

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

3 **In the Matter of:**

4 **Barbara J. Plourd, LPC-17294**  
5 **Licensed Professional Counselor,**  
6 **In the State of Arizona.**

7 **RESPONDENT**

**CASE NO. 2023-0107**  
**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), Barbara J. Plourd (“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-17294 for the practice of  
15 Counseling in the State of Arizona.

16 2. From 10/20 – 09/21, a supervisee of Respondent's ("Supervisee") provided  
17 behavioral health services to a client ("Client").

18 3. None of the Client's progress notes or clinical records indicated substance abuse  
19 use as reason for services or area of treatment, and Client's diagnoses were PTSD and Bipolar  
20 disorder.

21 4. Since Supervisee is a licensed substance abuse counselor, her scope of practice  
22 is limited to substance abuse, chemical dependency and related problems, and to the families of  
23 those persons.

24 5. Board staff requested a client list which showed from 10/20-10/22, Supervisee  
25 treated 61 clients and 50 of the clients did not have any sort of substance use diagnosis.

1           6.       Based on the concerns with Supervisee practicing outside the scope of her  
2 LASAC license, Board Staff requested a client list and randomly selected 3 clinical records of  
3 clients Supervisee treated.

4           7.       Upon review of the 3 randomly selected subpoenaed clinical records, all 3 clients  
5 were being treated for general mental health issues without any sort of substance use  
6 diagnoses.

7           8.       During the time Supervisee was working at Private Practice and practicing  
8 outside the scope of her LASAC license, Respondent was administratively supervising her and  
9 oversaw all clinical work Supervisee did including signing off on all clinical documentation  
10 Supervisee completed.

11          9.       Respondent represented the following during an investigative interview:

12           a.       Respondent did not realize that certain licenses are limited to a specific  
13                scope of practice.

14           b.       Respondent was surprised that even though someone may have certain  
15                training to do certain things, they are still bound by the scope of their license.

16           c.       Respondent was not aware Supervisee was practicing outside the scope of  
17                her license until the complaint was filed against Supervisee.

18           d.       Respondent now understands the scope of practice for a LASAC.

19          10.      Despite Respondent not providing clinical supervision to Supervisee, she was  
20 operating a practice and allowed Supervisee to practice outside the scope of her license for  
21 roughly two years.

22   **CONCLUSIONS OF LAW**

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

1 2. The conduct and circumstances described in the Findings of Fact constitute a  
2 violation of A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting to violate or  
3 assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant  
4 to this chapter, any lawful order of the board, or any formal order, consent agreement, term of  
5 probation or stipulated agreement issued under this chapter.

6 **ORDER of CENSURE**

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

9 1. Respondent is hereby censured, which is an official action against their license,  
10 for their conduct as set forth in the Findings of Fact.

11 2. This Consent Agreement shall be effective on the date of entry below.

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

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

16 Barbara J. Plourd Aug 2, 2023  
17 Barbara J. Plourd Date

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

19 By: Mpli Zavala Aug 2, 2023  
20 TOBI ZAVALA, Executive Director Date  
21 Arizona Board of Behavioral Health Examiners

22 **ORIGINAL** of the foregoing filed Aug 2, 2023  
23 with:

24 Arizona Board of Behavioral Health Examiners  
25 1740 West Adams Street, Suite 3600  
Phoenix, AZ 85007

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

**EXECUTED COPY** of the foregoing sent electronically Aug 2, 2023

to:

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

Barbara J. Plourd  
Address of Record  
Respondent