

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

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

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

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12 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

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

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

2 **FINDINGS OF FACT**

3 1. Respondent is the holder of License Nos. LPC-12230 and LISAC-10776 for the
4 practice of counseling in Arizona.

5 2. From approximately 10/25/14 – 03/17/15, Respondent provided behavioral health
6 services to a male client ("Client") at the 4th Avenue Jail.

7 3. On or around 03/17/15, Client was relocated to the Lower Buckeye Jail for
8 protective custody reasons.

9 4. Following Client's relocation, Respondent visited Client for therapeutic services
10 on at least 4 occasions including 03/29/15, 04/11/15, 04/18/15, and 11/11/15 despite the
11 following:

- 12 a. Client resumed behavioral health services with Lower Buckeye staff.
13 b. Respondent had no authority to therapeutically visit clients at Lower
14 Buckeye.

15 5. Despite receiving a 06/08/15 directive from the lead psychologist to discontinue
16 contact with Client, Respondent:

- 17 a. Visited Client on 11/11/15.
18 b. Accessed Client's clinical record repeatedly from June 2015 – November
19 2015.

20 6. Because of her conduct, Respondent:

- 21 a. Was placed on a 40 hour suspension.
22 b. Was issued a 01/12/16 letter from the Interim Director of CHS indicating
23 that Respondent's conduct violated agency provisions including:
24 • 15.A.6: Insubordination
25 • 15.A.17: Violation of County or Departmental policies and procedures

- SOP J-H-02: Confidentiality of Health Records
- 15.A.18: Violation of the Code of Ethics associated with a clinical license.

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(16)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

ORDER

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

1. Respondent's licenses, LPC-12230 and LISAC-10776, will be placed on probation for 12 months, effective from the date of entry as signed below.

2. Respondent shall not practice under their licenses, LPC-12230 and LISAC-10776, unless they are fully compliant with all terms and conditions in this Consent Agreement. If, for any reason, Respondent is unable to comply with the terms and conditions of this Consent Agreement, they shall immediately notify the Board in writing and shall not practice under their license until they submit a written request to the Board to re-commence compliance with this Consent Agreement. All such requests shall be pre-approved by the Board Chair or designee.

3. In the event that Respondent is unable to comply with the terms and conditions of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until

1 such time as they are granted approval to re-commence compliance with the Consent
2 Agreement.

3 **Continuing Education**

4 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within
5 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
6 three semester credit hour graduate level behavioral health ethics course from an accredited
7 college or university, pre-approved by the Board Chair or designee. Upon completion,
8 Respondent shall submit to the Board an official transcript establishing completion of the
9 required course.

10 **Clinical Supervision**

11 5. While on probation, Respondent shall submit to clinical supervision for 12 months
12 by a masters or higher level behavioral health professional licensed at the independent level.
13 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a
14 clinical supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the
15 date of this Consent Agreement, the clinical supervisor shall submit a letter disclosing their prior
16 relationship to Respondent. In that letter, the clinical supervisor must address why they should
17 be approved, acknowledge that they have reviewed the Consent Agreement and include the
18 results of an initial assessment and a supervision plan regarding the proposed supervision of
19 Respondent. The letter from the supervisor shall be submitted to the Board.

20 **Focus and Frequency of Clinical Supervision**

21 6. The focus of the supervision shall relate to ethics, boundaries and
22 countertransference. Respondent shall meet individually in person with the clinical supervisor
23 twice monthly.

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1 **Reports**

2 7. Once approved, the supervisor shall submit quarterly reports for review and
3 approval by the Board Chair or designee. The quarterly reports shall include issues presented in
4 this Consent Agreement that need to be reported and the supervisor shall notify the Board if
5 more frequent supervision is needed. Quarterly reports shall include the following:

- 6 a. Dates of each clinical supervision session.
7 b. A comprehensive description of issues discussed during supervision
8 sessions.

9 8. All quarterly supervision reports shall include a copy of clinical supervision
10 documentation maintained for that quarter. All clinical supervision documentation maintained by
11 the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(C).

12 9. After Respondent's probationary period, the supervisor shall submit a final
13 summary report for review and approval by the Board Chair or designee. The final report shall
14 also contain a recommendation as to whether the Respondent should be released from this
15 Consent Agreement.

16 **Change of Clinical Supervisor During Probation**

17 10. If, during the period of Respondent's probation, the clinical supervisor determines
18 that they cannot continue as the clinical supervisor, they shall notify the Board within 10 days of
19 the end of supervision and provide the Board with an interim final report. Respondent shall
20 advise the Board Chair or designee within 30 days of cessation of clinical supervision by the
21 approved clinical supervisor and provide the name of a new proposed clinical supervisor. The
22 proposed clinical supervisor shall provide the same documentation to the Board as was required
23 of the initial clinical supervisor.

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1 **Therapy**

2 11. During the period of probation, Respondent shall attend therapy for 12 months
3 with a masters or higher level behavioral health professional licensed at the independent level.
4 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of
5 their therapist and the therapist's curriculum vitae for pre-approval by the Board Chair or
6 designee. Also within 30 days of the date of this Consent Agreement, the therapist shall submit
7 a letter addressing why they should be approved, acknowledging that they have reviewed the
8 Consent Agreement and include the results of an initial assessment and a treatment plan
9 regarding the proposed treatment of Respondent.

10 12. Upon approval, the Board will provide the therapist with copies of any required
11 evaluations completed at the request of the Board prior to this Consent Agreement and the
12 Board's investigative report.

13 **Focus and Frequency of Therapy**

14 13. The focus of the therapy shall relate to grief, personal issues, mindfulness and
15 co-dependency. Respondent shall meet in person with the therapist at least once monthly.

16 **Reports**

17 14. Once approved, the therapist shall submit quarterly reports and a final summary
18 report to the Board for review and approval. The quarterly reports shall include issues presented
19 in this Consent Agreement that need to be reported and the therapist shall notify the Board if
20 more frequent therapy is needed. The reports shall address Respondent's current mental health
21 status, medications prescribed, if any, treatment recommendation, and shall report if, in their
22 professional opinion, Respondent becomes unable to practice psychotherapy safely and
23 competently. The final report shall also contain a recommendation as to whether the
24 Respondent should be released from this Consent Agreement.

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1 **Change of Therapist**

2 15. In the event that, during the period of Respondent's probation, Respondent's
3 Board-approved therapist discontinues treatment, Respondent shall submit the name of a new
4 therapist and the therapist's curriculum vitae for pre-approval by the Board Chair or designee
5 within 30 days of the discontinued treatment. Also within 30 days of the date of the discontinued
6 treatment, the proposed therapist shall submit a letter addressing why they should be approved,
7 acknowledging that they have reviewed the Consent Agreement, and include the results of an
8 initial assessment and a treatment plan regarding the proposed treatment of Respondent.

9 **GENERAL PROVISIONS**

10 **Provision of Clinical Supervision**

11 16. Respondent shall not provide clinical supervision while subject to this Consent
12 Agreement.

13 **Civil Penalty**

14 17. Subject to the provisions set forth in paragraph 18, the Board imposes a civil
15 penalty against the Respondent in the amount of \$1,000.00.

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

23 19. Within 10 days of being notified of the lifting of the stay, Respondent may request
24 that the matter be reviewed by the Board for the limited purpose of determining whether the
25 automatic lifting of the stay was supported by clear and convincing evidence. If the Board

1 receives the written request within 10 days or less of the next regularly scheduled Board
2 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
3 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
4 review.

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

10 21. If Respondent currently sees clients in their own private practice, and obtains any
11 other type of behavioral health position, either as an employee or independent contractor, where
12 they provide behavioral health services to clients of another individual or agency, they shall
13 comply with requirements set forth in paragraphs 22 through 24 below.

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

22 23. If Respondent is not employed as of the effective date of this Order, within 10
23 days of accepting employment in a position where Respondent provides any type of behavioral
24 health related services or in a setting where any type of behavioral health, health care, or social
25 services are provided, Respondent shall provide the Board Chair or designee with a written

1 statement providing the contact information of their new employer and a signed statement from
2 Respondent's new employer confirming Respondent provided the employer with a copy of this
3 Consent Agreement. If Respondent does not provide the employer's statement to the Board
4 within 10 days, as required, Respondent's failure to provide the required statement to the Board
5 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
6 employer(s) with a copy of the Consent Agreement.

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

21 25. Respondent shall practice behavioral health using the name under which they
22 are licensed. If Respondent changes their name, they shall advise the Board of the name
23 change as prescribed under the Board's regulations and rules.

24 26. Prior to the release of Respondent from probation, Respondent must submit a
25 written request to the Board for release from the terms of this Consent Agreement at least 30

1 days prior to the date they would like to have this matter appear before the Board. Respondent
2 may appear before the Board, either in person or telephonically. Respondent must provide
3 evidence that they have successfully satisfied all terms and conditions in this Consent
4 Agreement. The Board has the sole discretion to determine whether all terms and conditions of
5 this Consent Agreement have been met and whether Respondent has adequately demonstrated
6 that they have addressed the issues contained in this Consent Agreement. In the event that the
7 Board determines that any or all terms and conditions of this Consent Agreement have not been
8 met, the Board may conduct such further proceedings as it determines are appropriate to
9 address those matters.

10 27. Respondent shall bear all costs relating to probation terms required in this
11 Consent Agreement.

12 28. Respondent shall be responsible for ensuring that all documentation required in
13 this Consent Agreement is provided to the Board in a timely manner.

14 29. This Consent Agreement shall be effective on the date of entry below.

15 30. This Consent Agreement is conclusive evidence of the matters described herein
16 and may be considered by the Board in determining appropriate sanctions in the event a
17 subsequent violation occurs.

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

20 T. Fedotova
21 Tatiana Fedotova

8-8-16
Date

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

23 Dated this 8th day of August, 2016.
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By:

M. Zavala
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed

This 8th day of August, 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 8th day of August, 2016, to:

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

COPY of the foregoing mailed via

Certified mail no. 7014287000018957 1992

This 8th day of August, 2016, to:

Tatiana Fedotova
Address of Record
Respondent

COPY of the foregoing mailed via Mail

This 8th day of August, 2016 to:

Susan I. McLellan
3101 N. Central Ave., Suite 600
Phoenix, AZ 85012-2658
Attorney for Respondent