

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

3 **In the Matter of:**

4 **Leslie C. Whiting, LPC-1255,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2024-0245
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), Leslie C. Whiting (“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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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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-1255 for the practice of counseling
15 in the State of Arizona.

16 2. Since 08/17, Respondent has been providing behavioral health services to Client
17 through her private practice.

18 3. During the course of therapy, Respondent involved multiple members of Client's
19 family.

20 4. On 03/02/22, Respondent held a session where Client and son were both
21 present and discussed Son starting counseling himself and Respondent provided
22 recommendations for counselors.

23 5. On 04/06/23, Respondent held a joint session with Client and Wife.

24 6. Respondent involved 3 of Client's family members in his therapy without any sort
25 of documentation attesting to their involvement in the therapy.

1 7. Respondent failed to document the rationale for each participant's role in Client's
2 therapy, making it unclear the reason for their involvement.

3 8. Despite Respondent representing that she usually uses a collateral form if a
4 client's spouse or family member joins a session, Respondent failed to complete any sort of
5 collateral forms for Wife, Son, or Daughter.

6 9. Respondent represented that if she knows the family member is only going to
7 attend one session, she will not complete a collateral form, yet Respondent has no way of
8 knowing whether the family member will attend another session in the future.

9 10. Respondent failed to define each participant's role in Client's therapy.

10 11. During the course of Client's treatment, Client disclosed suicidal ideation several
11 times during sessions with Respondent.

12 12. Another 10/20/22 progress note did indicate Client returned and denied any
13 suicidal ideation.

14 13. Despite Client disclosing suicidal ideation during the 08/30/21 and 02/23/22
15 sessions, which is documented in the progress notes for these sessions, Respondent failed to
16 develop or document any sort of safety plan or risk assessment.

17 14. Respondent asserts that despite the fact that she did not document the suicide
18 risk assessment appropriately, she developed a plan to help Client work through the thoughts
19 and feelings.

20 15. Even though Respondent documents there was a safety agreement during the
21 10/20/22 session, Respondent failed to document specifically what the safety plan entailed
22 other than Client would call his parents to stay with them.

23 16. Respondent represents she has completed formal safety plans for clients in the
24 past when they have expressed suicidal ideation, yet failed to develop any formal safety plan for
25 Client when he expressed suicidal ideation.

1 17. Respondent represented she has taken continuing education courses in risk
2 assessment and safety planning.

3 18. During the course of treatment with Client, Client disclosed during a therapy
4 session that there had been physical altercations between Complainant and Son.

5 19. A 08/27/20 note included the following:

6 a. Son was having issues with Complainant and there were physical
7 altercations.

8 b. Son had bruises and scratch marks from the conflict between him and
9 Complainant this past week.

10 c. Client showed Respondent pictures of the marks on Son's arms.

11 d. Client stated that Complainant would get physically abusive with Client when
12 they were married.

13 20. Respondent represented the following in regards to why she did not report these
14 allegations to DCS:

15 a. It was hearsay to her.

16 b. Respondent and Client would have talked about how it can be reported to
17 DCS.

18 c. Respondent did not know how those bruises got there.

19 d. Respondent knew Son could be difficult.

20 e. Respondent knows things can be thrown out of proportion and did not want to
21 overreact to that.

22 f. Son was almost 18 years old.

23 21. As a mandated reporter, Respondent is obligated to report allegations of child
24 abuse if she becomes aware of possible abuse during the course of services, and failed to
25 report these allegations.

1 22. Within Respondent's response to the Board complaint, she provided an undated
2 letter written by Client attesting to certain complaint allegations.

3 23. Despite Respondent representing that Client may have been the one to offer the
4 letter, Respondent involved Client in the Board's investigative process when in fact Board
5 complaint notices clearly indicate that the Board complaint is confidential and should be treated
6 as such.

7 24. From 08/17 – 04/23, Client signed several informed consents that failed to
8 include the following minimum Board requirements:

9 a. The client's right to have all records.

10 b. Notification of the licensee's supervision or involvement with a treatment
11 team of professionals.

12 c. The client's right to be advised of the consequences of refusal or withdrawal.

13 d. The licensee's refund and collection policies and procedures.

14 25. From 10/17 – 05/24, Respondent completed 8 treatment plans for Client which
15 included a review date section but it was left blank on every treatment plan.

16 26. A 10/19/23 progress note failed to include Respondent's dated signature.

17 27. Despite all other progress notes meeting all minimum Board requirements, all
18 notes since 01/19 were electronically signed by Respondent on 06/26/24.

19 28. Board rules require progress notes to be signed and finalized
20 contemporaneously which means 10 days from the date of service.

21 29. Upon review of the billing records, Respondent drafted a progress note on
22 06/24/24 and failed to maintain any sort of billing record for this service.

23 30. Respondent has been in private practice since 2004 and failed to ensure her
24 clinical documentation met all minimum Board requirements

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1 31. Since being notified of her documentation deficiencies, Respondent provided
2 updated practice forms that now meet all minimum Board requirements.

3 32. Following the Board's review of this matter and consideration of the proposed
4 stipulations, Respondent agreed to not renew her license.

5 **CONCLUSIONS OF LAW**

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

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

14 **A.8 Multiple Clients**

15 When a counselor agrees to provide counseling services to two or
16 more persons who have a relationship, the counselor clarifies at the
17 outset which person or persons are clients and the nature of the
18 relationships the counselor will have with each involved person. If it
19 becomes apparent that the counselor may be called upon to perform
20 potentially conflicting roles, the counselor will clarify, adjust, or
21 withdraw from roles appropriately.

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

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

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

5 5. The conduct and circumstances described in the Findings of Fact constitute a
6 violation of A.R.S. § 32-3251(16)(x), exploiting a client, former client or supervisee. For the
7 purposes of this subdivision, “exploiting” means taking advantage of a professional relationship
8 with a client, former client or supervisee for the benefit or profit of the licensee.

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

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

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

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

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

16 **ORDER NOT TO RENEW**

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

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

21 2. Respondent’s license, LPC-1255 shall by rule, expire on 11/30/24.

22 3. Respondent agrees not to renew their license.

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

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1 **ORIGINAL** of the foregoing filed Dec 16, 2024
with:

2
3 Arizona Board of Behavioral Health Examiners
4 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

5 **EXECUTED COPY** of the foregoing sent electronically Dec 16, 2024
to:

6 Mona Baskin
7 Assistant Attorney General
8 2005 North Central Avenue
Phoenix, AZ 85004

9 Leslie C. Whiting
10 Address of Record
Respondent

11 Sara Stark
12 5425 E. Bell Road
Suite 107
13 Scottsdale, AZ 85254
Attorney for Respondent

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