

1 Agreement.

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

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

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

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13 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

22 **FINDINGS OF FACT**

23 1. Respondent is the holder of License No. LPC-0344 for the practice of counseling
24 in Arizona.

25 2. On 07/08/16, following its review of this matter, the Board voted to consolidate

1 Case Nos. 2009-0023 and 2015-0067.

2 **Case No. 2009-0023**

3 3. Respondent failed to disclose her 2001 arrest for extreme DUI and her
4 subsequent conviction on 7 LISAC and LPC renewal applications she submitted to the
5 Board, as required.

6 4. In April 2008, Father was divorced from Mother and contacted Respondent
7 regarding the health of his 3 children and the discord in his relationship with Mother.

8 5. Respondent did not obtain an appropriate written consent to treatment for
9 Father.

10 6. Although Father requested that Respondent meet with 7 year old Daughter to
11 assess Daughter's level of well-being and adjustment, Respondent did not obtain any type
12 of written informed consent documentation authorizing her to treat Daughter.

13 7. Respondent met with Daughter on 2 occasions and prepared progress notes
14 regarding those sessions.

15 8. Respondent failed to document attempted communications to and from
16 Mother regarding Daughter's treatment.

17 9. Respondent did not obtain a written authorization before releasing
18 confidential treatment information to Father's attorney and Mother's attorney. Respondent
19 also failed to document any verbal requests authorizing her to release treatment
20 information to the attorneys.

21 10. Respondent's July 24, 2008, letter to Father's attorney contained confidential
22 information regarding Father and Daughter. Respondent did not obtain written authorization
23 allowing this disclosure.

24 11. Though Respondent's experience with highly contested custody/visitation
25 issues is very limited, she was aware of the hostility between Mother and Father.

1 23. Client alleges that, he had no prior knowledge that his family members would be
2 in attendance when he arrived, and that Respondent violated Client's confidentiality by having
3 them present without his knowledge.

4 24. Respondent maintains that, during that session, Respondent called and invited
5 his family members, at the suggestion of Client.

6 25. Although there are conflicting representations on how Client's family members
7 became present for the session, Client's clinical record did not possess a valid written Release
8 of Information, which would have authorized Respondent to discuss Client's treatment with any
9 individuals.

10 26. In support of her defense against the complaint allegations, Respondent
11 submitted letters from Father and Grandmother regarding their perspectives of the situation
12 presented in the complaint.

13 27. When questioned about this matter by Board staff, Respondent indicated the
14 following:

- 15 a. "When I got this complaint, I contacted [Father] and [Grandmother] and asked
16 them to please you know write something about what happened."
17 b. Respondent showed Father the complaint because she felt it was appropriate
18 considering he was mentioned in it.
19 c. When asked if she thought it was appropriate to contact Father about this
20 situation, Respondent indicated, "I don't think there was anything
21 inappropriate in that at all because I mean [Client] is making a false
22 statement about me and it's untrue and now I'm being accused of something I
23 didn't do."

24 28. Respondent's conduct appears highly inappropriate where:

- 25 a. Respondent showed Father a copy of Client's complaint, even after having

1 knowledge that the specifics of the complaint allegations were that
2 Respondent violated Client's confidentiality.

3 b. Respondent's decision to ask Client's family members to write letters on her
4 behalf to dispute Client's allegations, may have incidentally created further
5 familial issues for Client.

6 29. In review of Client's clinical records, the following issues were identified:

7 a. Client's clinical record did not contain a Consent for Treatment.

8 b. Client's clinical record did not contain a Treatment Plan.

9 c. Client's progress notes failed to include various required elements.

10 d. Respondent failed to maintain any billing records for Client.

11 **CONCLUSIONS OF LAW**

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

15 2. The conduct and circumstances described in the Findings of Fact constitute a
16 violation of A.R.S. § 32-3251(10)(b), use of fraud or deceit in connection with establishing 18
17 qualifications pursuant to this chapter.

18 3. The conduct and circumstances described in the Findings of Fact constitute a
19 violation of A.R.S. § 32-3251(12)(c)(i), any written misrepresentation of a fact by a licensee to
20 secure or attempt to secure the issuance or renewal of a license.

21 4. The conduct and circumstances described in the Findings of Fact constitute a
22 violation of A.R.S. § 32-3251(15)(k), any conduct or practice that is contrary to recognized
23 standards of ethics in the behavioral health profession, as it relates to the 2005 ACA Code of
24 Ethics C.6.b., Reports to Third Parties:

25 Counselors are accurate, honest, and objective in reporting their

1 professional activities and judgments to appropriate third parties,
2 including courts, health insurance companies, those who are the
3 recipients of evaluation reports, and others.

4 5. The conduct and circumstances described in the Findings of Fact constitute a
5 violation of A.R.S. § 32-3251(12)(p), failing to conform to minimum practice standards as
6 developed by the Board as it relates to the following:

- 7 a. A.A.C. R4-6-1101, Consent for Treatment
- 8 b. A.A.C. R4-6-1103, Client Record
- 9 c. A.A.C. R4-6-1105, Confidentiality

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

13 7. The conduct and circumstances described in the Findings of Fact constitute a
14 violation of A.R.S. § 32-3251(15)(t), disclosing a professional confidence or privileged
15 communication except as may otherwise be required by law or permitted by a valid written
16 release.

17 8. The conduct and circumstances described in the Findings of Fact constitute a
18 violation of A.R.S. § 32-3251(15)(p), failing to conform to minimum practice standards as
19 developed by the Board as it relates to the following:

- 20 d. A.A.C. R4-6-1101, Consent for Treatment
- 21 e. A.A.C. R4-6-1102, Treatment Plan
- 22 f. A.A.C. R4-6-1103, Client Record
- 23 g. A.A.C. R4-6-1104, Financial and Billing Records

24 9. The conduct and circumstances described in the Findings of Fact constitute a
25 violation of A.R.S. § 32-3251(15)(x), exploiting a client, former client or supervisee. For the

1 purposes of this subdivision, "exploiting" means taking advantage of a professional relationship
2 with a client, former client or supervisee for the benefit or profit of the licensee.

3 **ORDER**

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

- 6 1. Respondent's license, LPC-0344, shall be surrendered to the Board, effective
7 from the date of entry as signed below.
- 8 2. The surrender shall be considered a revocation of Respondent's license.

9 **Practice Termination Plan**

10 3. Within 14 days of the effective date of the consent agreement, Respondent shall
11 submit a written plan for terminating their private practice for pre-approval by the Board Chair or
12 designee. At a minimum, the proposed termination plan must include each of the following:

- 13 a. A written protocol for the secure storage, transfer and access of the clinical
14 records of Respondent's clients and former clients.
- 15 b. The procedure by which Respondent shall notify each client and former client in
16 a timely manner regarding the future location of the clinical records of
17 Respondent's clients and former clients and how those records can be accessed
18 after the termination of Respondent's practice.
- 19 c. A written protocol for developing an appropriate referral for continuation of care
20 for Respondent's current clients.
- 21 d. A list of Respondent's current clients and the timeframe for terminating services
22 to each client. The timeframe for terminating services shall not exceed 30 days.

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

24 *Martha K Nordin*

25 Martha K. Nordin

07-26-16

Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 29th day of July, 2016.

By: 
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed

This 29th day of July, 2016 with:

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

COPY of the foregoing mailed via Interagency Mail

This 29th day of July, 2016, to:

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

COPY of the foregoing mailed via

Certified mail no. 70142870000189576249

This 29th day of July, 2016, to:

Martha K. Nordin
Address of Record
Respondent