

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

2 **In the Matter of:**

CASE NO. 2013-0035

3 **Esther C. Lopez-Moryl, LMSW-15197,**
4 **Licensed Master Social Worker,**
5 **In the State of Arizona.**

**RELEASE FROM CONSENT AGREEMENT
AND ORDER**

6 **RESPONDENT**

7 The Board received a request from Respondent to release her from the terms and
8 conditions of the Consent Agreement and Order dated July 2, 2014. After consideration, the
9 Board voted to release Respondent from the terms and conditions of the Consent Agreement
10 and Order dated July 2, 2014.

11 **ORDER**

12 GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:

13 Respondent is hereby released from all terms and conditions of the Consent Agreement
14 and Order dated July 2, 2014.

15 DATED this 9th day of September, 2015.

16
17 By: 
18 Tobi Zavala, Executive Director
 Arizona Board of Behavioral Health Examiners

19 **ORIGINAL** of the foregoing filed
20 This 9th day of September, 2015, with:

21 Arizona Board of Behavioral Health Examiners
22 3443 North Central Avenue, Suite 1700
23 Phoenix, Arizona 85012

24 **COPY** of the foregoing mailed via:
25 Certified mail no. 7042270000189571121
This 9th day of September, 2015 to:

Esther C. Lopez-Moryl
Address of Record
Respondent

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

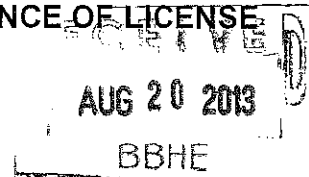
In the Matter of:

**ESTHER C. WILLIAMSON, Applicant for
Licensed Master Social Worker
In the State of Arizona.** LMSW-15197

RESPONDENT

CASE NO. 2013-0035

**CONSENT AGREEMENT
FOR ISSUANCE 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(H) and 41-1092.07(F)(5), Esther C. Williamson ("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 her right to such formal hearing concerning these allegations and irrevocably waives her 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 her
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 and the Healthcare Integrity and Protection Data Bank.

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

22 9. The Board therefore retains jurisdiction over Respondent and may initiate
23 disciplinary action against Respondent if it determines that she has failed to comply with the
24 terms of this Consent Agreement or of the practice act.

25 ...

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

2 **FINDINGS OF FACT**

3 1. Respondent is an applicant for licensure for the practice of social work in
4 Arizona.

5 2. On 01/10/09, Respondent was arrested for DUI.

6 3. Respondent indicated the following regarding the night of her arrest:

7 a. She was celebrating a friend's engagement over dinner.

8 b. She drank a margarita and shared an appetizer.

9 c. Later in the evening, she had a beer and a "sip of a shot".

10 d. After the beer, she drank water for about an hour before she drove.

11 e. She chose to drive because "[she] felt the alcohol had declined in [her]
12 system".

13 f. On her way home, she received a phone call.

14 g. As she reached for her phone, her vehicle went into another lane.

15 h. She re-corrected and was pulled over.

16 4. Respondent's representations regarding the amount of alcohol she drank prior to
17 her arrest do not appear to be credible based on the following:

18 a. Respondent was pulled over by the police at 2:09 a.m.

19 b. Respondent's blood alcohol level was not tested until approximately 1 hour
20 after she was stopped.

21 c. At Respondent's reported weight, she had the equivalent of 4-5 alcoholic
22 drinks in her system when she was tested.

23 d. Given the half-life of alcohol in the body, it appears Respondent had
24 significantly more alcohol in her system when she was arrested at 2:09 a.m.

25 5. Respondent was charged with and later convicted of DUI.

1 6. Respondent conduct appears particularly problematic based on the following:

2 a. A BAC of .156% is extremely high and strongly suggests that Respondent
3 has developed a tolerance for alcohol.

4 b. Alcohol tolerance is typically related to ongoing alcohol abuse.

5 7. In 1999, Respondent was arrested for Underage Drinking shortly before her 18th
6 birthday.

7 8. On her 04/13/12 LMSW application, Respondent attested as follows:

8 a. "I certify under penalty of perjury that all information contained in my
9 application, including all supporting documents, is true and correct to the best
10 of my knowledge and belief and with the full knowledge that any false
11 statements or misrepresentations made in this application may be grounds
12 for refusal, subsequent revocation or suspension of my license(s), or other
13 disciplinary action."

14 9. Question (6) of the Board's application is unambiguous and requires Applicants
15 to report all prior arrests.

16 10. On her 04/13/12 application, Respondent disclosed the 01/10/09 DUI, but failed
17 to disclose the 1999 Underage Drinking arrest, as required.

18 **CONCLUSIONS OF LAW**

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

22 2. The conduct and circumstances described in the Findings of Fact constitute a
23 violation of A.R.S. § 32-3251(12)(c)(i), any oral or written misrepresentation of a fact by an
24 applicant to attempt to secure the issuance of a license.

25 ...

1 **ORDER**

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

4 1. After passing the ASWB examination and upon issuance, Respondent's license
5 will be placed on probation, effective from the date of entry as signed below.

6 2. The license issued to Respondent pursuant to paragraph 1 will be immediately
7 placed on probation for 24 months.

8 3. Respondent shall not practice under her license unless she is fully compliant
9 with all terms and conditions in this Consent Agreement. If, for any reason, Respondent is
10 unable to comply with the terms and conditions of this Consent Agreement, she shall
11 immediately notify the Board in writing and shall not practice under her license until she
12 submits a written request to the Board to re-commence compliance with this Consent
13 Agreement. All such requests shall be pre-approved by the Substance Abuse Credentialing
14 Committee Chair or designee.

15 4. In the event that Respondent is unable to comply with the terms and conditions
16 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
17 such time as she is granted approval to re-commence compliance with the Consent
18 Agreement.

19 **Clinical Supervision**

20 5. While on probation, Respondent shall submit to clinical supervision for 24
21 months by a masters or higher level behavioral health professional licensed ~~at the independent~~
22 ~~level~~. Within 30 days of the date of this Consent Agreement, Respondent shall submit the name
23 of a clinical supervisor for pre-approval by the Substance Abuse Committee Chair or designee.
24 Also within 30 days of the date of this Consent Agreement, the clinical supervisor shall submit a
25 letter disclosing his/her prior relationship to Respondent. In that letter, the supervisor must

1 address why he/she should be approved, acknowledge that he/she has reviewed the Consent
2 Agreement and include the results of an initial assessment and a supervision plan regarding the
3 proposed supervision of Respondent. The letter from the supervisor shall be submitted to the
4 Board.

5 Focus and Frequency of Clinical Supervision

6 6. The focus of the supervision shall relate to substance abuse triggers, cravings
7 and relapse prevention. Respondent shall meet individually in person with the supervisor for a
8 minimum of one hour at least weekly if working fulltime or twice monthly if working less than 20
9 hours per week.

10 Reports

11 7. Once approved, the supervisor shall submit quarterly reports for review and
12 approval by the Substance Abuse Credentialing Committee Chair or designee. The quarterly
13 reports shall include issues presented in this consent agreement that need to be reported and
14 the supervisor shall notify the Board if more frequent supervision is needed. Quarterly reports
15 shall include the following:

- 16 a. Dates of each clinical supervision session
- 17 b. A comprehensive description of issues discussed during supervision
18 sessions

19 8. All quarterly supervision reports shall include a copy of clinical supervision
20 documentation maintained for that quarter. All clinical supervision documentation maintained by
21 the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(F)(4).

22 9. After 24 months, the supervisor shall submit a final summary report for review
23 and approval by the Substance Abuse Credentialing Committee Chair or designee. The final
24 report shall also contain a recommendation as to whether the Respondent should be released
25 from this Consent Agreement.

1 **Change of Clinical Supervisor During Probation**

2 10. If, during the period of Respondent's probation, the clinical supervisor determines
3 that he/she cannot continue as the clinical supervisor, he/she shall notify the Board within 10
4 days of the end of supervision and provide the Board with an interim final report. Respondent
5 shall advise the Substance Abuse Committee chair or designee within 30 days of cessation of
6 clinical supervision by the approved clinical supervisor of the name of a new proposed clinical
7 supervisor. The proposed clinical supervisor shall provide the same documentation to the Board
8 as was required of the initial clinical supervisor.

9 **Early Release**

10 11. After 12 months and upon the clinical supervisor's recommendation, Respondent
11 may request early release from the Consent Agreement if all other terms of the Consent
12 Agreement have been met.

13 **GENERAL PROVISIONS**

14 **Provision of Clinical Supervision**

15 12. Respondent shall not provide clinical supervision while subject to this Consent
16 Agreement.

17 **Civil Penalty**

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

20 14. Respondent's payment of the civil penalty shall be stayed so long as Respondent
21 remains compliant with the terms of this Consent Agreement. If Board staff determines that
22 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
23 exception of the tolling provision under Paragraph 8, the stay of the civil penalty payment shall
24 be automatically lifted and payment of the civil penalty shall be made by certified check or
25

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

3 15. 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 substantial evidence. If the Board receives the
6 written request within 10 days or less of the next regularly scheduled Board meeting, the
7 request will not be heard at that meeting, but will be heard at the next regularly scheduled Board
8 meeting. The Board's decision on this matter shall not be subject to further review.

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

14 17. 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 Substance Abuse Credentialing Committee Chair or designee
18 with a signed statement from Respondent's employer(s) confirming Respondent provided the
19 employer(s) with a copy of this Consent Agreement. If Respondent does not provide the
20 employer's statement to the Board within 10 days of the effective date, the Board will provide
21 Respondent's employer(s) with a copy of the Consent Agreement.

22 18. 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
25 services are provided, Respondent shall provide the Substance Abuse Credentialing Committee

1 Chair or designee with a written statement providing the contact information of her new
2 employer and a signed statement from Respondent's new employer confirming Respondent
3 provided the employer with a copy of this Consent Agreement. If Respondent does not provide
4 the employer's statement to the Board within 10 days, as required, Respondent's failure to
5 provide the required statement to the Board shall be deemed a violation of A.R.S. § 32-
6 3251(12)(n) and the Board will provide Respondent's employer(s) with a copy of the Consent
7 Agreement.

8 19. 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 her ability to timely comply with
11 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
12 Board of her change of employment status. After the change and within 10 days of accepting
13 employment in a position where Respondent provides any type of behavioral health related
14 services or in a setting where any type of behavioral health, health care, or social services are
15 provided, Respondent shall provide the Substance Abuse Credentialing Committee Chair or
16 designee a written statement providing the contact information of her new employer(s) and a
17 signed statement from Respondent's new employer(s) confirming Respondent provided the
18 employer(s) with a copy of this Consent Agreement. If Respondent does not provide the
19 employer's statement to the Board within 10 days, as required, Respondent's failure to provide
20 the required statement to the Board shall be deemed a violation of A.R.S. § 32-3251(12)(n) and
21 the Board will provide Respondent's employer(s) with a copy of the Consent Agreement.

22 20. Respondent shall practice social work using the name under which she is
23 licensed. If Respondent changes her name, she shall advise the Board of the name change as
24 prescribed under the Board's regulations and rules.

25 . . .

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

12 22. Respondent shall bear all costs relating to probation terms required in this
13 Consent Agreement.

14 23. Respondent shall be responsible for ensuring that all documentation required in
15 this Consent Agreement is provided to the Board in a timely manner.

16 24. This Consent Agreement shall be effective on the date of entry below.

17 25. This Consent Agreement is conclusive evidence of the matters described herein
18 and may be considered by the Board in determining appropriate sanctions in the event a
19 subsequent violation occurs.

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

21 
22 ESTHER C. WILLIAMSON

21 8/14/13
22 Date

23 ...
24 ...
25 ...

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

2 Dated this 2nd day of July, 2014.

3
4 By:

Tobi Zavala
TOBI ZAVALA, Interim Executive Director
Arizona Board of Behavioral Health Examiners

5
6
7 **ORIGINAL** of the foregoing filed

This 2nd day of July, 2014 with:

8 Arizona Board of Behavioral Health Examiners
9 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

10 **COPY** of the foregoing mailed via Interagency Mail

11 This 2nd day of July, 2014, to:

12 Elizabeth Campbell
13 Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007

14 **COPY** of the foregoing mailed via

15 Certified mail no. 7014 0510 0001 3723 8394

This 2nd day of July, 2014 to:

16 Esther C. Williamson
17 Address of Record
Respondent