsequent violation occurs.
11	PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT
12 13	Jay K. Dexter Date
14	BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT
15 16	Dated this Ah day of May , 2016.
17	By: Milala
18	TOBI ZAVALA, Executive Director Arizona Board of Behavioral Health Examiners
1.9	ORIGINAL of the foregoing filed
20	This gan day of May, 2016 with:
21	Arizona Board of Behavioral Health Examiners 3443 N. Central Ave., Suite 1700
22 23	Phoenix, AZ 85012  COPY of the foregoing mailed via Interagency Mail
24	This
25	Marc Harris