

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

3 **In the Matter of:**

4 **Gwen R. Gruber, LCSW-12445 (Inactive)**
5 **Licensed Clinical Social Worker,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2024-0004
CONSENT AGREEMENT

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), Gwen R. Gruber ("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. Although Respondent does not agree that all the Findings of Fact set forth in this
6 Consent Agreement are supported by the evidence, Respondent acknowledges that it is the
7 Board's position that, if this matter proceeded to formal hearing, the Board could establish
8 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted
9 unprofessional conduct. Therefore, Respondent, who for medical reasons ceased practice in
10 January, 2024, has agreed to enter into this Consent Agreement as an economical and practical
11 means of resolving the issues associated with the complaint. Further, Respondent
12 acknowledges that the Board may use the evidence in its possession relating to this Consent
13 Agreement for purposes of determining sanctions in any further disciplinary matter.

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16 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

21 7. Respondent acknowledges and agrees that the acceptance of this Consent
22 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
23 other proceedings as may be appropriate now or in the future. Furthermore, and
24 notwithstanding any language in this Consent Agreement, this Consent Agreement does not

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1 preclude in any way any other state agency or officer or political subdivision of this state from
2 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
3 in the future relating to this matter or other matters concerning Respondent, including but not
4 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
5 than with respect to the Board, this Consent Agreement makes no representations, implied or
6 otherwise, about the views or intended actions of any other state agency or officer or political
7 subdivision of the state relating to this matter or other matters concerning Respondent.

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

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

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

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

18 **FINDINGS OF FACT**

19 1. Respondent is the holder of License No. LCSW-12445 for the practice of social
20 work in the State of Arizona.

21 2. In 07/23, the Board received a complaint against Respondent and throughout the
22 course of the investigation it was found that Respondent was provided behavioral health
23 services to a number of members of a single family in her private practice.

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1 3. Based on a review of the clinical records provided by Respondent, it is unclear
2 who the client was and whether the services were meant to be family or individual services for
3 the participants.

4 4. When Respondent provide Board staff with the clinical records for all family
5 members involved in this complaint, it appears Respondent maintained the clinical records for
6 each minor, Mother, Complainant, and the family separately, implying that Respondent provided
7 individual services to Minor 1, Minor 2, Minor 3, Mother, Complainant, and then family therapy to
8 the family.

9 5. Within each clinical record, Respondent fails to document the therapeutic
10 rationale for treating each individual minor, Mother, Complainant, and the family.

11 6. Mother was also very involved in sessions with Minor 1, Minor 2, and Minor 3.

12 7. A 02/11/23 session within Minor 1's clinical record indicated that Respondent
13 held a session with Mother due to Minor 1 sleeping.

14 8. A 07/29/23 session within Minor 1's clinical records indicted there was a
15 conversation with Mother around Minor 2.

16 9. A 10/03/23 session within Minor 2's clinical records indicated Respondent spoke
17 with Minor 1 for 15 minutes during Minor 2's session.

18 10. Within the records maintained for Complainant, Respondent documents that she
19 is not therapist for Complainant or Mother and does not usually talk with both parents of minors.

20 11. In a 12/17/22 session within Mother's clinical records, Respondent documents
21 she would speak with one of the minors during family sessions.

22 12. Within the records that Respondent indicated were family records, Respondent
23 documented at least ten sessions that she considered family sessions.

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1 13. Even though Respondent documents in Complainant's records that she would
2 not be the therapist for Complainant or Mother, Respondent clearly documents and maintains a
3 separate family record for the entire family system.

4 14. Additionally, in Minor 1's, Minor 2's, Minor 3's, Complainant's, Mother's and the
5 family's records, a majority of the sessions involve conversations around the family system,
6 making it appear a majority of the services were family services.

7 15. Furthermore, Respondent completes a separate family treatment plan that is
8 maintained in the family records.

9 16. Respondent in fact failed to clearly define her role as well as define each
10 participant's role in their therapy.

11 17. A number of records indicate services are meant to be individual services while a
12 number of other records indicate services were family.

13 18. From 11/22 – 08/23, Respondent provided behavioral health services to Minor 1.

14 19. From 11/22 – 01/24, Respondent provided behavioral health services to Minor 2.

15 20. From 11/22 – 01/24, Respondent provided behavioral health services to Minor 3.

16 21. From 11/22 – 04/23, Respondent provided services to Complainant.

17 22. From 11/22 – 12/22, Respondent provided services to Mother.

18 23. From 08/23 – 01/24, Respondent provided services to the family.

19 24. Respondent failed to obtain any sort of signed informed consents for any client or
20 the family.

21 25. Respondent failed to devise any sort of treatment plan for Minor 1, Complainant,
22 or Mother.

23 26. The treatment plans developed for Minor 2, Minor 3, and the family failed to
24 include the following minimum Board requirements:

- 25 a. The date the treatment plan will be reviewed.

- b. The dated signature of the Respondent.
- c. The dated signature of the client or the client's legal representative.

27. There were 6 sessions for Minor 1 that Respondent represented were EAP services, yet Respondent only documented a summary of those 6 sessions rather than each individual session.

28. Progress notes for all records failed to include the following minimum requirements:

- a. The time spent providing the behavioral health service.
- b. The type of counseling service being provided, whether the counseling was individual, couples, family, or group.
- c. The dated signature of the Respondent who provided the behavioral health service.

29. Despite Respondent having documented sessions, there were a total of 107 documented session without corroborating billing records for all clinical records.

30. It is concerning that Respondent has been independently licensed with the Board since 2008 and current in private practice and her clinical documentation includes numerous deficiencies.

31. Due to medical issues, Respondent ceased practice as an LCSW in January 2024.

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.

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

6 **1.06(d) Conflicts of Interest**

7 When social works provide services to two or more people who have
8 a relationship with each other (for example, couples, family members),
9 social workers should clarify with all parties which individuals will be
10 considered clients and the nature of social workers' professional
11 obligations to the various individuals who are receiving services.
12 Social workers who anticipate a conflict of interest among the
13 individuals receiving services or who anticipate having to perform in
14 potentially conflicting roles (for example, when a social worker is
15 asked to testify in a child custody dispute or divorce proceedings
16 involving clients) should clarify their role with the parties involved and
17 take appropriate action to minimize any conflict of interest.

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

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

22 A.A.C. R4-6-1102. Treatment Plan

23 A.A.C. R4-6-1103. Client Record

24 A.A.C. R4-6-1104. Financial and Billing Records

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1 **ORDER**

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

4 **ORDER NOT TO RENEW**

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

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


9 2. Respondent's license, LCSW-12445, shall by rule, expire on 01/31/2026.

10 3. Respondent agrees not to renew their license.

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

13 5. 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**

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18 
[Gwen Gruber \(Nov 7, 2024 11:47 MST\)](#)
19 Gwen R. Gruber

Nov 7, 2024

Date

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

21
22 By: 
[Tobi Zavala \(Dec 16, 2024 06:20 MST\)](#)
23 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

Dec 16, 2024

Date

24 **ORIGINAL** of the foregoing filed Dec 16, 2024
25 with: _____

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

Dec 16, 2024

3 **EXECUTED COPY** of the foregoing sent electronically _____
to:

4 Mona Baskin
5 Assistant Attorney General
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6 Phoenix, AZ 85004

7 Gwen R. Gruber
Address of Record
8 Respondent

9 Robin Burgess
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10 3030 N. 3rd Street, Suite 1300
Phoenix, AZ 85012
11 Attorney for Respondent

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