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

In the Matter of:

Case No.: 2019-0080

Mary L. Richardson, LISAC-0592,
Licensed Independent Substance Abuse
Counselor, In the State of Arizona,

CONSENT AGREEMENT

RESPONDENT.

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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(F and 41-1092.07(F)(5), Mary L. Richardson ("Respondent") and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") a final disposition of this matter.

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RECITALS

Respondent understands and agrees that:

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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.

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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 their right to such formal hearing concerning these allegations and irrevocably waive their right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.

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3. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement.

1 2. Respondent has a Bachelor's in Addictions Counseling and Studies from Westbrook
2 University, and a Master's in Transpersonal Psychology from Westbrook University.

3 3. Respondent has been practicing as a Certified and LISAC Substance Abuse
4 Counselor since 1987. Respondent has been in Private Practice since 1988 and prior to that worked
5 and trained at The Meadows Treatment Center in Wickenburg, AZ.

6 4. Respondent is certified through and a past board member of the Arizona Board for
7 Certification of Addiction Counselors. She is also certified by the International Certification &
8 Reciprocity Consortium.

9 5. Respondent and her husband ("Husband") co-own a behavioral health private
10 practice.

11 6. In 01/19, the Board found that Husband engaged in unprofessional conduct by
12 practicing beyond the scope of his LISAC license, among other things.

13 7. As a result, the Board accepted Husband's consent agreement where he agree to
14 cease practicing, terminate his private practice, and not renew his license upon its expiration.

15 8. Given Respondent's potential involvement in services beyond the scope of her
16 license, the Board opened a complaint for a full investigation into Respondent's conduct.

17 9. Respondent subsequently contacted Board staff and requested to voluntarily enter
18 into a consent agreement similar to Husband's.

19 10. Based on Respondent's acknowledgment of practicing beyond the scope of her
20 license and her agreement to cease practicing counseling, terminate her private practice in
21 counseling, and not renew her license, Board staff drafted a proposed consent agreement in lieu
22 of a full investigation.

23 11. Respondent signed and returned the proposed consent agreement.

24 12. Following, the Board received information indicating that Respondent and Husband
25 were still engaged in services through their private practice.

26 13. Respondent changed the name and focus of the business February 12, 2019 prior to
27 the Investigative Interview April 10, 2019 from Counseling, Coaching and Consulting to
28 Coaching and Consulting.

1 14. When questioned by Board staff, Respondent indicated that she changed the name
2 of their business and they now provide consulting and coaching.

3 15. When questioned as to the number of coaching clients that she retained from her
4 therapy caseload, Respondent indicated that she is still treating 16 clients that were previously
5 therapy clients.

6 16. Upon review of just 2 client records that transitioned from therapy to coaching.
7 Board staff learned of the following:

8 a. There was little information documented in the progress notes that would
9 distinguish therapy versus coaching.

10 b. When comparing Respondent's billing rates for therapy as opposed to
11 coaching, Respondent's rates remained the same.

12 17. During her investigative interview, Respondent indicated that she and Husband
13 cannot retire as they are not in a position to retire.

14 18. Respondent terminated the counseling portion of her private practice. Respondent
15 prepared three notices for counseling patients notifying patients of the cessation in counseling
16 services. Respondent sent these notices through mailing address, electronic mail, and in person.

17 19. Respondent has maintained her consulting and coaching practice, and after
18 notification of the cessation of counseling services numerous clients chose to maintain their
19 relationship with Respondent and start seeing her for consulting and coaching, at the same rates
20 for her services.

21 20. As a LISAC, Respondent's scope of practice is limited to substance abuse chemical
22 dependency issues, and related problems.

23 21. Despite the constraints of a LISAC's scope of practice Respondent advertised for,
24 and provided services and treatment beyond the scope of her license.

25 22. Respondent's previous iteration of her private practice website, which had been
26 changed prior to the present investigation, advertised the following services as they related to
27 addiction:

28 a. Couples Counseling

- b. Relationship Recovery
- c. Family Counseling
- d. Trauma Counseling
- e. Grief Counseling

23. Upon review of 2 clinical files in Respondent's possession:

- a. There was no information that would indicate substance abuse or related problems.
- b. Neither file contained any treatment planning documentation.
- c. Respondent's progress notes failed to include all of the required elements.

24. During her investigative interview with Board staff, Respondent acknowledge that it was not standard practice for Respondent to diagnose clients or generate treatment plans.

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 licensed behavioral health professional.

2. The conduct and circumstances described in the Findings of Fact constitute violation of A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impair the ability of the licensee to safely and competently practice the licensee's profession.

3. The conduct and circumstances described in the Findings of Fact constitute violation of A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities that are not congruent with the licensee's professional education, training or experience.

4. The conduct and circumstances described in the Findings of Fact constitute violation of A.R.S. § 32-3251(16)(k), any conduct or practice that is contrary to recognize standards of ethics on the behavioral health profession or that constitutes a danger to the health, welfare or safety of a client, as it relates to the following section of the NAADAC Code of Ethics:

Principle III - 14 Boundaries of Competence

Addiction Professionals shall practice within the boundaries of their competence. Competence shall be established through education, training, skills, and supervised

1 experience, state and national professional credentials and certifications, and relevant
2 professional experience.

3 5. The conduct and circumstances described in the Findings of Fact constitute
4 violation of A.R.S. § 32-3251(16)(p), failing to conform to minimum practice standards as
5 developed by the Board, as it relates to:

6 A.A.C. R4-6-1101, Consent for Treatment

7 A.A.C. R4-6-1102, Treatment Plan

8 A.A.C. R4-6-1103, Client Record

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10 **ORDER**

11 Based upon the foregoing Findings of Fact and Conclusion of Law, the parties agree to the
12 provision and penalties imposed as follows:

13 1. As of the effective date of the Consent Agreement, Respondent shall not practice
14 under their license.

15 2. Respondent's License, LISAC-0592, shall by rule, expire on 09/30/20.

16 3. Respondent agrees not to renew their license.

17 4. Respondent agrees not to submit any type of new license application to the Board
18 for a minimum of five (5) years.

19 5. This Consent Agreement is conclusive evidence of the matters described herein and
20 may be considered by the Board in determining appropriate sanctions in the event subsequent
21 violation occurs.

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1 PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

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3 M L Richardson
4 Mary L. Richardson

11-15-19
Date

7 BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

9 Dated this 20th day of November, 2019.

12 By: meze
13 TOBI ZAVALA, Executive Director
14 Arizona Board of Behavioral Health Examiners

15 ORIGINAL of the foregoing filed
16 This 20th day of November, 2019 with:

17 Arizona Board of Behavioral Health Examiners
18 1740 West Adams Street, Suite 3600
19 Phoenix, AZ 85007

20 COPY of the foregoing mailed via Interagency Mail
21 This 20th day of November, 2019, to:

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

26 COPY of the foregoing mailed via
27 Certified mail no. 9489 0090 0027 6049 3093 BA
28 This 20th day of November, 2019 to:

Mary L. Richardson
Address of Record
Respondent