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BEFORE THE ARIZONA BOARD
OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:

Janeen L. Wells, LPC-13389,
Licensed Professional Counselor,
In the State of Arizona.

RESPONDENT

CASE NOS. 2012-0097
2017-0065

**CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER OF
LICENSE**

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), Janeen L. Wells ("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.

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 their
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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 The Board issues the following Findings of Fact, Conclusions of Law and Order:

19 **FINDINGS OF FACT**

20 1. Respondent is the holder of License No. LPC-13389 for the practice of
21 counseling in Arizona.

22 2. From 03/11 to 11/11, Respondent treated minor client ("Grandson") in her private
23 practice.

24 3. Grandson was brought to treatment by his grandfather ("Grandfather") after the
25 death of his grandmother.

1 4. Respondent indicated Grandfather's insurance company initially contacted her
2 about providing treatment to Grandson and explained that Grandfather had temporary
3 guardianship of Grandson.

4 5. Respondent failed to document the phone conversation with insurance company
5 or to verify guardianship through court documents.

6 6. Initial treatment documents were signed by Grandfather, and the treatment goal
7 centered on transitioning custody back to Grandson's mother ("Mother").

8 7. Grandfather set up a trust fund of \$5,500 to be used for Grandson's treatment.

9 8. Once custody was transferred to Mother, Respondent failed to obtain:

10 a. A consent for treatment form signed by Mother.

11 b. A treatment plan signed by Mother.

12 c. Releases of information ("ROI") allowing her to share information with
13 Grandfather or other family members.

14 9. Sessions with Grandson were held at his godmother's ("Godmother") home, and
15 Mother did not participate.

16 10. Despite not having an ROI for Godmother or Grandfather, on several occasions,
17 Respondent documented communications with them regarding Grandson's treatment.

18 11. Respondent's client file for Grandson lacked required elements.

19 12. Respondent's billing records for Grandson were inconsistent with the progress
20 notes and documented financial arrangements established at the onset of treatment.

21 13. In 08/15, Respondent entered into a Consent Agreement with the Board
22 regarding Complaint No. 2012-0097.

23 14. In 07/16, Respondent's clinical supervisor submitted a report to the Board
24 indicating that Respondent was providing clinical supervision to at least 2 supervisees, in
25 violation of the terms and conditions of her Consent Agreement.

1 15. In 12/16, the Board reviewed the matter, and voted to open a complaint, No.
2 2017-0065, and offered Respondent an Amended Consent Agreement.

3 16. Respondent declined to sign the Amended Consent Agreement and failed to
4 comply with the terms and conditions of her original Consent Agreement.

5 17. In 08/17, Respondent was notified via mail that she was non-compliant with the
6 terms of her original Consent Agreement, which Respondent did not respond to.

7 18. As of 11/01/17, Respondent's private practice has been closed.

8 **CONCLUSIONS OF LAW**

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

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

15 3. The conduct and circumstances described in the Findings of Fact constitute a
16 violation of A.R.S. § 32-3251(12)(p), failing to conform to minimum practice standards as
17 developed by the Board as it relates to:

- 18 a. A.A.C. R4-6-1101, Consent for Treatment.
- 19 b. A.A.C. R4-6-1102, Treatment plan.
- 20 c. A.A.C. R4-6-1103, Client Record.
- 21 d. A.A.C. R4-6-1104, Financial and Billing Records.

22 4. The conduct and circumstances described in the Findings of Fact constitute a
23 violation of A.R.S. § 32-3251(12)(t), disclosing a professional confidence or privileged
24 communication except as may otherwise be required by law or permitted by a valid written
25 release.

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COPY of the foregoing mailed via Interagency Mail
This 4th day of December, 2017, to:

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

COPY of the foregoing mailed via
Certified mail no. 707145000086891407
This 4th day of December, 2017, to:

Janeen L. Wells
Address of Record
Respondent

COPY of the foregoing mailed via Mail
This 7th day of December, 2017 to:

David G. Derickson
111 E Taylor St, Ste 120
MC8520
Phoenix, AZ 85004
Attorney for Respondent