

1 BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

2 In the Matter of:

CASE NO. 2016-0088

3 Tatiana Fedotova,  
4 LPC-12230, LISAC-10776  
5 Licensed Professional Counselor,  
6 Licensed Independent Substance Abuse  
7 Counselor,  
8 In the State of Arizona.

RELEASE FROM  
CONSENT AGREEMENT AND ORDER

RESPONDENT

9 The Board received a request from Respondent to release them from the terms and  
10 conditions of the Consent Agreement and Order dated August 8<sup>th</sup>, 2016. After consideration, the  
11 Board voted to release Respondent from the terms and conditions of the Consent Agreement  
12 and Order dated August 8<sup>th</sup>, 2016.

13 ORDER

14 GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:

15 Respondent is hereby released from all terms and conditions of the Consent Agreement  
16 and Order dated August 8<sup>th</sup>, 2016.

17 Dated this 22<sup>nd</sup> day of January, 2018.

18 By:

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

21 ORIGINAL of the foregoing filed

This 22<sup>nd</sup> day of January, 2018, with:

22 Arizona Board of Behavioral Health Examiners  
23 1740 W. Adams St., Ste. 3600  
24 Phoenix, AZ 85007

25 COPY of the foregoing mailed via

Certified mail no. 94890090 002260SD070068  
This 22<sup>nd</sup> day of January, 2018, to:

1 Tatiana Fedotova  
Address of Record  
2 Respondent

3 **COPY** of the foregoing mailed via Mail  
This 22<sup>nd</sup> day of January, 2018 to:

4 Susan McLellan  
5 3101 North Central Ave. Suite 600  
6 Phoenix, AZ 85012-2658  
Attorney for Respondent

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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 4<sup>th</sup> 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 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.

18  
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 8<sup>th</sup> 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 8<sup>th</sup> 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 8<sup>th</sup> 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 8<sup>th</sup> day of August, 2016, to:

Tatiana Fedotova  
Address of Record  
Respondent

**COPY** of the foregoing mailed via Mail

This 8<sup>th</sup> day of August, 2016 to:

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