

Case No. 2016-0031

3. From 07/14 to 07/15, Respondent provided behavioral health services to two minor children ("Child 1" and "Child 2", "Children") at the request of their father ("Father") who was provided counseling sessions through the military.

4. Father and Children's mother ("Mother") were divorced, and Father was remarried to Children's stepmom ("Stepmom").

5. On 07/29/15, Respondent sent reports to the court indicating that it was her clinical opinion that Children should remain in the care of Father.

6. Respondent's reports to the court appear highly inappropriate where:

a. There is no evidence suggesting the court requested any information from Respondent.

b. Respondent had never met or spoken to Mother, nor made any attempts to do so prior to writing custodial recommendations.

c. Respondent was aware that the court had appointed an evaluator ("Evaluator") whose sole role was to conduct a family evaluation and provide recommendations to the court.

7. On 08/10/15, after learning of Respondent's treatment of Children, Mother sent Respondent a request for Children's clinical records.

8. Respondent failed to provide Mother with Children's clinical records indicating to Board staff that she received a letter from someone claiming to be Mother asking for Children's records, but that there was no photo ID for Respondent to confirm the signature on the request, nor was there a valid release of information.

9. Respondent made no attempt to contact Mother to request additional information, nor did she document in Children's clinical record the receipt of the records request, or her decision not to provide the records.

- 1 10. In at least five of Children's sessions, Stepmom was present.
- 2 11. In Evaluator's 04/22/15 report, Evaluator included details of an interview
3 conducted with Respondent regarding her treatment of Children.
- 4 12. Respondent's clinical records for Children did not include releases of information
5 to share behavioral health information with Stepmom or Evaluator.
- 6 13. Respondent's clinical records for Children indicated several disclosures by
7 Children of potential child abuse or neglect which were not reported by Respondent to the
8 Department of Child Safety ("DCS") or law enforcement.
- 9 14. In addition, in Evaluator's 04/22/15 report, Evaluator indicated Respondent had
10 shared her belief that several incidences of sexualized behavior and/or abuse had occurred.
- 11 15. In response to Board staff's question of why Respondent failed to report the
12 suspected abuse to anyone, Respondent indicated:
- 13 a. If minor clients share something concerning, Respondent recommends
14 that their parents take them to an agency that does forensic interviewing
15 and the agency will contact authorities.
- 16 b. Respondent thought Evaluator already had an open report regarding
17 Children's suspected abuse.
- 18 c. Respondent didn't understand how one would report hearsay without
19 knowing the information is valid.
- 20 16. Respondent's clinical records were deficient as follows:
- 21 a. The military referral reflected Father as the client, however there was no
22 signed consent for treatment or treatment plan for Father.
- 23 b. Respondent failed to obtain consent for treatment or develop a treatment
24 plan for Children.
- 25 c. Respondent's progress notes:

- i. Indicate Child 1 was the client for 7 sessions, Child 2 was the client for 8 sessions, and Father was the client for 2 sessions.
 - ii. Fail to include 3 of the 4 required elements.
 - iii. Did not document conversations with Evaluator, or Mother's request for records.
 - iv. Indicate Respondent saw Child 1, Child 2, and Father for individual counseling sessions, however Respondent maintains they were treated as a family.
- d. Respondent's billing records for Children and Father do not correspond to Respondent's clinical records.

17. In support of her complaint defense, Respondent acknowledges soliciting Father to write a letter on her behalf, which he did.

18. Respondent should recognize that the professional/client relationship should be entirely therapeutic in nature, and never exploited for the benefit of the professional.

Case No. 2017-0024

19. From 04/15 – 02/16, Respondent provided behavioral health services to a minor child ("Daughter") whose mother ("Mother 2") and father ("Father 2") were going through a divorce.

20. Respondent sent multiple reports to the court indicating that it was her clinical opinion that:

- a. Daughter should remain in the care of Mother 2.
- b. Father 2's visits with Daughter should be monitored or supervised.
- c. Daughter should not have overnight visits with Father 2 until he undergoes parenting and personality assessments.

21. Respondent's reports to the court appear highly inappropriate where:

- 1 a. There is no evidence suggesting the court requested any information from
- 2 Respondent.
- 3 b. Respondent had never met or spoken to Father 2, nor made any attempts
- 4 to do so prior to writing her recommendations.

5 22. On 10/28/15, the court appointed a counselor (Counselor) to perform a
6 comprehensive Extended Forensic Evaluation.

7 23. In 11/15, Father 2's attorney ("Attorney") submitted a signed release of
8 information from Father 2 to Respondent with a request for Daughter's clinical records.

9 24. On 02/23/16, Mother 2 and Father 2 signed releases of information authorizing
10 Respondent to provide Daughter's clinical records to Counselor.

11 25. On 03/02/16, Counselor emailed Respondent indicating that Counselor needs
12 Daughter's complete clinical record as soon as possible.

13 26. On 03/09/16, following Father 2's motion to the court, the court ordered that
14 Respondent provide Daughter's complete clinical record to Attorney within ten days.

15 27. On 03/25/16, Respondent emailed Attorney indicating that she had sent all of the
16 notes she had for Daughter to Mother 2's attorney and Counselor, and had asked that they send
17 it to Attorney even though the court ordered Respondent to provide it to Attorney directly.

18 28. A 06/03/16 Order for Contempt indicated the following:

- 19 a. Respondent did not comply with the 03/09/16 court order.
- 20 b. Respondent failed to disclose Daughter's records.
- 21 c. Respondent will pay Attorney's fees.

22 29. During the 06/03/16 contempt hearing, Respondent acknowledged that her
23 practice when clinical notes are requested is to type them up because her handwritten notes are
24 often not legible.

25 ...

1 3. The conduct and circumstances described in the Findings of Fact constitute a
2 violation of A.R.S. § 32-3251(16)(kk), failing to make client records in the licensee's possession
3 promptly available to the client, a minor client's parent, the client's legal guardian or the client's
4 authorized representative on receipt of proper authorization to do so from the client, a minor
5 client's parent, the client's legal guardian or the client's authorized representative.

6 4. The conduct and circumstances described in the Findings of Fact constitute a
7 violation of A.R.S. § 32-3251(16)(jj), failing to make client records in the licensee's possession
8 available in a timely manner to another health professional or licensee on receipt of proper
9 authorization to do so from the client, a minor client's parent, the client's legal guardian or the
10 client's authorized representative.

11 5. The conduct and circumstances described in the Findings of Fact constitute a
12 violation of A.R.S. § 32-3251(16)(q), failing or refusing to maintain adequate records of
13 behavioral health services provided to a client.

14 6. The conduct and circumstances described in the Findings of Fact constitute a
15 violation of A.R.S. § 32-3251(15)(t), disclosing a professional confidence or privileged
16 communication except as may otherwise be required by law or permitted by a valid written
17 release.

18 7. The conduct and circumstances described in the Findings of Fact constitute a
19 violation of A.R.S. § 32-3251(15)(ii), violating any federal or state law, rule or regulation
20 applicable to the practice of behavioral health, as it relates to: A.R.S. § 13-3620, Duty to
21 Report.

22 8. The conduct and circumstances described in the Findings of Fact constitute a
23 violation of A.R.S. § 32-3251(15)(x), exploiting a client, former client or supervisee.

24 ...

25 ...

1 d. A list of Respondent's current clients and the timeframe for terminating
2 services to each client. The timeframe for terminating services shall not
3 exceed 30 days.

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


6 
7 Cordelia M. Holbert

05/10/17
Date

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

9 Dated this 12th day of May, 2017.

10
11 By:


12 TOBI ZAVALA, Executive Director
13 Arizona Board of Behavioral Health Examiners

14 **ORIGINAL** of the foregoing filed

This 12th day of May, 2017 with:

15 Arizona Board of Behavioral Health Examiners
16 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

17 **COPY** of the foregoing mailed via Interagency Mail

18 This 12th day of May, 2017, to:

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

21 **COPY** of the foregoing mailed via

22 Certified mail no. 70162140000018047369
23 This 12th day of May, 2017, to:

24 Cordelia M. Holbert
25 Address of Record
Respondent