BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: **Cheryl L. Wheeler, LAC-15611, Licensed Associate Counselor, In the State of Arizona.** **RESPONDENT**	**CASE NO. 2016-0101** **CONSENT AGREEMENT**

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

RECITALS

Respondent understands and agrees that:

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

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

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

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

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

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 In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees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

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

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

FINDINGS OF FACT

1. Respondent is the holder of License No. LAC-15611 for the practice of counseling in Arizona.

2. From 11/15 – 03/16, Respondent was employed by a behavioral health agency as a therapist.

3. On 03/17/16, without providing any notice to her superiors or Human Resources, Respondent left a note in her office indicating that she found another job, which required an

immediate start.

4. Aside from not providing any advance notice to her employer of her immediate resignation, Respondent made no effort to coordinate care or provide transition or closure sessions to her existing clients.

5. According to the complaint, many of Respondent's clients who have trauma or abandonment issues were retriggered and felt responsible or abandoned by Respondent.

6. In a 04/16 staffing note provided by the complainant regarding a minor female client ("Client"), it was documented that:

a. "[Client] reported struggling with believing it was her fault the previous therapist left, and this was the focus of the first few sessions."

b. Client reported and appears to struggle with significant abandonment issues and has difficulty with trust.

7. When asked by Board staff why she did not inform her clients that she was leaving the agency, Respondent indicated the following:

a. "That would have been detrimental to them. That was a therapeutic judgment call on my part. If I would have told them, they would have freaked out."

b. Respondent still stands with the decision she made, as she believes it would have been more detrimental to the clients to inform them that she was leaving.

8. As the ACA Code of Ethics indicates, counselors make appropriate arrangements for continuation of care during interruptions in treatment.

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)(k), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession, as it relates to the 2014 ACA Code of Ethics:

> **A.12. Abandonment and Client Neglect**
>
> Counselors do not abandon or neglect clients in counseling. Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness, and following termination.

ORDER

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

1. Respondent's license, LAC-15611, shall be surrendered to the Board, effective from the date of entry as signed below.

2. The surrender shall be considered a revocation of Respondent's license.

PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Cheryl L. Wheeler — Date: 2-22-2017

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 27th day of February, 2017.

By: _____
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed
This 27th day of February, 2017 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 27th day of February, 2017, to:

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

COPY of the foregoing mailed via
Certified mail no. 70141200 0000 4639 7152,
This 27th day of February, 2017, to:

Cheryl L. Wheeler
Address of Record
Respondent