

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

3 **In the Matter of:**

4 **Jamie N. McGrath, LAC-16566,**
5 **Licensed Associate Counselor,**
6 **In the State of Arizona.**

CASE NO. 2020-0138
DECREE OF CENSURE

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(F)
11 and 41-1092.07(F)(5), Jamie N. McGrath ("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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. LAC-16566 for the practice of
15 counseling in the state of Arizona.

16 2. Licensee was aware that another licensee, Therapist, was engaging in
17 unprofessional conduct and in an inappropriate dual relationship with his clients.

18 3. Despite being aware of Therapist's conduct, Respondent failed to file a report
19 with the Board as required by A.R.S. § 32-3251(16)(ff).

20 **CONCLUSIONS OF LAW**

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

24 2. The conduct and circumstances described in the Findings of Fact constitute a
25 violation of A.R.S. § 32-3251(16)(ff), failing to report in writing to the board information that

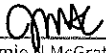
1 would cause a reasonable licensee to believe that another licensee is guilty of unprofessional
2 conduct or is physically or mentally unable to provide behavioral health services competently or
3 safety. This duty does not extend to information provided by a licensee that is protected by the
4 behavioral health professional-client privilege unless the information indicates a clear and
5 imminent danger to the client or others or is otherwise subject to mandatory reporting
6 requirements pursuant to state or federal law.

7 **ORDER of CENSURE**

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

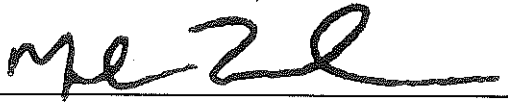
- 10 1. Respondent is hereby censured, which is an official action against their license,
11 for their conduct as set forth in the Findings of Fact.
- 12 2. This Consent Agreement shall be effective on the date of entry below.
- 13 3. This Consent Agreement is conclusive evidence of the matters described herein
14 and may be considered by the Board in determining appropriate sanctions in the event a
15 subsequent violation occurs.

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

17 
18 Jamie N. McGrath (Sep 30, 2020 10:41 PDT)
19 Jamie N. McGrath

20 Sep 30, 2020
21 Date

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

23 By: 
24 TOBI ZAVALA, Executive Director
25 Arizona Board of Behavioral Health Examiners

26 10/14/20
27 Date

28 **ORIGINAL** of the foregoing filed 10/14/20
29 with:
30 Arizona Board of Behavioral Health Examiners

1 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

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3 **EXECUTED COPY** of the foregoing sent electronically 9489 0090 0027 62667554 52
to:

4 Mona Baskin
5 Assistant Attorney General
6 2005 North Central Avenue
Phoenix, AZ 85004

7 Jamie N. McGrath
8 Address of Record
Respondent

9 Charles S. Hover III
10 Renaud Cook Drury Mesaros, PA
One North Central, Suite 900
Phoenix, AZ 85004
Attorney for Respondent

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