

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

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

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

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

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

25 ...

1 **FINDINGS OF FACT**

2 1. Respondent is the holder of License No. LPC-12929 for the practice of
3 counseling in Arizona.

4 2. From approximately 2004-2014, Respondent was sober from alcohol.

5 3. In late 2014, Respondent relapsed.

6 4. On 02/10/15, Respondent was admitted to the hospital for behavioral health
7 issues.

8 5. Upon his discharge from the hospital, Respondent completed a 30-day
9 rehabilitation program and then transferred to a 60-day sober living program.

10 6. In 05/15, Respondent began treatment with a psychiatrist, and in 06/15 began
11 therapy with a psychologist.

12 7. Respondent's current relapse prevention efforts include:

13 a. Meeting with psychiatrist

14 b. Meeting with therapist

15 c. Talking with friends and support people if urges occur

16 8. Respondent reports maintaining sobriety from alcohol since 02/10/15.

17 **CONCLUSIONS OF LAW**

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

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

24 ...

25 ...

1 **ORDER**

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

4 1. Respondent's license, LPC-12929, will be placed on probation for 24 months,
5 effective from the date of entry as signed below.

6 2. Respondent shall not practice under his license, LPC-12929, unless he is fully
7 compliant with all terms and conditions in this Consent Agreement. If, for any reason,
8 Respondent is unable to comply with the terms and conditions of this Consent Agreement, he
9 shall immediately notify the Board in writing and shall not practice under his license until he
10 submits a written request to the Board to re-commence compliance with this Consent
11 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

12 3. In the event that Respondent is unable to comply with the terms and conditions
13 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
14 such time as he is granted approval to re-commence compliance with the Consent Agreement.

15 **Psychiatrist**

16 4. Respondent shall continue care with a psychiatrist. Within 30 days, Respondent
17 shall submit the name and curriculum vitae of his current psychiatrist. Also within 30 days of the
18 date of this Consent Agreement, the psychiatrist shall submit a letter acknowledging that he/she
19 has reviewed the Consent Agreement and include the results of his/her initial assessment and
20 ongoing recommendations for proposed treatment for Respondent.

21 **Frequency of Visits**

22 5. Respondent shall meet in person with the psychiatrist no less than every eight
23 weeks or as recommended by the psychiatrist.

24 **Reports**

25 6. The psychiatrist shall submit quarterly reports and a final summary report to the

1 Board for review and approval. The quarterly reports shall include issues presented in this
2 Consent Agreement that need to be reported and the psychiatrist shall notify the Board if
3 ongoing psychiatric care is needed. The reports shall address Respondent's current mental
4 health status, medications prescribed, if any, treatment recommendation, and shall report if, in
5 his/her professional opinion, Respondent becomes unable to practice psychotherapy safely and
6 competently. The final report shall also contain a recommendation as to whether the
7 Respondent should be released from this Consent Agreement.

8 Change of Psychiatrist

9 7. In the event that, during the period of Respondent's probation, Respondent's
10 psychiatrist discontinues treatment, Respondent shall submit the name of a new psychiatrist
11 and the psychiatrist's curriculum vitae for pre-approval by the Board Chair or designee within 30
12 days of the discontinued treatment. Also within 30 days of the date of the discontinued
13 treatment, the proposed psychiatrist shall submit a letter addressing why he/she should be
14 approved, acknowledging that he/she has reviewed the Consent Agreement, and include the
15 results of his/her initial assessment and ongoing recommendations for proposed treatment for
16 Respondent.

17 Therapy

18 8. During the period of probation, Respondent shall attend therapy with a masters
19 or higher level behavioral health professional licensed at the independent level. Within 30 days
20 of the date of this Consent Agreement, Respondent shall submit the name of his current
21 therapist and the therapist's curriculum vitae for approval by the Board Chair or designee. Also
22 within 30 days of the date of this Consent Agreement, the therapist shall submit a letter
23 acknowledging that he/she has reviewed the Consent Agreement and include the results of an
24 initial assessment and a treatment plan regarding the proposed treatment of Respondent.

25 9. Upon request, the Board will provide the therapist with copies of any required

1 evaluations completed at the request of the Board prior to this Consent Agreement and the
2 Board's investigative report.

3 **Frequency of Therapy**

4 10. Respondent shall meet in person with the therapist every two weeks or as
5 recommended by the therapist.

6 **Reports**

7 11. Once approved, the therapist shall submit quarterly reports and a final summary
8 report to the Board for review and approval. The quarterly reports shall include issues presented
9 in this Consent Agreement that need to be reported and the therapist shall notify the Board if
10 more frequent therapy is needed. The reports shall address Respondent's current mental health
11 status, medications prescribed, if any, treatment recommendation, and shall report if, in his/her
12 professional opinion, Respondent becomes unable to practice psychotherapy safely and
13 competently. The final report shall also contain a recommendation as to whether the
14 Respondent should be released from this Consent Agreement.

15 **Change of Therapist**

16 12. In the event that, during the period of Respondent's probation, Respondent's
17 Board-approved therapist discontinues treatment, Respondent shall submit the name of a new
18 therapist and the therapist's curriculum vitae for pre-approval by the Board Chair or designee
19 within 30 days of the discontinued treatment. Also within 30 days of the date of the discontinued
20 treatment, the proposed therapist shall submit a letter addressing why he/she should be
21 approved, acknowledging that he/she has reviewed the Consent Agreement, and include the
22 results of an initial assessment and a treatment plan regarding the proposed treatment of
23 Respondent.

24 **Recovery Program**

25 13. While on probation, Respondent shall attend recovery support meetings at a

1 minimum of once per week. Respondent shall obtain a sponsor, mentor, or group leader and
2 that individual shall provide quarterly reports to the Board Chair or designee attesting to
3 Respondent's attendance and participation.

4 **GENERAL PROVISIONS**

5 **Provision of Clinical Supervision**

6 14. Respondent shall not provide clinical supervision while subject to this Consent
7 Agreement.

8 **Civil Penalty**

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

11 16. Respondent's payment of the civil penalty shall be stayed so long as Respondent
12 remains compliant with the terms of this Consent Agreement. If Board staff determines that
13 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
14 exception of the tolling provision under paragraph 3, the stay of the civil penalty payment shall
15 be automatically lifted and payment of the civil penalty shall be made by certified check or
16 money order payable to the Board within 30 days after being notified in writing of the lifting of
17 the stay.

18 17. Within 10 days of being notified of the lifting of the stay, Respondent may request
19 that the matter be reviewed by the Board for the limited purpose of determining whether the
20 automatic lifting of the stay was supported by substantial evidence. If the Board receives the
21 written request within 10 days or less of the next regularly scheduled Board meeting, the
22 request will not be heard at that meeting, but will be heard at the next regularly scheduled Board
23 meeting. The Board's decision on this matter shall not be subject to further review.

24 18. The Board reserves the right to take further disciplinary action against
25 Respondent for noncompliance with this Consent Agreement after affording Respondent notice

1 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
2 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
3 and the period of probation shall be extended until the matter is final.

4 19. If Respondent currently sees clients in their own private practice, and obtains any
5 other type of behavioral health position, either as an employee or independent contractor, where
6 he provides behavioral health services to clients of another individual or agency, he shall
7 comply with requirements set forth in paragraphs 20 through 22 below.

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

16 21. If Respondent is not employed as of the effective date of this Order, within 10
17 days of accepting employment in a position where Respondent provides any type of behavioral
18 health related services or in a setting where any type of behavioral health, health care, or social
19 services are provided, Respondent shall provide the Board Chair or designee with a written
20 statement providing the contact information of his new employer and a signed statement from
21 Respondent's new employer confirming Respondent provided the employer with a copy of this
22 Consent Agreement. If Respondent does not provide the employer's statement to the Board
23 within 10 days, as required, Respondent's failure to provide the required statement to the Board
24 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
25 employer(s) with a copy of the Consent Agreement.

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

15 23. Respondent shall practice behavioral health using the name under which he is
16 licensed. If Respondent changes his name, he shall advise the Board of the name change as
17 prescribed under the Board's regulations and rules.

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

1 determines that any or all terms and conditions of this Consent Agreement have not been met,
2 the Board may conduct such further proceedings as it determines are appropriate to address
3 those matters.

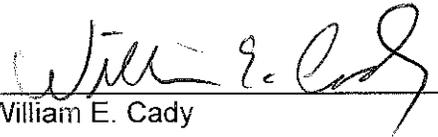
4 25. Respondent shall bear all costs relating to probation terms required in this
5 Consent Agreement.

6 26. Respondent shall be responsible for ensuring that all documentation required in
7 this Consent Agreement is provided to the Board in a timely manner.

8 27. This Consent Agreement shall be effective on the date of entry below.

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

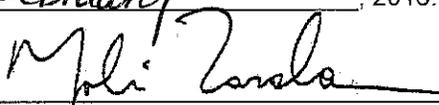
12 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

13 
14 William E. Cady

11 Feb 2016
Date

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

16 Dated this 17th day of February, 2016.

17
18 By: 
19 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

1 ORIGINAL of the foregoing filed
This 17th day of February, 2016 with:

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

5 COPY of the foregoing mailed via Interagency Mail
This 17th day of February, 2016, to:

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

10 COPY of the foregoing mailed via
11 Certified mail no. 70142870000189575280
12 This 17th day of February, 2016, to:

13 William E. Cady
14 Address of Record
15 Respondent
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