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BEFORE THE ARIZONA BOARD
OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:

Alexis M. Alexander, LPC-12923,
Licensed Professional Counselor,
In the State of Arizona.

RESPONDENT

CASE NO. 2012-0022

CONSENT AGREEMENT

In the interest of a prompt and speedy settlement of the above captioned matter, consistent with the public interest, statutory requirements and responsibilities of the Arizona State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F) and 41-1092.07(F)(5), Alexis M. Alexander ("Respondent") and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

Respondent understands and agrees that:

1. Any record prepared in this matter, all investigative materials prepared or received by the Board concerning the allegations, and all related materials and exhibits may be retained in the Board's file pertaining to this matter.

2. Respondent has the right to a formal administrative hearing at which Respondent can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably waives her right to such formal hearing concerning these allegations and irrevocably waives her right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.

3. Respondent has the right to consult with an attorney prior to entering into this 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 her
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 and may be used for purposes of determining
7 sanctions in any future disciplinary matter.

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

15 7. Respondent understands that once the Board approves and signs this Consent
16 Agreement, it is a public record that may be publicly disseminated as a formal action of the
17 Board, and that it shall be reported as required by law to the National Practitioner Data Bank
18 and the Healthcare Integrity and Protection Data Bank.

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

22 9. The Board therefore retains jurisdiction over Respondent and may initiate
23 disciplinary action against Respondent if it determines that she has failed to comply with the
24 terms of this Consent Agreement or of the practice act.

25 ...

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

2 **FINDINGS OF FACT**

3 1. Respondent is the holder of License No. LPC-12923 for the practice of
4 professional counseling in the state of Arizona.

5 2. On or around 06/11, Respondent was employed at two agencies, "Agency 1" and
6 "Agency 2".

7 3. In 06/11, Respondent was terminated from Agency 1.

8 4. Subsequent to this termination, Agency 1 recovered the laptop it had issued to
9 Respondent.

10 5. Upon review of the contents of the laptop, Agency 1 discovered confidential client
11 information for clients Respondent saw at Agency 2.

12 6. Although the laptop may have been protected by a password only Respondent
13 knew and Respondent asserts that the confidential client information from Agency 2 had been
14 deleted, when Agency 1 personnel reviewed the contents of the laptop, they were able to
15 access confidential client records regarding Respondent's clients at Agency 2.

16 **CONCLUSIONS OF LAW**

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

20 2. The conduct and circumstances described in the Findings of Fact constitute a
21 violation of A.R.S. § 32-3251(12)(p), failing to conform to minimum practice standards as
22 developed by the board, as it relates to the following:

23 A.A.C. R4-6-1103(A)(2), the licensee shall ensure that a client record
24 is maintained for each client and is confidential.

25 ...

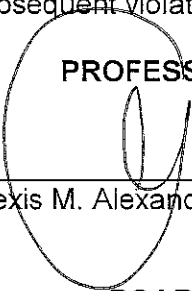
1 A.A.C. R4-6-1103(F), A licensee shall ensure the safety and
2 confidentiality of any client records the licensee creates, maintains,
3 transfers, or destroys whether the records are written, taped,
4 computerized, or stored.

5 **ORDER of CENSURE**

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

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

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


15 
16 _____
Alexis M. Alexander

15 05/07/14
16 _____
Date

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

18
19 Dated this 2nd day of July, 2014.

20
21 By:

21 
22 _____
TOBIN ZAVALA, Interim Executive Director
23 Arizona Board of Behavioral Health Examiners
24
25

1 ORIGINAL of the foregoing filed
This 2nd day of July, 2014 with:

2 Arizona Board of Behavioral Health Examiners
3 3443 N. Central Ave., Suite 1700
4 Phoenix, AZ 85012

5 COPY of the foregoing mailed via Interagency Mail
This 2nd day of July, 2014, to:

6 Elizabeth A. Campbell
7 Assistant Attorney General
8 1275 West Washington
9 Phoenix, Arizona 85007

10 COPY of the foregoing mailed via
11 Certified mail no. 7014 OS10 0001 3723 8387
12 This 2nd day of July, 2014, to:

13 Alexis M. Alexander
14 Address of Record
15 Respondent

16 COPY of the foregoing mailed via Mail
17 This 2nd day of July, 2014 to:

18 Donald Smith
19 17505 N. 79th Ave. STE 404
20 Glendale, AZ 85308
21 Attorney for Respondent

22 _____
23 Agency Staff
24
25