

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

3 **In the Matter of:**

4 **Sandra S. Anderson, LPC-0552,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona.**

CASE NO. 2015-0085
CONSENT AGREEMENT

7 **RESPONDENT**

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(H)
11 and 41-1092.07(F)(5), Sandra S. Anderson ("Respondent") and the Board enter into this
12 Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as
13 a final 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 her right to such formal hearing concerning these allegations and irrevocably waives her
22 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 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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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(15)(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 The Board issues the following Findings of Fact, Conclusions of Law and Order:

1 **FINDINGS OF FACT**

2 1. Respondent is the holder of License No. LPC-0552 for the practice of counseling
3 in Arizona.

4 2. On 10/1/14, Respondent submitted her renewal application containing a
5 continuing education activities listing sheet with 34.5 hours of continuing education.

6 3. On 10/8/14, Board staff sent Respondent a letter requesting copies of her
7 continuing education completion certificates pursuant to R4-6-801(E).

8 4. On 12/8/14, Respondent admitted to Board staff that she had falsified her
9 participation in the continuing education because of financial hardship.

10 **CONCLUSIONS OF LAW**

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

14 2. The conduct and circumstances described in the Findings of Fact constitute a
15 violation of A.R.S. § 32-3251(15)(c)(i), any oral or written misrepresentation of a fact by an applicant or
16 licensee to secure or attempt to secure the issuance or renewal of a license.

17 **ORDER**

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

20 **Stayed Suspension**

21 1. As of the effective date of this Consent Agreement, Respondent's license, LPC-
22 0552, shall be **SUSPENDED** for 12 months. However, the suspension shall be stayed and
23 Respondent's license shall be placed on probation.

24 ...

25 ...

1 2. During the stayed suspension portion of the Order, if Respondent is
2 noncompliant with the terms of the Order in any way, the stay of the suspension shall be lifted
3 and Respondent's license shall be automatically suspended as set forth above.

4 3. If Respondent contests the lifting of the stay as it relates to this paragraph,
5 Respondent shall request in writing, within 10 days of being notified of the automatic
6 suspension of licensure, that the matter be placed on the Board agenda for the Board to review
7 and determine if the automatic suspension of Respondent's license was supported by
8 substantial evidence.

9 4. If the written request is received within 10 days of a regularly scheduled Board
10 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
11 scheduled Board meeting.

12 5. Pending the Board's review, Respondent's license shall be reported as
13 suspended - under review. Respondent may not work in any capacity as a licensed behavioral
14 health professional pending the Board's review. The Board's decision and Order shall not be
15 subject to further review.

16 **Probation**

17 6. Respondent's license, LPC-0552 will be placed on probation, effective from the
18 date of entry as signed below.

19 7. Respondent shall not practice under her license, LPC-0552, unless she is fully
20 compliant with all terms and conditions in this Consent Agreement. If, for any reason,
21 Respondent is unable to comply with the terms and conditions of this Consent Agreement, she
22 shall immediately notify the Board in writing and shall not practice under her license until she
23 submits a written request to the Board to re-commence compliance with this Consent
24 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

25 ...

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

5 **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 6 clock
8 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course
9 addressing current ethical practice standards in Arizona. All required continuing education shall
10 be pre-approved by the Board Chair or designee. Upon completion, Respondent shall submit a
11 certificate of completion of the required continuing education.

12 10. In addition to the continuing education requirements of A.R.S. § 32-3273, within
13 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
14 three semester credit hour graduate level behavioral health ethics course from an accredited
15 college or university, pre-approved by the Board Chair or designee. Upon completion,
16 Respondent shall submit to the Board an official transcript establishing completion of the
17 required course.

18 **Civil Penalty**

19 11. Respondent shall submit a certified check or money order payable to the Board
20 in the amount of \$100.00 within 30 days of the effective date of this Consent Agreement.

21 **GENERAL PROVISIONS**

22 **Provision of Clinical Supervision**

23 12. Respondent shall not provide clinical supervision while subject to this Consent
24 Agreement.

25 ...

Additional Civil Penalty

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

4 14. Respondent's payment of the civil penalty shall be stayed so long as Respondent
5 remains compliant with the terms of this Consent Agreement. If Board staff determines that
6 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
7 exception of the tolling provision under Paragraph 8, the stay of the civil penalty payment shall
8 be automatically lifted and payment of the civil penalty shall be made by certified check or
9 money order payable to the Board within 30 days after being notified in writing of the lifting of
10 the stay.

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

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

22 17. If Respondent currently sees clients in their own private practice, and obtains any
23 other type of behavioral health position, either as an employee or independent contractor, where
24 she provides behavioral health services to clients of another individual or agency, she shall
25 comply with requirements set forth in Paragraphs 18 through 19 below.

1 18. Within 10 days of the effective date of this Order, if Respondent is working in a
2 position where Respondent provides any type of behavioral health related services or works in a
3 setting where any type of behavioral health, health care, or social services are provided,
4 Respondent shall provide the Board Chair or designee with a signed statement from
5 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this
6 Consent Agreement. If Respondent does not provide the employer's statement to the Board
7 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a
8 copy of the Consent Agreement.

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

19 20. If, during the period of Respondent's probation, Respondent changes
20 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
21 extended leave of absence for whatever reason that may impact her ability to timely comply with
22 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
23 Board of her change of employment status. After the change and within 10 days of accepting
24 employment in a position where Respondent provides any type of behavioral health related
25 services or in a setting where any type of behavioral health, health care, or social services are

1 provided, Respondent shall provide the Board Chair or designee a written statement providing
2 the contact information of her new employer(s) and a signed statement from Respondent's new
3 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent
4 Agreement. If Respondent does not provide the employer's statement to the Board within 10
5 days, as required, Respondent's failure to provide the required statement to the Board shall be
6 deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's
7 employer(s) with a copy of the Consent Agreement.

8 21. Respondent shall practice behavioral health using the name under which she is
9 licensed. If Respondent changes her name, she shall advise the Board of the name change as
10 prescribed under the Board's regulations and rules.

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

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

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

1 25. This Consent Agreement shall be effective on the date of entry below.

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

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

7 Sandra S. Anderson
8 Sandra S. Anderson

03-30-2015
Date

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

10 Dated this 3rd day of April, 2015.

11 By: Tobi Zavala
12 TOBI ZAVALA, Executive Director
13 Arizona Board of Behavioral Health Examiners

14
15 **ORIGINAL** of the foregoing filed
This 3rd day of April, 2015 with:

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

18 **COPY** of the foregoing mailed via Interagency Mail
19 This 3rd day of April, 2015, to:

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

22 **COPY** of the foregoing mailed via
23 Certified mail no. 70122920000177949624
This 3rd day of April, 2015, to:

24 Sandra S. Anderson
25 Address of Record
Respondent