

1 4. Respondent understands that this Interim Consent Agreement does not
2 constitute a dismissal or resolution of this matter or any matters that may be currently pending
3 before the Board and does not constitute any waiver, express or implied, of the Board's
4 statutory authority or jurisdiction regarding any other pending or future investigations, actions,
5 or proceedings. Respondent also understands that acceptance of this Interim Consent
6 Agreement does not preclude any other agency, subdivision, or officer of this State from
7 instituting civil or criminal proceedings with respect to the conduct that is the subject of this
8 Interim Consent Agreement. Respondent does not intend her acceptance of this Interim
9 Consent Agreement to constitute an admission of any fact or facts and she enters into this
10 agreement as an interim compromise of a pending matter. Respondent further does not
11 relinquish her rights to an administrative hearing, rehearing, review, reconsideration, judicial
12 review or any other administrative and/or judicial action, concerning the matters related to a
13 final disposition of this matter, unless she affirmatively does so as part of the final resolution of
14 this matter.

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

20 6. Respondent understands that this Interim Consent Agreement shall not become
21 effective unless and until it is adopted by the Board and signed by its Executive Director.

22 7. Respondent understands and agrees that if the Board does not adopt this
23 Interim Consent Agreement, she will not assert in any future proceedings that the Board's
24 consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or
25 other similar defense.

1 5. Mother noticed Respondent was wobbly and smelled of alcohol.

2 6. After leaving the office, Mother called police to do a welfare check on Respondent.

3 7. When police arrived, they found Respondent to be under the influence of alcohol.

4 8. In her response to the Board, Respondent indicated:

5 a. She had a very stressful week.

6 b. She saw three clients earlier that day and then drove to a store and bought
7 wine.

8 c. She returned to her office and drank several mini bottles of wine.

9 d. She decided to cancel her last appointment and thought she had texted
10 Client's mother to notify her, however she texted another client with the same
11 name by mistake.

12 9. Because there has not been sufficient time to assess what would be an appropriate
13 final disposition in this matter, the parties agreed to enter into this Interim Consent Agreement.
14 The Interim Consent Agreement is intended to protect the public and ensure that Respondent is
15 able to safely engage in the practice of behavioral health in Arizona.

16 **INTERIM CONCLUSIONS OF LAW**

17 1. The Board possesses subject matter and personal jurisdiction over Respondent
18 pursuant to A.R.S. § 32-3251 *et seq.*

19 2. The Board is authorized to enter into an interim consent agreement with a
20 professional counselor to limit or restrict the professional's practice in order to protect the public
21 and ensure that the professional is able to safely engage in the practice of professional
22 counselor, pursuant A.R.S. § 32-3281.

23 **INTERIM ORDER**

24 Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to
25 the authority granted to the Board under A.R.S. § 32-3281, Respondent's license, LPC-10532,

1 Licensed Professional Counselor will be placed on the following practice restrictions effective
2 from the date of entry as signed below and lasting until such time as the Board takes further
3 action in this matter.

4 1. Respondent shall not practice under her license unless she is fully compliant with
5 all terms and conditions in this Interim Consent Agreement. If, for any reason, Respondent is
6 unable to comply with the terms and conditions of this Interim Consent Agreement, she shall
7 immediately notify the Board in writing and shall not practice under her license until she submits
8 a written request to the Board to re-commence compliance with this Interim Consent
9 Agreement. All such requests shall be pre-approved by the Board.

10 Alcohol Use

11 2. Respondent shall abstain completely from the personal use of alcohol.

12 Therapy

13 3. While subject to the Interim Consent Agreement, Respondent shall continue
14 with the following therapeutic activities:

15 a. Attend at least 3 recovery meetings per week.

16 (1) Respondent shall provide weekly attendance reports to the Board.

17 b. Participate in therapy weekly with current therapist.

18 (1) The focus of the therapy shall relate to addiction, psychological aspects
19 of addiction, relapse prevention and the impact of impairment on
20 professional practice.

21 (2) The therapist shall submit monthly reports for review and approval by the
22 Board. The monthly reports shall include Respondent's attendance and
23 participation. The therapist shall notify the Board if Respondent presents a
24 danger to the public.

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

26 Gail Wulbrecht
Gail Wulbrecht

27 11.24.14
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 25th day of November, 2014.

By:


TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed

This 25th day of November, 2014, 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 25th day of November, 2014, to:

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

COPY of the foregoing mailed via

Certified mail, no. 7014 1200 0000 6683 2895
This 25th day of November, 2014, to:

Gail Wulbrecht
Address of Record
Respondent

COPY of the foregoing mailed via Mail

This 25th day of November, 2014 to:

Susan McLellan
Schneider & Onofry, P.C.
3101 N. Central Ave., #600
Phoenix, Arizona 85012
Attorney for Respondent

Donna Dalton, Assistant Director
602-542-1811