

1 **BEFORE THE ARIZONA BOARD**  
2 **OF BEHAVIORAL HEALTH EXAMINERS**

3 **In the Matter of:**

4 **Gigi M. Marteney, LPC-2540,**  
5 **Licensed Professional Counselor,**  
6 **In the State of Arizona.**

7 **RESPONDENT**

**CASE NO. 2023-0208**  
**CONSENT AGREEMENT**

8 In the interest of a prompt and speedy settlement of the above captioned matter,  
9 consistent with the public interest, statutory requirements and responsibilities of the Arizona  
10 State Board of Behavioral Health Examiners (“Board”), and pursuant to A.R.S. §§ 32-3281(F)  
11 and 41-1092.07(F)(5), Gigi M. Marteney (“Respondent”) and the Board enter into this Consent  
12 Agreement, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final  
13 disposition of this matter.

14 **RECITALS**

15 Respondent understands and agrees that:

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

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

24 3. Respondent has the right to consult with an attorney prior to entering into this  
25 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 between only Respondent and the Board for  
7 the final disposition of this matter and may be used for purposes of determining sanctions in any  
8 future disciplinary matter.

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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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

16           7.     Respondent acknowledges and agrees that the acceptance of this Consent  
17 Agreement is solely to settle this Board matter and does not preclude the Board from instituting  
18 other proceedings as may be appropriate now or in the future. Furthermore, and  
19 notwithstanding any language in this Consent Agreement, this Consent Agreement does not  
20 preclude in any way any other state agency or officer or political subdivision of this state from  
21 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or  
22 in the future relating to this matter or other matters concerning Respondent, including but not  
23 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other  
24 than with respect to the Board, this Consent Agreement makes no representations, implied or

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1 otherwise, about the views or intended actions of any other state agency or officer or political  
2 subdivision of the state relating to this matter or other matters concerning Respondent.

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

6 9. Respondent further understands that any violation of this Consent Agreement  
7 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in  
8 disciplinary action pursuant to A.R.S. § 32-3281.

9 10. The Board therefore retains jurisdiction over Respondent and may initiate  
10 disciplinary action against Respondent if it determines that they have failed to comply with the  
11 terms of this Consent Agreement or of the practice act.

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

13 **FINDINGS OF FACT**

14 1. Respondent is the holder of License No. LPC-2540 for the practice of counseling  
15 in the State of Arizona.

16 2. From 04/22 – 02/23, Respondent provided behavioral health services to Client at  
17 Private Practice.

18 3. Respondent's informed consent did not include any section regarding court  
19 testimony or writing letters as a service Respondent offered.

20 4. Client's 04/04/22 assessment indicated the presenting problems as school  
21 issues, being tired, and social anxiety.

22 5. Client's 10/14/22 treatment plan indicated goals around communication skills,  
23 anxiety issues, and depression issues.

24 6. In a 05/11/22 email from Respondent, she states Client appreciates the  
25 confidentiality of her sessions and that Respondent is not forensically trained.

1           7.       In a 05/12/22 email from Respondent, she states she believes her notes are  
2 general and would be useless for the courts, and she reassures she knows how to stay out of  
3 court.

4           8.       In a 05/12/22 email from Complainant, he states Client's therapy will be used for  
5 its intended purposed and not for any court battles.

6           9.       On 08/16/22, Respondent wrote a letter to CAA after CAA requested a letter  
7 which included the following in part:

8               a.       When Respondent began seeing Client, the frequency, Client's diagnoses,  
9               and that the parents agreed to keep the sessions private from them and the  
10              courts.

11              b.       Client is mature for her age and understands the importance of expressing  
12              her feelings if interviewed by court-appointed advisors.

13          10.       An 11/10/22 note indicated that Mother and her attorney requested Respondent  
14 to testify in court the following day and Respondent agreed to help Client.

15          11.       Respondent initially conveyed to Mother and Complainant she knows how to stay  
16 out of the courts, yet completed and interview with CAA and testified in court.

17          12.       Respondent represents Mother's attorney subpoenaed Respondent to testify in  
18 court.

19          13.       Despite Respondent documenting in an 11/10/22 note that she would be  
20 testifying in court the following day, she failed to document her actual court testimony anywhere  
21 within the clinical records.

22          14.       Respondent represents she billed Complainant \$200 for testifying in court, yet  
23 her informed consents do not list her fees for testifying in court.

24          15.       Respondent acknowledged not having any sort of formal training on how to  
25 handle subpoenas or court testimony and is not forensically trained.

1           16.    Beyond Respondent extending her boundaries of competence regarding her  
2 participation in court matters, she further practiced beyond the scope of her license by  
3 acknowledging writing letters throughout her career such as letters to attorneys or schools for  
4 children.

5           17.    During the course of Client's treatment, Respondent provided recommendations  
6 regarding medications for Client which is far beyond her scope of practice as a licensed  
7 therapist.

8           18.    Specifically, Respondent made the following recommendations and statements  
9 regarding medication for Client within emails and progress notes:

10           a.    Respondent is concerned about the delay in deciding on medication for Client  
11           and Respondent, PNP, Mother, and Client recommend starting ADD  
12           medication.

13           b.    Respondent hopes to try ADHD medication to salvage Client's first semester  
14           in school.

15           c.    Respondent believes stabilizing the situation is a priority before considering  
16           medication.

17           d.    Respondent supports PNP's recommendation for medication.

18           e.    Respondent does not give medication recommendation or advice as she is  
19           not a doctor but supports PNP's recommendations.

20           19.    During Board staff's investigative interview, Respondent represented she has  
21 never recommended medication but supported what PNP recommended, but records show that  
22 Respondent hoped Client would try medication and recommended starting medication.

23           20.    Respondent made the following comments about Complainant throughout emails  
24 and progress notes:

25           a.    Complainant has made very ignorant statements about Client's medications.

1 b. Respondent observes from Client's reports that Complainant plays the victim  
2 frequently.

3 c. Complainant is not Respondent's client, but he appears to have strong  
4 narcissist tendencies and possibly bipolar based on reports and interactions  
5 with Complainant.

6 21. Respondent provided an informal diagnosis of Complainant when Complainant  
7 was never a client of Respondent's.

8 22. A 04/04/22 Consent for Treatment appears to be missing the following Board's  
9 minimum requirements:

10 a. General procedures to be used in treatment, including benefits, limitations,  
11 and potential risks

12 b. Methods for the client to obtain information about the client's records

13 c. The client's right to participate in treatment decisions and in the development  
14 and periodic review and revision of the client's treatment plan

15 d. The client's right to refuse any recommended treatment or to withdraw  
16 consent to treatment and to be advised of the consequences of refusal or  
17 withdrawal

18 23. All of Respondent's progress notes failed to include her dated signature.

19 24. Respondent's billing records included the following discrepancies:

20 a. A Billing spreadsheet with the following discrepancies:

21 • There were 13 billed services with no corroborating progress notes.

22 • There were 5 progress notes with no corroborating billing records.

23 b. Numerous Explanation of Benefits included 3 billed services with no  
24 corroborating progress notes.

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**Continuing Education**

4. In addition to the continuing education requirements of A.R.S. § 32-3273, within 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock hours of continuing education addressing behavioral health ethics to include scope of practice and decision-making model. All required continuing education shall be pre-approved by the Board Chair or designee. Upon completion, Respondent shall submit a certificate of completion of the required continuing education.

5. In addition to the continuing education requirements of A.R.S. § 32-3273, within 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 clock hours of continuing education addressing fraud and abuse. All required continuing education shall be pre-approved by the Board Chair or designee. Upon completion, Respondent shall submit a certificate of completion of the required continuing education.

6. In addition to the continuing education requirements of A.R.S. § 32-3273, within 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 clock hours of continuing education addressing high-conflict cases. All required continuing education shall be pre-approved by the Board Chair or designee. Upon completion, Respondent shall submit a certificate of completion of the required continuing education.

7. In addition to the continuing education requirements of A.R.S. § 32-3273, within 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 clock hours of continuing education addressing cultural competency as it relates to blended families. All required continuing education shall be pre-approved by the Board Chair or designee. Upon completion, Respondent shall submit a certificate of completion of the required continuing education.

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1 8. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
2 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 clock  
3 hours of continuing education addressing how to handle subpoenas. All required continuing  
4 education shall be pre-approved by the Board Chair or designee. Upon completion, Respondent  
5 shall submit a certificate of completion of the required continuing education.

6 9. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
7 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 hours  
8 of attendance at a Board meeting. All required continuing education shall be pre-approved by  
9 the Board Chair or designee. Upon completion, Respondent shall submit a certificate of  
10 completion of the required continuing education.

### 11 **Clinical Supervision**

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

### 22 **Focus and Frequency of Clinical Supervision**

23 11. The focus of the supervision shall relate to the Board's statutes and rules  
24 specifically noting what is referred to, Arizona documentation, cultural competency, and scope  
25 ...

1 of practice. Respondent shall meet individually in person with the supervisor for a minimum of  
2 one hour once a month for the first 12 months. After the first 12 months, clinical supervision  
3 shall be at the recommendation of the clinical supervisor, with the possibility of early release.

4 **Reports**

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

- 9 a. Dates of each clinical supervision session.  
10 b. A comprehensive description of issues discussed during supervision  
11 sessions.

12 13. All quarterly supervision reports shall include a copy of clinical supervision  
13 documentation maintained for that quarter. All clinical supervision documentation maintained by  
14 the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(C).

15 14. After Respondent's probationary period, the supervisor shall submit a final  
16 summary report for review and approval by the Board Chair or designee. The final report shall  
17 also contain a recommendation as to whether the Respondent should be released from this  
18 Consent Agreement.

19 **Change of Clinical Supervisor During Probation**

20 15. If, during the period of Respondent's probation, the clinical supervisor determines  
21 that they cannot continue as the clinical supervisor, they shall notify the Board within 10 days of  
22 the end of supervision and provide the Board with an interim final report. Respondent shall  
23 advise the Board Chair or designee within 30 days of cessation of clinical supervision by the  
24 approved clinical supervisor and provide the name of a new proposed clinical supervisor. The

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1 proposed clinical supervisor shall provide the same documentation to the Board as was required  
2 of the initial clinical supervisor.

3 **Early Release**

4 16. After completion of the stipulations set forth in this Consent Agreement, and upon  
5 the supervisor's recommendation, Respondent may request early release from the Consent  
6 Agreement after 12 months.

7 **GENERAL PROVISIONS**

8 **Provision of Clinical Supervision**

9 17. Respondent shall not provide clinical supervision to associate level licensees  
10 accruing and submitting hours towards independent licensure while subject to this Consent  
11 Agreement.

12 **Civil Penalty**

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

15 19. Respondent's payment of the civil penalty shall be stayed so long as Respondent  
16 remains compliant with the terms of this Consent Agreement. If Board staff determines that  
17 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the  
18 exception of the tolling provision under paragraph 3, the stay of the civil penalty payment shall  
19 be automatically lifted and payment of the civil penalty shall be made by certified check or  
20 money order payable to the Board within 30 days after being notified in writing of the lifting of  
21 the stay.

22 20. Within 10 days of being notified of the lifting of the stay, Respondent may request  
23 that the matter be reviewed by the Board for the limited purpose of determining whether the  
24 automatic lifting of the stay was supported by clear and convincing evidence. If the Board

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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 21. 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 22. 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 23 through 25 below.

14 23. 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 24. 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

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1 services are provided, Respondent shall provide the Board Chair or designee with a written  
2 statement providing the contact information of their new employer and a signed statement from  
3 Respondent's new employer confirming Respondent provided the employer with a copy of this  
4 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
5 within 10 days, as required, Respondent's failure to provide the required statement to the Board  
6 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's  
7 employer(s) with a copy of the Consent Agreement.

8       25. If, during the period of Respondent's probation, Respondent changes  
9 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on  
10 extended leave of absence for whatever reason that may impact their ability to timely comply  
11 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform  
12 the Board of their change of employment status. After the change and within 10 days of  
13 accepting employment in a position where Respondent provides any type of behavioral health  
14 related services or in a setting where any type of behavioral health, health care, or social  
15 services are provided, Respondent shall provide the Board Chair or designee a written  
16 statement providing the contact information of their new employer(s) and a signed statement  
17 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a  
18 copy of this Consent Agreement. If Respondent does not provide the employer's statement to  
19 the Board within 10 days, as required, Respondent's failure to provide the required statement to  
20 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide  
21 Respondent's employer(s) with a copy of the Consent Agreement.


22       26. Respondent shall practice behavioral health using the name under which they  
23 are licensed. If Respondent changes their name, they shall advise the Board of the name  
24 change as prescribed under the Board's regulations and rules.

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

By:  Mar 14, 2024  
TOBI ZAVALA, Executive Director Date  
Arizona Board of Behavioral Health Examiners

**ORIGINAL** of the foregoing filed Mar 14, 2024  
with:

Arizona Board of Behavioral Health Examiners  
1740 West Adams Street, Suite 3600  
Phoenix, AZ 85007

**EXECUTED COPY** of the foregoing sent electronically Mar 14, 2024  
to:

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