

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

3 **In the Matter of:**

**CASE NO. 2015-0074**

4 **Yaundi J. Awosika, LAC-16433,**  
5 **Licensed Associate Counselor,**  
6 **In the State of Arizona**

**ORDER DENYING RESPONDENT'S**  
**REQUEST FOR REVIEW**

7 **Respondent**

8 On August 28, 2018, the Arizona Board of Behavioral Health Examiners ("Board")  
9 notified Yaundi J. Awosika ("Respondent"), in writing, that it had lifted the stay of revocation of  
10 her license based on her failure to comply with the terms of her January 10, 2017, Consent  
11 Agreement ("CA").

12 On September 5, 2018, the Board received Respondent's request for review of the lifting  
13 of the stay. This matter came before the Board on September 14, 2018, for review of whether  
14 the lifting of the stay was supported by substantial evidence. Respondent was present and  
15 addressed the Board. After having considered all the evidence, the Board voted to affirm the  
16 lifting of the stay of revocation of Respondent's license based on Respondent's failure to timely  
17 comply with the clinical supervision requirements of the CA.

18 **ORDER**

19 Respondent's request for review is DENIED and the automatic lifting of the stay of the  
20 revocation of Respondent's license is AFFIRMED.

21 Done this 18<sup>th</sup> of September, 2018

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24 Tobi Zavala, Executive Director  
25 Arizona Board of Behavioral Health Examiners

1 ORIGINAL of the foregoing filed  
2 This 18<sup>th</sup> day of September, 2018, with:

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

6 COPY of the foregoing mailed via Interagency Mail  
7 This 18<sup>th</sup> day of September, 2018, to:

8 Marc Harris  
9 Assistant Attorney General  
10 2005 North Central Avenue  
11 Phoenix, AZ 85004

12 COPY of the foregoing mailed via  
13 Certified mail no. 9489009000726043687740  
14 This 18<sup>th</sup> day of September, 2018, to:

15 Yaundi J. Awosika  
16 Address of Record  
17 Respondent  
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1 Consent Agreement.

2 4. Respondent acknowledges and agrees that upon signing this Consent  
3 Agreement and returning it to the Board's Executive Director, Respondent may not revoke her  
4 acceptance of this Consent Agreement or make any modifications to it. Any modification of this  
5 original document is ineffective and void unless mutually approved by the parties in writing.

6 5. The findings contained in the Findings of Fact portion of this Consent Agreement  
7 are conclusive evidence of the facts stated herein and may be used for purposes of determining  
8 sanctions in any 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 understands that once the Board approves and signs this Consent  
17 Agreement, it is a public record that may be publicly disseminated as a formal action of the  
18 Board, and that it shall be reported as required by law to the National Practitioner Data Bank  
19 and the Healthcare Integrity and Protection Data Bank.

20 8. Respondent further understands that any violation of this Consent Agreement  
21 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(15)(n) and may result in  
22 disciplinary action pursuant to A.R.S. § 32-3281.

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

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

2 FINDINGS OF FACT

3 1. Respondent is an applicant for licensure for the practice of counseling in  
4 Arizona.

5 2. Since 2006, Respondent has been involuntarily terminated from three behavioral  
6 health positions and resigned in lieu of termination from one other.

7 3. Conduct documented in Respondent's personnel file includes:

8 a. Inappropriate language and behavior with clients and colleagues

9 b. Failure to follow agency policies

10 c. Failure to show up for work

11 d. Driving a company vehicle without authorization or proper insurance

12 e. Leaving unaccompanied minors in their hotel room

13 4. On five separate behavioral health employment applications, Respondent  
14 misrepresented the reason for leaving previous jobs, failing to disclose terminations or  
15 resignation in lieu of termination.

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)(b), use of fraud or deceit in connection with rendering services  
22 as a licensee or in establishing qualifications pursuant to this chapter.

23 3. The conduct and circumstances described in the Findings of Fact constitute a  
24 violation of A.R.S. § 32-3251(12)(l), any conduct, practice or condition that impairs the ability of  
25 the licensee to safely and competently practice the licensee's profession.



1 with all terms and conditions in this Consent Agreement. If, for any reason, Respondent is  
2 unable to comply with the terms and conditions of this Consent Agreement, she shall  
3 immediately notify the Board in writing and shall not practice under her license until she submits  
4 a written request to the Board to re-commence compliance with this Consent Agreement. All  
5 such requests shall be pre-approved by the Board Chair or designee.

6 8. In the event that Respondent is unable to comply with the terms and conditions  
7 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until  
8 such time as she is granted approval to re-commence compliance with the Consent  
9 Agreement.

#### 10 Practice Restriction

11 9. While on probation, if Respondent engages in the practice of behavioral health, she  
12 shall do so only while working at a behavioral health state licensed agency.

#### 13 Continuing Education

14 10. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
15 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock  
16 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course  
17 addressing current behavioral health documentation standards in Arizona. All required  
18 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,  
19 Respondent shall submit a certificate of completion of the required continuing education.

20 11. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
21 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a  
22 three semester credit hour behavioral health ethics course from an accredited college or  
23 university, pre-approved by the Board Chair or designee. Upon completion, Respondent shall  
24 submit to the Board an official transcript establishing completion of the required course.

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1 Clinical Supervision

2 12. While on probation, Respondent shall submit to clinical supervision by a masters  
3 or higher level behavioral health professional licensed at the independent level. Within 30 days  
4 of the date of this Consent Agreement, Respondent shall submit the name of a clinical  
5 supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the date of  
6 this Consent Agreement, the clinical supervisor shall submit a letter disclosing his/her prior  
7 relationship to Respondent. In that letter, the clinical supervisor must address why he/she  
8 should be approved, acknowledge that he/she has reviewed the Consent Agreement and  
9 include the results of an initial assessment and a supervision plan regarding the proposed  
10 supervision of Respondent. The letter from the supervisor shall be submitted to the Board.

11 Focus and Frequency of Clinical Supervision

12 13. The focus of the supervision shall relate to current behavioral health  
13 documentation standards in Arizona, boundaries, and ethics. Respondent shall meet individually  
14 in person with the supervisor at least weekly if working full time or twice monthly if working less  
15 than 20 hours per week.

16 Reports

17 14. Once approved, the supervisor shall submit quarterly reports for review and  
18 approval by the Board Chair or designee. The quarterly reports shall include issues presented in  
19 this Consent Agreement that need to be reported and the supervisor shall notify the Board if  
20 more frequent supervision is needed. Quarterly reports shall include the following:

- 21 a. Dates of each clinical supervision session  
22 b. A comprehensive description of issues discussed during supervision sessions

23 15. All quarterly supervision reports shall include a copy of clinical supervision  
24 documentation maintained for that quarter. All clinical supervision documentation maintained by  
25 the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(F)(4).







Civil Penalty

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2       24. Subject to the provisions set forth in paragraph 25, the Board imposes a civil  
3 penalty against the Respondent in the amount of \$1,000.00.

4       25. Respondent's payment of the civil penalty shall be stayed so long as Respondent  
5 remains compliant with the terms of this Consent Agreement. If Board staff determines that  
6 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the  
7 exception of the tolling provision under Paragraph 8, the stay of the civil penalty payment shall  
8 be automatically lifted and payment of the civil penalty shall be made by certified check or  
9 money order payable to the Board within 30 days after being notified in writing of the lifting of  
10 the stay.

11       26. Within 10 days of being notified of the lifting of the stay, Respondent may request  
12 that the matter be reviewed by the Board for the limited purpose of determining whether the  
13 automatic lifting of the stay was supported by substantial evidence. If the Board receives the  
14 written request within 10 days or less of the next regularly scheduled Board meeting, the  
15 request will not be heard at that meeting, but will be heard at the next regularly scheduled Board  
16 meeting. The Board's decision on this matter shall not be subject to further review.

17       27. The Board reserves the right to take further disciplinary action against  
18 Respondent for noncompliance with this Consent Agreement after affording Respondent notice  
19 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply  
20 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final  
21 and the period of probation shall be extended until the matter is final.

22       28. Within 10 days of the effective date of this Order, if Respondent is working in a  
23 position where Respondent provides any type of behavioral health related services or works in a  
24 setting where any type of behavioral health, health care, or social services are provided,  
25 Respondent shall provide the Board Chair or designee with a signed statement from

1 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this  
2 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
3 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a  
4 copy of the Consent Agreement.

5 29. If Respondent is not employed as of the effective date of this Order, within 10  
6 days of accepting employment in a position where Respondent provides any type of behavioral  
7 health related services or in a setting where any type of behavioral health, health care, or social  
8 services are provided, Respondent shall provide the Board Chair or designee with a written  
9 statement providing the contact information of her new employer and a signed statement from  
10 Respondent's new employer confirming Respondent provided the employer with a copy of this  
11 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
12 within 10 days, as required, Respondent's failure to provide the required statement to the Board  
13 shall be deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's  
14 employer(s) with a copy of the Consent Agreement.

15 30. If, during the period of Respondent's probation, Respondent changes  
16 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on  
17 extended leave of absence for whatever reason that may impact her ability to timely comply with  
18 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the  
19 Board of her change of employment status. After the change and within 10 days of accepting  
20 employment in a position where Respondent provides any type of behavioral health related  
21 services or in a setting where any type of behavioral health, health care, or social services are  
22 provided, Respondent shall provide the Board Chair or designee a written statement providing  
23 the contact information of her new employer(s) and a signed statement from Respondent's new  
24 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent  
25 Agreement. If Respondent does not provide the employer's statement to the Board within 10

1 days, as required, Respondent's failure to provide the required statement to the Board shall be  
2 deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's  
3 employer(s) with a copy of the Consent Agreement.

4 31. Respondent shall practice counseling using the name under which she is  
5 licensed. If Respondent changes her name, she shall advise the Board of the name change as  
6 prescribed under the Board's regulations and rules.

7 32. Prior to the release of Respondent from probation, Respondent must submit a  
8 written request to the Board for release from the terms of this Consent Agreement at least 30  
9 days prior to the date she would like to have this matter appear before the Board. Respondent  
10 may appear before the Board, either in person or telephonically. Respondent must provide  
11 evidence that she has successfully satisfied all terms and conditions in this Consent Agreement.  
12 The Board has the sole discretion to determine whether all terms and conditions of this Consent  
13 Agreement have been met and whether Respondent has adequately demonstrated that she has  
14 addressed the issues contained in this Consent Agreement. In the event that the Board  
15 determines that any or all terms and conditions of this Consent Agreement have not been met,  
16 the Board may conduct such further proceedings as it determines are appropriate to address  
17 those matters.

18 33. Respondent shall bear all costs relating to probation terms required in this  
19 Consent Agreement.

20 34. Respondent shall be responsible for ensuring that all documentation required in  
21 this Consent Agreement is provided to the Board in a timely manner.

22 35. This Consent Agreement shall be effective on the date of entry below.

23 36. This Consent Agreement is conclusive evidence of the matters described herein  
24 and may be considered by the Board in determining appropriate sanctions in the event a  
25 subsequent violation occurs.

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PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Yaundi J. Awosika  
Yaundi J. Awosika

9-25-2015  
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 10<sup>th</sup> day of January, 2017

By: Tobi Zavala  
TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed  
This 10<sup>th</sup> day of January, 2017 with:

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

COPY of the foregoing mailed via Interagency Mail  
This 10<sup>th</sup> day of January, 2017, to:

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

COPY of the foregoing mailed via  
Certified mail no. 70141200000066339080  
This 10<sup>th</sup> day of January, 2017, to:

Yaundi J. Awosika  
Address of Record  
Respondent