

1
2
3
4
5
6
7

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

In the Matter of:

LISA D. PLASCENCIA, LMSW-15292,
Licensed Master Social Worker,
In the State of Arizona.

CASE NO. 2016-0019
CONSENT AGREEMENT

RESPONDENT

8
9
10
11
12
13

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), Lisa D. Plascencia ("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.

14
15

RECITALS

Respondent understands and agrees that:

16
17
18

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.

19
20
21
22
23

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.

24
25

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 8. Respondent further understands that any violation of this Consent Agreement
19 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
20 disciplinary action pursuant to A.R.S. § 32-3281.

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

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

25 ...

1 **FINDINGS OF FACT**

2 1. Respondent is the holder of License No. LMSW-15292 for the practice of social
3 work in Arizona.

4 2. On 07/22/15, the Department of Child Safety ("DCS") referred a minor client's
5 ("Client") case to Respondent's employer ("Agency") to receive family preservation services.

6 3. Information provided by DCS to Agency indicated:

7 a. In 05/14, Client's mother ("Mother") slapped Client in the back of the head
8 3-4 times while Client was brushing her teeth.

9 b. Mother grabbed Client by her hair and knocked her to the ground.

10 c. The police were contacted and Client was picked up by her grandmother.

11 d. Mother was arrested for child abuse.

12 e. Client reported that sometime around December, Mother threatened to kill
13 her.

14 4. On 07/27/15, Respondent met with Client and Mother in their home for an initial
15 visit.

16 5. During the visit, Respondent observed Client become embarrassed and cover
17 her face with a blanket as Mother discussed concern over Client sharing nude pictures of
18 herself with a boyfriend.

19 6. Respondent asked Client the following:

20 a. Have you ever thought about hurting yourself?

21 b. Are you thinking about hurting yourself now?

22 7. Client answered "yes" to both questions.

23 8. Respondent sought guidance from her supervisor ("Supervisor") who instructed
24 her to contact the Mobile Crisis Team and then call Supervisor back.

25 ...

1 9. The Mobile Crisis Team reported to Respondent that it may be 2-3 hours before
2 they could respond to the home.

3 10. Respondent made the decision to leave the home indicating:

4 a. She was feeling unwell due to the heat and length of the appointment.

5 b. Since the crisis team was on their way and another coworker was
6 returning to the home with a box of food, she felt comfortable leaving and
7 following up by phone and email.

8 11. Respondent's decision to leave appears concerning where:

9 a. Respondent was aware of Client and Mother's history of physical
10 altercations.

11 b. Respondent observed Client's concerning behavior and Client confirmed
12 thoughts of suicide including a plan to jump off the balcony.

13 c. Agency had specific policies that indicated:

14 i. Staff providing in-home visits ("Home Teams") are available to
15 clients 24/7 for emergencies.

16 ii. Home Teams remain with the family as long as necessary to
17 resolve the crisis.

18 d. With Client's suicidal ideation, including the means and intent, and the
19 lack of a supportive parent, leaving Client in the home put Client in
20 serious jeopardy.

21 12. On 07/28/15, Respondent was terminated from Agency for failing to follow
22 Agency policy and contractual rules, violation of ethics, and insubordination.

23 ...

24 ...

25 ...

1 CONCLUSIONS OF LAW

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

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

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

12 **1.01 Commitment to Clients:** Social workers' primary responsibility is to
13 promote the wellbeing of clients. In general, clients' interests are primary.
14 However, social workers' responsibility to the larger society or specific legal
15 obligations may on limited occasions supersede the loyalty owed clients, and
16 clients should be advised. (Examples include when a social worker is required by
17 law to report that a client has abused a child or has threatened to harm self or
18 others.)

19 ORDER

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

22 1. As of the effective date of the Consent Agreement, Respondent shall not practice
23 under her license.

24 2. Respondent's license, LMSW-15292, shall by rule, expire on 08/31/16.

25 3. Respondent agrees not to renew her license.

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

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

6
7 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

8 Lisa D. Plascencia
9 Lisa D. Plascencia

1-26-16
Date

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

11 Dated this 5th day of February, 2016.

12
13 By: M. Li. Zavala
14 TOBI ZAVALA, Executive Director
15 Arizona Board of Behavioral Health Examiners

16 **ORIGINAL** of the foregoing filed
17 This 5th day of February, 2016 with:

18 Arizona Board of Behavioral Health Examiners
19 3443 N. Central Ave., Suite 1700
20 Phoenix, AZ 85012

21 **COPY** of the foregoing mailed via Interagency Mail
22 This 5th day of February, 2016, to:

23 Marc Harris
24 Assistant Attorney General
25 1275 West Washington
Phoenix, Arizona 85007

COPY of the foregoing mailed via
26 Certified mail no. 70142870000189575174
27 This 5th day of February, 2016, to:

1 Lisa D. Plascencia
2 Address of Record
3 Respondent

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25