

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 8. Respondent further understands that any violation of this Consent Agreement
19 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(15)(n) and may result in
20 disciplinary action pursuant to A.R.S. § 32-3281.

21 9. Although Respondent does not agree that all the Findings of Fact set forth in this
22 Consent Agreement are supported by the evidence, Respondent acknowledges that it is
23 the Board's position that, if this matter proceeded to formal hearing, the Board could establish
24 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted
25 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent

1 Agreement as an economical and practical means of resolving the issues associated with the
2 complaint(s) filed against her. Further, Respondent acknowledges that the Board may use the
3 evidence in its possession relating to this Consent Agreement for purposes of determining
4 sanctions in any further disciplinary matter.

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

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

9 **FINDINGS OF FACT**

10 1. Respondent is the holder of License No. LCSW-2811 for the practice of social
11 work in Arizona.

12 2. From 03/14 to 10/14, Respondent provided family therapy to an adult female
13 client ("Niece"), her mother ("Mother"), and her aunt ("Aunt").

14 3. Respondent's progress notes reflect Aunt attended 8 family sessions with Niece
15 and 2 individual sessions.

16 4. In 04/14, Aunt signed a consent for treatment form identifying her as a client.

17 5. Respondent maintains that Aunt was not receiving individual treatment, however
18 this is contradicted by the client record.

19 6. In 09/14, Aunt attempted suicide.

20 7. In 10/14, Aunt contacted Respondent to inquire about a future session, and
21 Respondent informed Aunt that there would be no further sessions.

22 8. Upon notification of a Board complaint being filed, Respondent requested that
23 Niece and Mother write letters to the Board on Respondent's behalf.

24 **CONCLUSIONS OF LAW**

25 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.*

1 and the rules promulgated by the Board relating to Respondent's professional practice as a
2 licensed behavioral health professional.

3 2. The conduct and circumstances described in the Findings of Fact constitute a
4 violation of A.R.S. § 32-3251(15)(l), any conduct, practice or condition that impairs the ability of
5 the licensee to safely and competently practice the licensee's profession.

6 3. The conduct and circumstances described in the Findings of Fact constitute a
7 violation of A.R.S. § 32-3251(15)(x), exploiting a client, former client or supervisee.

8 **ORDER**

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

11 1. Respondent's license, LCSW-2811, will be placed on probation, effective from
12 the date of entry as signed below.

13 2. Respondent shall not practice under her license, LCSW-2811, unless she is fully
14 compliant with all terms and conditions in this Consent Agreement. If, for any reason,
15 Respondent is unable to comply with the terms and conditions of this Consent Agreement, she
16 shall immediately notify the Board in writing and shall not practice under her license until she
17 submits a written request to the Board to re-commence compliance with this Consent
18 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

19 3. In the event that Respondent is unable to comply with the terms and conditions
20 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
21 such time as she is granted approval to re-commence compliance with the Consent
22 Agreement.

23 **Continuing Education**

24 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within
25 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock

1 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course
2 addressing current behavioral health documentation standards in Arizona. All required
3 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,
4 Respondent shall submit a certificate of completion of the required continuing education.

5 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within
6 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
7 three semester credit hour graduate level behavioral health ethics course from an accredited
8 college or university, pre-approved by the Board Chair or designee. Upon completion,
9 Respondent shall submit to the Board an official transcript establishing completion of the
10 required course.

11 Early Release

12 6. After completion of the continuing education requirements set forth in this
13 Consent Agreement, Respondent may request early release from the Consent Agreement if all
14 other terms of the Consent Agreement have been met.

15 GENERAL PROVISIONS

16 Provision of Clinical Supervision

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

19 Civil Penalty

20 8. Subject to the provisions set forth in paragraph 9, the Board imposes a civil
21 penalty against the Respondent in the amount of \$1,000.00.

22 9. Respondent's payment of the civil penalty shall be stayed so long as Respondent
23 remains compliant with the terms of this Consent Agreement. If Board staff determines that
24 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
25 exception of the tolling provision under Paragraph 3, the stay of the civil penalty payment shall

1 be automatically lifted and payment of the civil penalty shall be made by certified check or
2 money order payable to the Board within 30 days after being notified in writing of the lifting of
3 the stay.

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

10 11. 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 12. 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 she provides behavioral health services to clients of another individual or agency, she shall
18 comply with requirements set forth in Paragraphs 13 through 15 below.

19 13. 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 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a

1 copy of the Consent Agreement.

2 14. If Respondent is not employed as of the effective date of this Order, within 10
3 days of accepting employment in a position where Respondent provides any type of behavioral
4 health related services or in a setting where any type of behavioral health, health care, or social
5 services are provided, Respondent shall provide the Board Chair or designee with a written
6 statement providing the contact information of her new employer and a signed statement from
7 Respondent's new employer confirming Respondent provided the employer with a copy of this
8 Consent Agreement. If Respondent does not provide the employer's statement to the Board
9 within 10 days, as required, Respondent's failure to provide the required statement to the Board
10 shall be deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's
11 employer(s) with a copy of the Consent Agreement.

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

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

3 Dated this 14th day of July, 2015.

4
5 By:

MEZQ
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

6
7 **ORIGINAL** of the foregoing filed

8 This 14 day of July, 2015 with:

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

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

This 14 day of July, 2015, to:

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

15 **COPY** of the foregoing mailed via

Certified mail no. 7014 2870 0001 8957 0766

16 This 14 day of July, 2015, to:

17 Jennifer E. Druckman
18 Address of Record
Respondent