

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

3 **In the Matter of:**

4 **Lizbeth F. Plotkin, LPC-13990,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2020-0074
DECREE OF CENSURE

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(F)
11 and 41-1092.07(F)(5), Lizbeth F. Plotkin (“Respondent”) and the Board enter into this Consent
12 Agreement, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final
13 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 their right to such formal hearing concerning these allegations and irrevocably waives
22 their 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 their
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 between only Respondent and the Board for
7 the final disposition of this matter and may be used for purposes of determining sanctions in any
8 future disciplinary matter.

9 6. This Consent Agreement is subject to the Board's approval, and will be effective
10 only when the Board accepts it. In the event the Board in its discretion does not approve this
11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,
12 nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except
13 that Respondent agrees that should the Board reject this Consent Agreement and this case
14 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its
15 review and discussion of this document or of any records relating thereto.

16 7. Respondent acknowledges and agrees that the acceptance of this Consent
17 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
18 other proceedings as may be appropriate now or in the future. Furthermore, and
19 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
20 preclude in any way any other state agency or officer or political subdivision of this state from
21 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
22 in the future relating to this matter or other matters concerning Respondent, including but not
23 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
24 than with respect to the Board, this Consent Agreement makes no representations, implied or

25 ...

1 otherwise, about the views or intended actions of any other state agency or officer or political
2 subdivision of the state relating to this matter or other matters concerning Respondent.

3 8. Respondent understands that once the Board approves and signs this Consent
4 Agreement, it is a public record that may be publicly disseminated as a formal action of the
5 Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

6 9. Respondent further understands that any violation of this Consent Agreement
7 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
8 disciplinary action pursuant to A.R.S. § 32-3281.

9 10. The Board therefore retains jurisdiction over Respondent and may initiate
10 disciplinary action against Respondent if it determines that they have failed to comply with the
11 terms of this Consent Agreement or of the practice act.

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

13 **FINDINGS OF FACT**

14 1. Respondent is the holder of License No. LPC-13990 for the practice of
15 counseling in Arizona.

16 2. From 09/19 – 01/20 Respondent provided behavioral health services to an 11-
17 year-old minor client (“Client”).

18 3. Respondent was advised of the following alleged abuse during Client’s
19 treatment:

20 a. 09/06/19, 09/17/19, 09/25/19 – Minor female friend of Client (“Friend”) was
21 molested by Client’s uncle (“Uncle”).

22 b. 09/17/19 – 20-year-old cousin of Client (“Cousin”) was molested by Uncle
23 when Cousin was 11 or 12 years of age.

24 ...

25 ...

1 c. 12/12/19 – Complainant would ask Client’s minor sister (“Sister”) if she was
2 wearing underwear and put his hand in Sister’s pants regardless of her
3 answer.

4 4. Respondent did not have any information that the alleged incidents referenced
5 above were reported to DCS and/or law enforcement.

6 5. Despite being a mandated reporter, Respondent did not report these alleged
7 incidents to DCS and/or law enforcement.

8 6. Respondent represented the following to Board staff:

9 a. Looking back, Client’s disclosure that Friend had been touched
10 inappropriately by Uncle should have been reported.

11 b. Respondent is not sure why she did not report this and should have gotten
12 more information.

13 c. Respondent did not ask Client any identifying information about Friend and
14 looking back, she should have because Respondent is not sure if that had
15 been reported or not.

16 d. Client’s disclosure related to Cousin went “way back” as Cousin was now an
17 adult and the reported molestation by Uncle took place when Cousin was a
18 child.

19 e. In instances where the disclosures of abuse are not known or reported
20 before services begin, Respondent does not hesitate to report abuse to
21 DCS.

22 f. At the time of Client’s treatment, Respondent’s understanding of the duty to
23 report was to protect children from current or potential danger.

24 ...

25 ...

1 g. At the time Respondent was providing treatment to Client, Client and the
2 other individuals she discussed in her sessions were not in imminent danger
3 of further abuse.

4 h. In retrospect, Respondent should have contacted the DCS case worker to
5 ensure she was informed of specific disclosures of abuse Client made
6 during her counseling sessions, since Client, Brother, and Sister would be
7 endangered again if returned to Complainant's care.

8 7. Respondent represents the following regarding various training courses she took
9 after receipt of the Board complaint:

10 a. Respondent better understands that her duty as a mandated reporter is not
11 to decipher what information should or should not be reported to DCS and/or
12 law enforcement.

13 b. Respondent now understands her responsibility to report all information she
14 is given and it is DCS and law enforcement's responsibility to investigate.

15 **CONCLUSIONS OF LAW**

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

19 2. The conduct and circumstances described in the Findings of Fact constitute a
20 violation of A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation
21 applicable to the practice of behavioral health as it relates to:

22 A.R.S. § 13-3620, Duty to Report Abuse

23 **ORDER of CENSURE**

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

