

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 The Board issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

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1. Respondent is the holder of License No. LMSW-12818 for the practice of Social Work in Arizona.
2. On 05/18/13, Respondent was charged with:
 - a. Possession of Marijuana/Attempt
 - b. Possession of Drug Paraphernalia/Attempt
3. The police report regarding that incident indicated the following:
 - a. Respondent told the officer that she had marijuana in the vehicle.
 - b. The officer's trained canine alerted to a suitcase in the trunk, which contained 7.6 grams of marijuana and a glass pipe with marijuana residue.
 - c. Respondent acknowledged that she:
 - Knew the contraband was in the suitcase.
 - Purchased the marijuana in Phoenix for \$60.
4. In 10/13:
 - a. Respondent pled guilty to Possession of Drug Paraphernalia/Attempt.
 - b. The court dismissed the charge of Possession of Marijuana/Attempt.
5. During her 07/14 investigative interview, Respondent indicated the following:
 - a. In 2003, she called the police on her ex-boyfriend ("Ex-Boyfriend") due to a domestic dispute.
 - b. When the police arrived, they noticed a marijuana pipe in the house.
 - c. Although the pipe did not belong to her, Respondent acknowledged that it was hers because she was only concerned about her safety from Ex-Boyfriend.
 - d. Respondent was aware that Ex-Boyfriend possessed and smoked marijuana.
 - e. During this period of time, Respondent never smoked marijuana.

1 f. In 01/13, Respondent's friend recommended that she try marijuana for her
2 chronic pain.

3 g. Between 01/13 – 05/13, Respondent purchased illegal marijuana
4 approximately 2-3 times.

5 h. During that time, she smoked marijuana approximately 2-3 times weekly.

6 6. With regard to her 2003 charge, it is difficult to reconcile why Respondent would
7 have intentionally misinformed the police that the marijuana pipe belonged to her, when
8 presumably knowing that she could face potential criminal charges.

9 7. It is also difficult to reconcile Respondent's representation that, between the
10 dates of 01/13 – 05/13, she purchased illegal marijuana only 2-3 times, yet she smoked
11 marijuana 2-3 times weekly.

12 8. During her 08/14 investigative interview, Respondent deviated from her previous
13 representations and indicated the following:

14 a. In her previous interview with Board staff, Respondent misrepresented that
15 she was not smoking marijuana in 2003.

16 b. "I didn't mean I wasn't smoking it entirely, but I wasn't smoking marijuana
17 regularly. I just engaged in it periodically."

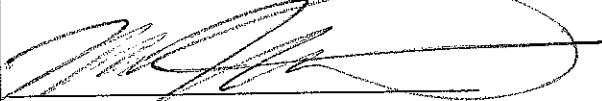
18 c. When asked about her marijuana use from 01/13 – 05/13, Respondent
19 indicated the following:

- 20 • Respondent purchased marijuana illegally 3-4 times.
- 21 • She smoked marijuana approximately 2-3 times a week.
- 22 • She can see how this seems inconsistent, but she did not typically have
23 to buy a lot.
- 24 • About a quarter ounce is the most she ever bought.

25 ...

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


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

5 
6 Melissa Mitscher

10/26/2014
Date

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

8 Dated this 31st day of October, 2014.

9
10 By: 
11 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

12 **ORIGINAL** of the foregoing filed
13 This 31st day of October, 2014 with:


14 Arizona Board of Behavioral Health Examiners
15 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

16 **COPY** of the foregoing mailed via Interagency Mail
17 This 31st day of October, 2014, to:

18 Marc Harris
19 Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007

20 **COPY** of the foregoing mailed via
21 Certified mail no. 70141200000066831176
22 This 31st day of October, 2014, to:

23 Melissa Mitscher
24 Address of Record
Respondent

25 
Tobi Zavala, Executive Director
602-542-1617