

1 progress notes, not Son's entire clinical record.

2 17. On 05/10/16, Respondent provided additional information contained in Son's
3 clinical record and again included a signed affidavit swearing that she provided all documents
4 pertaining to Son's treatment.

5 18. Respondent failed to provide any billing information for Son's treatment or Son's
6 initial intake assessment to Attorney.

7 19. Respondent's clinical documentation for Son's treatment was deficient as follows:

- 8 a. Respondent did not obtain a valid signed consent for treatment.
9 b. Respondent failed to generate a treatment plan.
10 c. Respondent's progress notes were missing various required elements.

11 20. In support of her complaint defense, Respondent acknowledges soliciting Father
12 to write a letter on her behalf, which he did.

13 21. Respondent should recognize that the professional/client relationship should be
14 entirely therapeutic in nature; and never exploited for the benefit of the professional.

15 **CONCLUSIONS OF LAW**

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

19 2. The conduct and circumstances described in the Findings of Fact constitute a
20 violation of A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs the ability of
21 the licensee to safely and competently practice the licensee's profession.

22 3. The conduct and circumstances described in the Findings of Fact constitute a
23 violation of A.R.S. § 32-3251(16)(kk), failing to make client records in the licensee's possession
24 promptly available to the client, a minor client's parent, the client's legal guardian or the client's
25 authorized representative on receipt of proper authorization to do so from the client, a minor

1 client's parent, the client's legal guardian or the client's authorized representative.

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

5 a. A.A.C. R4-6-1101, Consent for Treatment

6 b. A.A.C. R4-6-1102, Treatment Plan

7 5. The conduct and circumstances described in the Findings of Fact constitute a
8 violation of A.R.S. § 32-3251(16)(x), exploiting a client, former client or supervisee.

9 6. The conduct and circumstances described in the Findings of Fact constitute a
10 violation of A.R.S. § 32-3251(16)(s), terminating behavioral health services to a client without
11 making an appropriate referral for continuation of care for the client if continuing behavioral
12 health services are indicated.

13 7. The conduct and circumstances described in the Findings of Fact constitute a
14 violation of A.R.S. § 32-3251(16)(q), failing or refusing to maintain adequate records of
15 behavioral health services provided to a client.

16 8. The conduct and circumstances described in the Findings of Fact constitute a
17 violation of A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities
18 that are not congruent with the licensee's professional education, training or experience.

19 ORDER

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

22 1. As of the effective date of the Consent Agreement, Respondent shall not practice
23 under their license.


24 2. Respondent's license, LPC-0410, shall by rule, expire on 05/31/18.

25 3. Respondent agrees not to renew their license.

1 4. Respondent agrees not to submit any type of new license application to the
2 Board for a minimum of five (5) years.

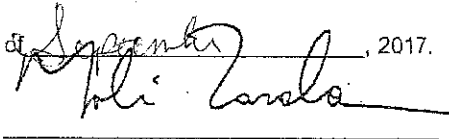
3 5. This Consent Agreement is conclusive evidence of the matters described herein
4 and may be considered by the Board in determining appropriate sanctions in the event a
5 subsequent violation occurs.

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

7
8  Sept 5, 2017
9 Johanna G. Burton-Fullet Date

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

11 Dated this 18th day of September, 2017.

12
13 By: 
14 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

15 **ORIGINAL** of the foregoing filed
16 This 18th day of September, 2017 with:

17 Arizona Board of Behavioral Health Examiners
18 3443 N. Central Ave., Suite 1700
19 Phoenix, AZ 85012

20 **COPY** of the foregoing mailed via Interagency Mail
21 This 18th day of September, 2017, to:

22 Marc Harris
23 Assistant Attorney General
24 1275 West Washington
25 Phoenix, Arizona 85007

26 **COPY** of the foregoing mailed via
27 Certified mail no. 701714500000 Pk 87684
28 This 18th day of September, 2017, to:
29 Johanna G. Burton-Fullet
30 Address of Record
31 Respondent

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 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 they have 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 ...

FINDINGS OF FACT

1
2 1. Respondent is the holder of License No. LPC-0410 for the practice of counseling
3 in Arizona.

4 2. From 01/16 - 04/16, Respondent provided three counseling sessions with a
5 minor client ("Son").

6 3. Son's parents ("Mother" and "Father") were divorced and had joint legal decision
7 making authority for Son.

8 4. During the three months Respondent treated Son, she authored two letters to the
9 court on Father's behalf.

10 5. Respondent's letters to the court appear highly inappropriate based on the
11 following:

12 a. They were written in support of, and at the request of Father.

13 b. There was no documentation in the clinical record indicating that the court
14 requested information from Respondent.

15 c. Respondent provided recommendations for Son's visitation without
16 meeting Mother and while having extremely limited interaction with Son.

17 d. Without ever meeting Father's girlfriend, Respondent recommended that
18 Son could benefit from time with her while Father was away.

19 6. Respondent acknowledges having very little experience in high conflict family
20 court issues.

21 7. At the onset of treatment, Respondent failed to request documentation regarding
22 the family's court case even though she was aware that Mother and Father were divorced.

23 8. Respondent was unaware that Mother and Father had joint legal decision making
24 authority, and she did not request or receive consent from Mother to treat Son, nor was Mother
25 notified that Son was being treated by Respondent.

1 9. When Mother became aware that Son was receiving services from Respondent,
2 she sent Respondent a letter dated 03/07/16 indicating:

- 3 a. Mother has joint legal decision making authority for Son.
- 4 b. She is revoking Respondent's authorization to treat Son.
- 5 c. On 03/04/16, when Mother attempted to speak to Respondent, she was
6 rude and hostile.
- 7 d. Respondent is reluctant to provide Son's medical records to Mother.

8 10. Despite Mother's letter, Respondent held another counseling session with Son
9 on 04/18/16.

10 11. Respondent indicated she wanted to have closure with Son when asked by
11 Board staff why she continued to see Son after Mother revoked her authorization for treatment.

12 12. Respondent's response is difficult to reconcile where:

- 13 a. There is no information in the 04/18/16 progress note suggesting it was a
14 closure session.
- 15 b. Respondent did not provide any treatment referrals for Son.

16 13. As early as 03/08/16, Mother submitted a written request for Son's clinical
17 records, and included a copy of a 05/13 court order indicating that Mother had joint legal
18 decision making authority for Son.

19 14. On 04/25/16, the court ordered that Respondent release Son's records to
20 Mother.

21 15. On 05/07/16, approximately two months after Mother's initial request for Son's
22 records, Respondent provided Mother's attorney ("Attorney") clinical documentation for Son's
23 treatment including a signed affidavit swearing that she had enclosed all documents pertaining
24 to Son's clinical record.

25 ...

1 authorized representative on receipt of proper authorization to do so from the client, a minor
2 client's parent, the client's legal guardian or the client's authorized representative.

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

6 a. A.A.C. R4-6-1101, Consent for Treatment

7 b. A.A.C. R4-6-1102, Treatment Plan

8 5. The conduct and circumstances described in the Findings of Fact constitute a
9 violation of A.R.S. § 32-3251(16)(x), exploiting a client, former client or supervisee.

10 6. The conduct and circumstances described in the Findings of Fact constitute a
11 violation of A.R.S. § 32-3251(16)(s), terminating behavioral health services to a client without
12 making an appropriate referral for continuation of care for the client if continuing behavioral
13 health services are indicated.

14 7. The conduct and circumstances described in the Findings of Fact constitute a
15 violation of A.R.S. § 32-3251(16)(q), failing or refusing to maintain adequate records of
16 behavioral health services provided to a client.

17 8. The conduct and circumstances described in the Findings of Fact constitute a
18 violation of A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities
19 that are not congruent with the licensee's professional education, training or experience.

20 **ORDER**

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

23 1. Respondent's license, LPC-0410, will be placed on probation, effective from the
24 date of entry as signed below.

25 ...

1 **Practice Restriction**

2 6. While on probation, Respondent is prohibited from engaging in the practice of
3 behavioral health with minor clients.

4 **Clinical Supervision**

5 7. While on probation, Respondent shall submit to clinical supervision for 24 months
6 by a masters or higher level behavioral health professional licensed at the independent level.
7 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a
8 clinical supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the
9 date of this Consent Agreement, the clinical supervisor shall submit a letter disclosing their prior
10 relationship to Respondent. In that letter, the clinical supervisor must address why they should
11 be approved, acknowledge that they have reviewed the Consent Agreement and include the
12 results of an initial assessment and a supervision plan regarding the proposed supervision of
13 Respondent. The letter from the supervisor shall be submitted to the Board.

14 **Focus and Frequency of Clinical Supervision**

15 8. The focus of the supervision shall relate to documentation, ACA Code of Ethics,
16 Board rules and statutes, termination procedures, and family ethics and law. Respondent shall
17 meet individually in person with the supervisor twice a month.

18 **Reports**

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

- 23 a. Dates of each clinical supervision session.
24 b. A comprehensive description of issues discussed during supervision
25 sessions.

1 **Practice Monitor**

2 14. While on probation, Respondent shall establish and maintain a relationship with a
3 practice monitor who is a masters or higher level behavioral health professional licensed at the
4 independent level. The practice monitor shall provide training and assistance to Respondent
5 regarding setting up appropriate forms and formats for Respondent's clinical records,
6 implementing current behavioral health standards of practice related to behavioral health
7 assessment and treatment planning, providing treatment consistent with the documented
8 treatment plan, and documenting the treatment provided in accordance with current behavioral
9 health standards. Respondent and the practice monitor shall review the clinical documentation
10 produced for each and every active client Respondent sees at least once per month. The
11 practice monitor shall ensure that Respondent complies with the audit plan approved by the
12 Board Chair or designee. Respondent shall meet with the practice monitor a minimum of twice a
13 month for the first 12 months of probation and at the recommendation of the practice monitor
14 after that.

15 15. Within 30 days of the effective date of this Consent Agreement, Respondent shall
16 submit the name of a practice monitor for pre-approval by the Board Chair or designee. Also
17 within 30 days of the effective date of this Consent Agreement, the proposed Practice Monitor
18 shall submit a letter disclosing their prior relationship to Respondent. In that letter, the practice
19 monitor shall address why they should be approved, acknowledge that they have reviewed the
20 Consent Agreement and include the results of an initial assessment and a monitoring plan
21 regarding the proposed practice monitoring of Respondent. The letter from the proposed
22 Practice Monitor shall be submitted to the Board.

23 **Monitoring Quarterly Reports**

24 16. Once approved, the practice monitor shall submit quarterly reports for review and
25 approval by the Board Chair or designee. The quarterly reports shall include issues presented in

1 this consent agreement that need to be reported and the practice monitor shall notify the Board
2 if more frequent monitoring is needed. The practice monitor shall submit a final summary report
3 for review and approval by the Board Chair or designee. The final summary report submitted by
4 the practice monitor shall address Respondent's competency to engage in independent practice
5 in accordance with current standards of practice.

6 Change of Practice Monitor During Probation

7 17. If, during the period of Respondent's probation, the practice monitor determines
8 that they cannot continue as the practice monitor, they shall notify the Board within 10 days of
9 the end of monitoring and provide the Board with an interim final report. Respondent shall
10 advise the Board Chair or designee within 30 days of cessation of monitoring by the approved
11 practice monitor of the name of a new proposed practice monitor. The proposed practice
12 monitor shall provide the same documentation to the Board as was required of the initial
13 practice monitor.

14 GENERAL PROVISIONS

15 Provision of Clinical Supervision

16 18. Respondent shall not provide clinical supervision while subject to this Consent
17 Agreement.

18 Civil Penalty

19 19. Subject to the provisions set forth in paragraph 20, the Board imposes a civil
20 penalty against the Respondent in the amount of \$1,000.00.

21 20. Respondent's payment of the civil penalty shall be stayed so long as Respondent
22 remains compliant with the terms of this Consent Agreement. If Board staff determines that
23 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
24 exception of the tolling provision under paragraph 3, the stay of the civil penalty payment shall
25 be automatically lifted and payment of the civil penalty shall be made by certified check or

1 money order payable to the Board within 30 days after being notified in writing of the lifting of
2 the stay.

3 21. Within 10 days of being notified of the lifting of the stay, Respondent may request
4 that the matter be reviewed by the Board for the limited purpose of determining whether the
5 automatic lifting of the stay was supported by clear and convincing evidence. If the Board
6 receives the written request within 10 days or less of the next regularly scheduled Board
7 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
8 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
9 review.

10 22. The Board reserves the right to take further disciplinary action against
11 Respondent for noncompliance with this Consent Agreement after affording Respondent notice
12 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
13 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
14 and the period of probation shall be extended until the matter is final.

15 23. If Respondent currently sees clients in their own private practice, and obtains any
16 other type of behavioral health position, either as an employee or independent contractor, where
17 they provide behavioral health services to clients of another individual or agency, they shall
18 comply with requirements set forth in paragraphs 24 through 26 below.

19 24. Within 10 days of the effective date of this Order, if Respondent is working in a
20 position where Respondent provides any type of behavioral health related services or works in a
21 setting where any type of behavioral health, health care, or social services are provided,
22 Respondent shall provide the Board Chair or designee with a signed statement from
23 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this
24 Consent Agreement. If Respondent does not provide the employer's statement to the Board
25

1 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a
2 copy of the Consent Agreement.

3 25. If Respondent is not employed as of the effective date of this Order, within 10
4 days of accepting employment in a position where Respondent provides any type of behavioral
5 health related services or in a setting where any type of behavioral health, health care, or social
6 services are provided, Respondent shall provide the Board Chair or designee with a written
7 statement providing the contact information of their new employer and a signed statement from
8 Respondent's new employer confirming Respondent provided the employer with a copy of this
9 Consent Agreement. If Respondent does not provide the employer's statement to the Board
10 within 10 days, as required, Respondent's failure to provide the required statement to the Board
11 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
12 employer(s) with a copy of the Consent Agreement.

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

1 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide
2 Respondent's employer(s) with a copy of the Consent Agreement.

3 27. Respondent shall practice behavioral health using the name under which they
4 are licensed. If Respondent changes their name, they shall advise the Board of the name
5 change as prescribed under the Board's regulations and rules.

6 28. Prior to the release of Respondent from probation, Respondent must submit a
7 written request to the Board for release from the terms of this Consent Agreement at least 30
8 days prior to the date they would like to have this matter appear before the Board. Respondent
9 may appear before the Board, either in person or telephonically. Respondent must provide
10 evidence that they have successfully satisfied all terms and conditions in this Consent
11 Agreement. The Board has the sole discretion to determine whether all terms and conditions of
12 this Consent Agreement have been met and whether Respondent has adequately demonstrated
13 that they have addressed the issues contained in this Consent Agreement. In the event that the
14 Board determines that any or all terms and conditions of this Consent Agreement have not been
15 met, the Board may conduct such further proceedings as it determines are appropriate to
16 address those matters.

17 29. Respondent shall bear all costs relating to probation terms required in this
18 Consent Agreement.

19 30. Respondent shall be responsible for ensuring that all documentation required in
20 this Consent Agreement is provided to the Board in a timely manner.

21 31. This Consent Agreement shall be effective on the date of entry below.

22 32. This Consent Agreement is conclusive evidence of the matters described herein
23 and may be considered by the Board in determining appropriate sanctions in the event a
24 subsequent violation occurs.

25

1 PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

2 Johanna G. Burton-Fuller May 7, 2017
3 Johanna G. Burton-Fuller Date

4
5 BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

6 Dated this _____ day of _____, 2017.

7
8 By: Tobi Zavala
9 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

10 ORIGINAL of the foregoing filed

11 This 12th day of May, 2017 with:

12 Arizona Board of Behavioral Health Examiners
13 3443 N. Central Ave., Suite 1700
14 Phoenix, AZ 85012

15 COPY of the foregoing mailed via Interagency Mail

16 This 12th day of May, 2017, to:

17 Marc Harris
18 Assistant Attorney General
19 1275 West Washington
20 Phoenix, Arizona 85007

21 COPY of the foregoing mailed via

22 Certified mail no. 70162140000018042338
23 This 12th day of May, 2017, to:

24 Johanna G. Burton-Fuller
25 Address of Record
Respondent