

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

2 **In the Matter of:**

3 **Nicole M. Pryor, LPC-17182,**
4 **Licensed Professional Counselor,**
5 **In the State of Arizona.**

6 **RESPONDENT**

CASE NO. 2019-0046

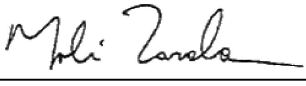
**RELEASE FROM
CONSENT AGREEMENT AND ORDER**

7 The Board received a request from Respondent to release them from the terms and
8 conditions of the Consent Agreement and Order dated February 21st, 2020. After consideration,
9 the Board voted to release Respondent from the terms and conditions of the Consent
10 Agreement and Order dated February 21st, 2020.

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 February 21st, 2020.

15 By: 
16 **TOBI ZAVALA, Executive Director**
Arizona Board of Behavioral Health Examiners

Jun 14, 2021

Date

17
18 **ORIGINAL** of the foregoing filed **Jun 14, 2021**
19 with:

20 Arizona Board of Behavioral Health Examiners
21 1740 West Adams Street, Suite 3600
22 Phoenix, AZ 85007

23 **EXECUTED COPY** of the foregoing sent electronically **Jun 14, 2021**
24 to:

25 Nicole M. Pryor
Address of Record
Respondent

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

2
3 **In the Matter of:**

4 **Nicole M. Pryor, LPC-17182,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona**

**ORDER ON RESPONDENT'S PETITION
FOR REHEARING**

7 **Respondent**

8 On January 14, 2020, the Arizona Board of Behavioral Health Examiners ("Board")
9 received Respondent's Petition for Rehearing ("Petition") regarding the Board Order dated
10 December 12, 2019. See Attachment 1. This matter came before the Board on February 14, 2020.
11 Respondent and her attorney were present and provided oral arguments to the Board. After
12 having considered all the evidence and the arguments made, the Board moved to deny
13 Respondent's Petition for the reason that Respondent failed to demonstrate that she was entitled
14 to a rehearing for any of the reasons set forth in A.A.C. R4-6-1002.

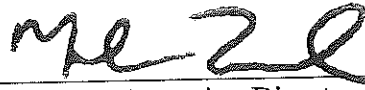
15 **ORDER**

16 Respondent's Petition for Rehearing is DENIED. The Board's Order dated December 12,
17 2019, is now effective.

18 **RIGHT TO APPEAL TO SUPERIOR COURT**

19
20 Respondent is hereby notified that this Order is the final administrative decision of the
21 Board and that Respondent has exhausted their administrative remedies. Respondent is advised
22 that an appeal to superior court in Maricopa County may be taken from this decision pursuant to
23 Title 12, Chapter 7, article 6, within thirty-five (35) days from the date this decision is served.
24

25 Dated this 21st of February, 2020



Tobi Zavala, Executive Director
Arizona Board of Behavioral Health Examiners

1
2
3
4 **ORIGINAL** of the foregoing filed

5 The 21st day of February, 2020, with:

6 Arizona Board of Behavioral Health Examiners
7 1740 West Adams Street, Suite 3600
8 Phoenix, AZ 85007

9 **COPY** of the foregoing sent certified mail

10 This 21st day of February, 2020, to:

11 Nicole M. Pryor
12 Address of Record
13 Respondent

14 **COPY** of the foregoing mailed via mail

15 This 21st day of February, 2020, to:

16 Flynn P. Carey
17 Mitchell, Stein, Carey, Chapman, PC
18 2 North Central Avenue, Suite 1450
19 Phoenix, AZ 85004
20 Attorney for Respondent

21 **COPY** sent via interagency mail

22 This 21st day of February, 2020, to:

23 March Harris
24 Assistant Attorney General
25 2005 North Central Avenue
Phoenix, AZ 85004

ATTACHMENT

(1)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE ARIZONA BOARD
OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:
Nicole M. Pryor, LPC-17182,
Licensed Professional Counselor,
In the State of Arizona.

CASE NO. 2019-0046

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER

RESPONDENT

Pursuant to A.R.S. §§ 32-3281(G) and (H), the Arizona Board of Behavioral Health Examiners ("Board") conducted a Formal Interview for Nicole M. Pryor ("Respondent") on August 16, 2019. Respondent and her attorney were present for the Formal Interview. The Board reviewed all documents submitted regarding this matter and took testimony from Respondent. After considering all the information and testimony, the Board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is the holder of License No. LPC-17182 for the practice of counseling in Arizona.

2. Beginning in 05/17, while working for a behavioral health agency ("Agency 1"), Respondent provided counseling services to two minor children ("Child 1 and Child 2").

3. At the onset of services, Respondent obtained Consent for Treatment forms from Children's mother ("Mother") and father ("Father"), as they had joint legal decision making authority over Children.

4. In 08/17, Respondent ended treatment with Child 1. At that time, Respondent wrote a letter to Mother and Father indicating the following:

- a. It has become evident that Child 1 and her family could benefit from a therapist who specializes in custody related issues.

1 b. It would be in Child 1's best interest to refer her to a clinician that is more
2 specialized in this area, and Respondent does not specialize in family divorce
3 conflict counseling.

4 5. In 12/17, Respondent ended treatment with Child 2 and began working for a new
5 behavioral health agency ("Agency 2").

6 6. On 12/02/17, the same month that Respondent began working at Agency 2,
7 Mother signed new patient documentation including a new Consent for Treatment form.

8 7. The Consent for Treatment form that Mother signed at Agency 2 included the
9 following statements:

10 a. I, Mother, give my permission to provide counseling services for my children.

11 b. My signature further indicates that I am the legal guardian and am authorized
12 to give this consent.

13 c. Parent/Guardian's Signature: Mother's signature, dated 12/02/17.

14 8. Although Respondent represents that Mother was the identified client,
15 Respondent did not limit her services to just Mother, and there is no information suggesting that
16 Respondent clarified Children's role and involvement in services.

17 9. In several instances, Respondent involved Children in sessions and met with
18 them individually to discuss their own current issues.

19 10. Following her employment with Agency 2, Respondent began working in private
20 practice.

21 11. Immediately following, Mother signed new patient documentation including a new
22 Consent for Treatment form.

23 12. The Consent for Treatment form that Mother signed at Respondent's private
24 practice included the following statements:

25 a. I, Mother, give my permission to provide counseling services for my children.

b. My signature further indicates that I am the legal guardian and am authorized

to give this consent.

c. Parent/Guardian's Signature: Mother's signature, dated 03/24/18.

13. Again, although Respondent represents that Mother was the identified client, Respondent did not limit her services to just Mother, and there is no information suggesting that Respondent clarified Children's role and involvement in services.

14. In several instances, Respondent involved Children in sessions and met with them individually to discuss their own current issues.

15. In review of Respondent's private practice records, the Consent for Treatment and Treatment Plan failed to include all the required elements.

16. Respondent has since updated her clinical forms, which now appear to meet the Board's minimum documentation standards.

CONCLUSIONS OF LAW

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

2. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(16)(k), engaging in any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession, as it relates to the following section of the ACA Code of Ethics:

A.8. Multiple Clients:

When a counselor agrees to provide counseling services to two or more persons who have a relationship, the counselor clarifies at the outset which person or persons are clients and the nature of the relationships the counselor will have with each involved person. If it becomes apparent that the counselor may be called upon to perform potentially conflict roles, the counselor will clarify, adjust, or withdraw from roles appropriately.

1 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,
2 Respondent shall submit a certificate of completion of the required continuing education.

3 5. Respondent may submit continuing education completed since the complaint
4 was filed for consideration of approval by the Board Chair or designee.

5 Clinical Supervision

6 6. Respondent shall submit to clinical supervision for 12 months by a masters or
7 higher level behavioral health professional licensed at the independent level. Within 30 days of
8 the effective date of this Consent Agreement, Respondent shall submit the name of a clinical
9 supervisor for pre-approval by the Board Chair or designee. Also, the clinical supervisor shall
10 submit a letter disclosing their prior relationship to Respondent. In that letter, the clinical
11 supervisor must address why they should be approved, acknowledge that they have reviewed
12 the Consent Agreement and include the results of an initial assessment and a supervision plan
13 regarding the proposed supervision of Respondent. The letter from the supervisor shall be
14 submitted to the Board.

15 Focus and Frequency of Clinical Supervision

16 7. The focus of the supervision shall relate to ethics, high-conflict cases, forensically
17 informed therapy, and clinical documentation. Respondent shall meet individually in person with
18 the clinical supervisor at a minimum of once monthly.

19 Reports

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

- 24 a. Dates of each clinical supervision session.
- 25 b. A comprehensive description of issues discussed during supervision sessions.

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

4 10. After Respondent's probationary period, the supervisor shall submit a final
5 summary report for review and approval by the Board Chair or designee. The final report shall
6 also contain a recommendation as to whether the Respondent should be released from this
7 Consent Agreement.

8 Change of Clinical Supervisor During Probation

9 11. If, during the period of Respondent's probation, the clinical supervisor determines
10 that they cannot continue as the clinical supervisor, they shall notify the Board within 10 days of
11 the end of supervision and provide the Board with an interim final report. Respondent shall
12 advise the Board Chair or designee within 30 days of cessation of clinical supervision by the
13 approved clinical supervisor and provide the name of a new proposed clinical supervisor. The
14 proposed clinical supervisor shall provide the same documentation to the Board as was required
15 of the initial clinical supervisor.

16 GENERAL PROVISIONS

17 Provision of Clinical Supervision

18 12. Respondent shall not provide clinical supervision while subject to Order.

19 Civil Penalty

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

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

1 and payment of the civil penalty shall be made by certified check or money order payable to the
2 Board within 30 days after being notified in writing of the lifting of 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 clear and convincing evidence. If the Board
6 receives the written request within 10 days or less of the next regularly scheduled Board
7 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
8 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
9 review.

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

15 17. 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 they provide behavioral health services to clients of another individual or agency, they shall
18 comply with requirements set forth in paragraphs 18 through 20 below.

19 18. 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 Order. If Respondent does not provide the employer's statement to the Board within 10 days of
25 the effective date, the Board will provide Respondent's employer(s) with a copy of the Order.

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

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

1 21. Respondent shall practice behavioral health using the name under which they
2 are licensed. If Respondent changes their name, they shall advise the Board of the name
3 change as prescribed under the Board's regulations and rules.

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

14 23. Respondent shall bear all costs relating to probation terms required in this Order.

15 24. Respondent shall be responsible for ensuring that all documentation required in
16 this Order is provided to the Board in a timely manner.

17 25. This Order shall be effective on the date of entry below.

18 26. This Order is conclusive evidence of the matters described herein and may be
19 considered by the Board in determining appropriate sanctions in the event a subsequent
20 violation occurs.

21 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

22 27. Respondent is hereby notified of the right to petition for a rehearing or review by
23 filing a petition with the Board's Executive Director within thirty (30) days after service of this
24 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a
25 rehearing. A.A.C. R4-6-1002. Service of this order is effective five (5) days after date of mailing.

1 If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days
2 after it is mailed to Respondent.

3 28. Respondent is further notified that the filing of a motion for rehearing is required
4 to preserve any rights of appeal to the Superior Court.

5 Dated this 12th day of December, 2019.

6
7 

8 Tobi Zavala, Executive Director
9 Arizona Board of Behavioral Health Examiners

10
11 ORIGINAL of the foregoing filed
12 This 12th day of December, 2019, with:

13 The Board of Behavioral Health Examiners
14 1740 W. Adams Street, Suite 3600
15 Phoenix, AZ 85007

16 COPY of the foregoing mailed via
17 Certified mail no. 9489 0090 0077 6049 3094 14
18 This 12th day of December, 2019, to:

19 Nicole M. Pryor
20 Address of Record
21 Respondent

22 COPY of the foregoing sent by mail
23 This 12th day of December, 2019 to:

24 Flynn P. Carey
25 Mitchell, Stein, Carey, Chapman
One Renaissance Square 2 North Central Ave., Suite 1450
Phoenix, AZ 85004
Attorney for Respondent

COPY of the foregoing sent by mail
This 12th day of December, 2019 to:

Marc Harris
Assistant Attorney General

1 2005 North Central Avenue
Phoenix, AZ 85004
Attorney for the State of Arizona

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25