



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

December 22, 2015

Ms. Rayne Norton
[REDACTED]

Dear Ms. Norton:

On December 3, 2015, the Arizona Board of Behavioral Health Examiners ("Board") denied your application for licensure as a master social worker pursuant to A.R.S. § 32-3275(7).

Specifically, the Board found that you failed to demonstrate to its satisfaction that the conduct that resulted in the revocation of your social worker license has been appropriately corrected, monitored and resolved. In reaching this determination, the Board reviewed the Board Order executed on September 10, 2008 and the steps you have taken since then to address the issues contained therein. Briefly, factors that led to the revocation of your license included:

1. In 2005, you engaged in a dual relationship with your client by allowing the client to live in your home for several days;
2. In 2006, you re-engaged in a relationship with your client by creating a treatment plan that involved client residing in your home;
3. Following a review by the Office of Administrative Hearings in 2008, you were ordered to:
 - Take and pass a three semester credit hour graduate level ethics course
 - Obtain 24 months of clinical supervision following a six month suspension of your license
 - Submit to a psychological evaluation within the first 90 days of your license suspension
 - Reimburse the Board for investigative costs; and
4. Based on your non-compliance with the terms of the Board Order, your LMSW license was revoked in 06/10.

The violations referenced in the Order included:

- a. A.R.S. § 32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession; and
- b. A.R.S. § 32-3251(12)(y), engaging in a dual relationship with a client that could impair the licensee's objectivity or professional judgment or create a risk of harm to the client. For purposes of this subdivision, "dual relationship" means a licensee simultaneously engages in both a professional and nonprofessional relationship with a client that is avoidable and not incidental.

In 06/11, you reapplied for licensure as a master social worker licensure. On 12/1/11, the Board denied your application pursuant to A.R.S. § 32-3275(5) and A.R.S. § 32-3275(6) based on the following violations of unprofessional practice:

1. A violation of A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.
2. A violation of A.R.S. §32-3251(12)(y), engaging in a dual relationship with a client that could impair the licensee's objectivity or professional judgment or create a risk of harm to the client. For the

purposes of this subdivision, "dual relationship" means a licensee simultaneously engages in both a professional and nonprofessional relationship with a client that is avoidable and not incidental.

3. A violation of A.R.S. §32-3251(12)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health, as it relates to A.A.C. R4-6-205: A licensee shall notify the Board in writing no later than 30 days after any change of the licensee's address residence or office address.
4. A violation of A.R.S. §32-3251(12)(n), failing to comply with or violating, attempting to violate or assisting in or abetting the violation of any lawful order of the Board, or any formal order, consent agreement, term of probation or stipulated agreement issued by the Board.
5. A violation of A.R.S. §32-3251(12)(o), failing to furnish information within a specified time to the Board or its investigators or representatives if legally requested by the Board.

The violations were based on the following findings:

Previous Revocation and Failure to Correct Problems

1. Your LMSW license was issued in 04/05.
2. Almost immediately, you engaged in serious unprofessional conduct by becoming involved in a dual relationship with a client ("Client").
3. As a result of your unprofessional conduct, you lost your job at Value Options and Board Complaint No. 2005-0142 was opened.
4. In 2006, after losing your job and having an open Board complaint due to your 2005 conduct with Client, you engaged in the following additional unprofessional conduct:
 - a. You re-engaged in a relationship with Client.
 - b. Although you no longer worked with Client in any official capacity, you created a treatment plan for Client that involved Client residing in your home with your family.
5. In 08/06, after the Yavapai County Probation Department reported your 2006 behavior to the Board, Complaint No. 2007-0049 was opened.
6. You appeared to demonstrate a lack of insight, ownership, and/or desire to correct the issues leading to your 2005 and 2006 unprofessional conduct, as indicated by the following:
 - a. You elected not to sign the 11/06 consent agreement offered to you by the Social Work Credentialing Committee, which permitted you to keep your license and included terms designed to remediate the issues leading to your unprofessional conduct. Instead, you elected to proceed to a formal hearing.
 - b. The 08/08 Recommended Decision issued by the Office of Administrative Hearings regarding Complaint Nos. 2005-0142 and 2007-0049 specifically commented regarding the following:
 - You had had "three years to reflect on your actions with respect to Client".
 - Even after three years, you "still [believed your] actions in this case were necessary, appropriate, and justified".
 - Your failure "to accept that [you] exercised poor judgment as a licensed professional and the failure to accept the limitation on professional relationships placed on [you]... shows a certain intransigence and continuing poor judgment".
 - c. Your efforts to comply with the terms of the Board Order, as required, were minimal. For example:
 - You did not take and pass a pre-approved three semester credit hour graduate level ethics course from an accredited college or university.
 - You completed only four months of the 24 months of required clinical supervision and did not receive the required number of supervision hours for at least 2 of these months.
 - d. The psychologist who completed your 02/09 Board-ordered psychological evaluation, noted the following:
 - You "[do] not appear to have a clear action plan for how to adjust [your] personal policy to stay in line with [your] ethics".
 - You "may be challenged in being able to identify, on [your] own, what behaviors may be boundary violations or bordering on unethical conduct".
 - "It is not clear whether additional training in ethics, boundaries and unprofessional conduct would be helpful in alleviating [your] challenges or uncertainty in these areas".

- “Test data do suggest that [you] may have great difficulty in reaching appropriate levels of insight, accepting personal blame where appropriate or benefiting from [sic] either therapy or additional instruction to remedy [your] shortcomings in understanding professional ethics and standards”.
 - “[T]here is a potential that characterological symptomatology does exist which may be a poor fit with providing mental health services to others.”
- e. The observations of your clinical supervisor (“Supervisor”) tracked closely with the results of the psychological evaluation. For example:
- Supervisor noted that you wanted to improve your ability to interact with your clients competently and with integrity, but struggled with balancing the type of help you would provide to people according to your spiritual beliefs versus the limits and boundaries present when offering help as a licensed professional.
 - You indicated that maintaining your spirituality while also maintaining professional boundaries with clients would be a difficult transition for you.
 - At times, you seemed “strongly driven to aid [your] clients even when clients have not requested such assistance”.
 - Your “spiritual vs. professional dilemma” was still present and you are “not sure if [you] would limit [yourself] to do the ethical thing if [you] felt called upon to do the moral thing”.
 - You continued to make statements indicating that you could not “say with 100% certainty that moral isn’t more important than ethical”.
 - The way you perceive your work “is perhaps different than the way the ethical code sees it or the Board statutes and rules sees [sic] it, so it’s probably a difference of perception, a difference of philosophy. She differs in the way she sees things”.
7. Later, you identified financial hardship as the reason for your noncompliance with the 11/08 Board Order.
 8. In a 12/09 response to Complaint No. 2010-0036, you indicated that you did not have the means to pay for clinical supervision and commented that the Board did not offer any help to professionals undergoing financial hardship.
 9. During almost the entire time that you were previously licensed by this Board:
 - a. There was very little evidence that you acknowledged the problematic nature of your behavior with Client to any significant degree.
 10. Now that you have re-applied for licensure, you have submitted a letter of apology for violating Board rules and statutes and indicate that you regret the decisions you made with respect to Client.
 11. You have provided no other information or evidence that you have taken any action to correct or resolve the issues leading to your unprofessional conduct with Client or the issues related to your non-compliance with the 11/08 Board Order.
 12. At this time, there is insufficient evidence to indicate that the issues contributing to your unprofessional conduct and subsequent 06/10 LMSW license revocation have been corrected, monitored, and/or resolved.

Noncompliance with 11/08 Board Order

1. In response to Complaint Nos. 2005-0142 and 2007-0049, your 11/08 Board Order included the following terms:
 - a. Within 10 days of the Board Order, provide the Board with a signed statement from your employer confirming that you had provided your employer with a copy of the Board Order.
 - b. Six month suspension of your license.
 - c. Following the license suspension, probation for 24 months.
 - d. During the first 90 days of suspension, submit to a psychological evaluation by a pre-approved licensed psychologist to determine whether there is a need for behavioral health treatment.
 - e. During the suspension period, take and pass a pre-approved three semester credit hour graduate level ethics course from an accredited college or university.
 - f. Within 30 days of the Board Order, submit the name of a clinical supervisor for pre-approval.
 - g. While on probation, receive at least one hour of clinical supervision for every 40 hours worked.
2. In 09/09, after the Board received correspondence from your Board-approved supervisor indicating that

you were out of compliance with the supervision terms required by the 11/08 Board Order, Complaint No. 2010-0036 was opened.

3. After conducting a formal hearing on 05/07/10 formal hearing, the Board voted to revoke your LMSW license and issued a 06/10 Order of Revocation based upon the unprofessional conduct related to your failure to timely inform the Board of your new work address at the Gila River RBHA and your noncompliance with the 11/08 Board Order.

In support of your 04/29/15 application and in an effort to specifically address the issues memorialized in the Board Order, you submitted information reflecting that you completed 160 hours of continuing education from 12/08 – 10/15; however it appears that those hours were mandated by your employers. The Board found that this, in and by itself, was not sufficient evidence to establish that you “corrected, monitored and resolved the conduct” as required by A.R.S. § 32-3275(7).

Per A.R.S. §41.1092.03.B, you may request a Formal Hearing by notifying the agency in writing within thirty-five (35) days from the date of this letter. If you do request a Formal Hearing, you also have the right, pursuant to A.R.S. §41-1092.06, to request a settlement conference. If you do not request a Formal Hearing by the close of business on January 26, 2016, your file will be closed without further recourse to appeal and the licensure denial will be reported to the federal data banks that record this information. If you desire licensure at a later date, you must submit a new application and fee.

PLEASE BE FURTHER ADVISED that, pursuant to the Board’s new licensure statute, as of July 1, 2004, only persons holding licenses to practice social work may do so unless they are exempt from licensure pursuant to A.R.S. §32-3271.

If you have any questions, I can be reached at (602) 542-1617.

Sincerely,



Tobi Zavala
Executive Director