

1 BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

2 In the Matter of:

3 Jennifer A. Keiser, LMSW-16061,
4 Licensed Master Social Worker,
5 In the State of Arizona.

6 RESPONDENT

CASE NO. 2016-0082

RELEASE FROM
7 CONSENT AGREEMENT AND ORDER

8 The Board received a request from Respondent to release them from the terms and
9 conditions of the Consent Agreement and Order dated April 4, 2016. After consideration, the
10 Board voted to release Respondent from the terms and conditions of the Consent Agreement
11 and Order dated April 4, 2016.

12 ORDER

13 GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:

14 Respondent is hereby released from all terms and conditions of the Consent Agreement
15 and Order dated April 4, 2016.

16 Dated this 12th day of April, 2017.

17 By:

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

20 **ORIGINAL** of the foregoing filed

This 12th day of April, 2017, with:

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

24 **COPY** of the foregoing mailed via

Certified mail no. 70167140 0000 1840810
This 12th day of April, 2017, to:

25 Jennifer A. Keiser
Address of Record
Respondent

1 **BEFORE THE ARIZONA BOARD**
2 **OF BEHAVIORAL HEALTH EXAMINERS**

3 **In the Matter of:**

4 **Jennifer A. Keiser, Licensed Master**
5 **Social Worker Applicant,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2016-0082

CONSENT AGREEMENT
FOR ISSUANCE OF LICENSE

8 In the interest of a prompt and speedy settlement of the above captioned matter,
9 consistent with the public interest, statutory requirements and responsibilities of the Arizona
10 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F)
11 and 41-1092.07(F)(5), Jennifer A. Keiser ("Respondent") and the Board enter into this Consent
12 Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final
13 disposition of this matter.
14

15 **RECITALS**

16 Respondent understands and agrees that:

17 1. Any record prepared in this matter, all investigative materials prepared or
18 received by the Board concerning the allegations, and all related materials and exhibits may be
19 retained in the Board's file pertaining to this matter.

20 2. Respondent has the right to a formal administrative hearing at which Respondent
21 can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably
22 waives her right to such formal hearing concerning these allegations and irrevocably waives her
23 right to any rehearing or judicial review relating to the allegations contained in this Consent
24 Agreement.

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

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 her
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 she 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 an applicant for licensure for the practice of social work in
3 Arizona.

4 2. In 05/12, Respondent was arrested for driving under the influence ("DUI").

5 3. According to the police officer's report, Respondent's blood alcohol content was
6 measured at .17% approximately 2 hours after initially being pulled over.

7 4. As a result of her arrest, Respondent was court ordered to undergo an alcohol
8 screening evaluation.

9 5. Respondent's 08/12 screening evaluation indicated that Respondent had no
10 other alcohol or drug criminal history because she purposely omitted reporting the following:

11 a. 12/96 minor in possession of alcohol charge

12 b. 08/98 DUI charge

13 6. When asked by Board staff why she didn't disclose her criminal history to her
14 screener, Respondent indicated:

15 a. "I guess that I didn't because, in all honesty, I wanted the least amount
16 possible from him."

17 b. She failed to disclose her prior DUI because she was hoping for a lower
18 amount of treatment.

19 **CONCLUSIONS OF LAW**

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

23 2. The conduct and circumstances described in the Findings of Fact constitute a
24 violation of A.R.S. § 32-3251(12)(I), any conduct, practice or condition that impairs the ability of
25 the licensee to safely and competently practice the licensee's profession.

1 ORDER

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

- 4 1. Respondent's application to be a licensed master social worker is approved.

5 Stayed Suspension

6 2. As of the effective date of this Consent Agreement, the license issued to
7 Respondent pursuant to paragraph 1 shall be **SUSPENDED** for 12 months. However, the
8 suspension shall be stayed and Respondent's license shall be placed on probation.

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

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

17 5. If the written request is received within 10 days of a regularly scheduled Board
18 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
19 scheduled Board meeting.

20 6. Pending the Board's review, Respondent's license shall be reported as
21 suspended - under review. Respondent may not work in any capacity as a licensed behavioral
22 health professional pending the Board's review. The Board's decision and Order shall not be
23 subject to further review.

24 ...
25 ...

1 Probation

2 7. The license issued to Respondent pursuant to paragraph 1 will be immediately
3 placed on probation for 12 months.

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

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

14 Continuing Education

15 10. In addition to the continuing education requirements of A.R.S. § 32-3273, within
16 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
17 three semester credit hour graduate level behavioral health ethics course from an accredited
18 college or university, pre-approved by the Board Chair or designee. Upon completion,
19 Respondent shall submit to the Board an official transcript establishing completion of the
20 required course.

21 11. Within 12 months of the effective date of this Consent Agreement, Respondent
22 shall complete 20 hours of level I DUI education. Upon completion, Respondent shall submit to
23 the Board a certificate establishing completion of the required treatment.

24 ...

25 ...

1 Early Release

2 12. After completion of the continuing education requirements set forth in this
3 Consent Agreement, Respondent may request early release from the Consent Agreement if all
4 other terms of the Consent Agreement have been met.

5 GENERAL PROVISIONS

6 Provision of Clinical Supervision

7 13. Respondent shall not provide clinical supervision while subject to this Consent
8 Agreement.

9 Civil Penalty

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

12 15. Respondent's payment of the civil penalty shall be stayed so long as Respondent
13 remains compliant with the terms of this Consent Agreement. If Board staff determines that
14 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
15 exception of the tolling provision under paragraph 9, the stay of the civil penalty payment shall
16 be automatically lifted and payment of the civil penalty shall be made by certified check or
17 money order payable to the Board within 30 days after being notified in writing of the lifting of
18 the stay.

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

25 ...

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

6 18. If Respondent currently sees clients in their own private practice, and obtains any
7 other type of behavioral health position, either as an employee or independent contractor, where
8 she provides behavioral health services to clients of another individual or agency, she shall
9 comply with requirements set forth in paragraphs 19 through 21 below.

10 19. 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 20. 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(16)(n) and the Board will provide Respondent's
2 employer(s) with a copy of the Consent Agreement.

3 21. 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(16)(n) and the Board will provide Respondent's
16 employer(s) with a copy of the Consent Agreement.

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

20 23. 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 24. Respondent shall bear all costs relating to probation terms required in this
7 Consent Agreement.

8 25. 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 26. This Consent Agreement shall be effective on the date of entry below.

11 27. 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
15 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

16 Jennifer A. Keiser
17 Jennifer A. Keiser

2/29/16
Date

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

19
20 Dated this 4th day of April, 2016.

21 By: Tobi Zavala
22 TOBI ZAVALA, Executive Director
23 Arizona Board of Behavioral Health Examiners

24
25 ORIGINAL of the foregoing filed
This 4th day of April, 2016 with:

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

3 **COPY** of the foregoing mailed via Interagency Mail
This 4th day of April, 2016, to:

4
5 Marc Harris
Assistant Attorney General
1275 West Washington
6 Phoenix, Arizona 85007

7 **COPY** of the foregoing mailed via
Certified mail no. 70142870000189876780
8 This 4th day of April, 2016, to:

9 Jennifer A. Keiser
Address of Record
10 Respondent

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