

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

3 **In the Matter of:**

**Case No.: 2016-0053**

4 **Shannon K. Spellman, LMFT-0308, LCSW-**  
5 **1018, LISAC-0101**  
6 **Licensed Marriage and Family Therapist,**  
7 **Licensed Clinical Social Worker, Licensed**  
8 **Independent Substance Abuse Counselor,**  
9 **In the State of Arizona.**

**DECREE OF CENSURE**  
**ORDER**

10 **RESPONDENT**

11 Pursuant to A.R.S. §§ 32-3281(G) and (H), the Arizona State Board of Behavioral  
12 Health Examiners (“Board”) conducted a Formal Interview for Shannon K. Spellman  
13 (“Respondent”) on September 14, 2018. Respondent and her attorney were present for  
14 the Formal Interview. The Board reviewed all documents submitted regarding this matter  
15 and took testimony from Respondent. After considering all the information and  
16 testimony, the Board issues the following Findings of Fact, Conclusions of Law and  
17 Order.

18 **FINDINGS OF FACT**

19 1. Respondent is the holder of License Nos. LMFT-0308, LCSW-1018, and  
20 LISAC-0101 in Arizona.

21 2. From 07/12 – 10/15, Respondent provided behavioral health services to a  
22 minor client (“Minor”).

23 3. During Minor’s 09/16/15 counseling session, Respondent documented the  
24 following:

25 a. Minor and her ex-boyfriend were thinking about getting back together.  
26

1 b. Minor told him that she cheated on him 2 years ago but she is unsure if  
2 it was actually cheating because she really did not want to be sexual and  
3 it 'just happened.'

4 c. She did not say no or try to stop it.

5 d. Minor appeared confused.

6 e. [illegible] 'taken advantage of.'

7 f. Minor asked if Perpetrator would go to jail if he is reported.

8 g. Respondent explained that there was no way to predict that and without  
9 evidence since it was 2 years ago.

10 h. It becomes a she said, he said situation.

11 i. "Just because report [*sic*] doesn't mean she's automatically believed or  
12 he's automatically prosecuted."

13 j. This needs to be processed in the next session.

14  
15  
16 4. During the next counseling session on 09/30/15, Respondent documented  
17 the following:

18 a. Minor indicated that Perpetrator was 25-years-old.

19 b. Respondent explained that this was a different situation now.

20 c. This situation does need to be reported as it amounts to statutory rape.

21 d. Minor appeared confused and said that she did not say no or try to stop  
22 it.

23 e. Respondent told Minor that it did not matter if she consented or not  
24 because of the age difference.  
25  
26

1 f. Minor declined to give the name of the male or any other information to  
2 have for a report.

3 g. This needs to be processed more in the next session.

4 5. Despite Respondent documenting her acknowledgement that this situation  
5 needed to be reported because it amounts to statutory rape, Respondent failed to file a  
6 report with the police or inform Minor's caregiver about the situation.  
7

8 6. Furthermore, it appears highly inappropriate that Respondent discussed  
9 with a potential rape victim, that her victimization may be a he said/she said situation  
10 without evidence.  
11

12 7. According to Respondent's complaint response, Respondent represents the  
13 following:

14 a. Since the event occurred 2 years prior and Minor had not seen him  
15 since, there did not appear to be any danger.

16 b. "It made more sense to me to wait and get more information as well as  
17 to address [Minor's] emotional issues surrounding the event and the  
18 necessity to involve [Minor's caregiver]."

19 c. Respondent felt that it was important to have more information before  
20 making a report that lacked necessary substance to it.  
21

22 8. However, when questioned by Board staff if Respondent asked Minor for  
23 any information besides Perpetrator's name, Respondent indicated, "no, because if she  
24 wasn't going to give me that, um, that was kinda the most important thing to have to get  
25  
26

1 to the police, um, the other details, they do their own investigation. It's not my job to be  
2 an investigator; it's my job to be a therapist and to make a report.”

3 9. On 10/30/15, approximately 2 weeks after receiving a Board complaint,  
4 Respondent filed a police report regarding Minor's disclosures.  
5

6 10. In review of the clinical records that Respondent maintained for Minor,  
7 there were various documentation deficiencies identified.

8 11. Since receiving the Board's complaint, Respondent, on her own accord, has  
9 completed a 3 semester graduate level course addressing behavioral health ethics, as well  
10 as 6 clock hours of the NASW Staying Out of Trouble course.  
11

#### 12 CONCLUSIONS OF LAW

13 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251  
14 *et seq.* and the rules promulgated by the Board relating to Respondent's professional  
15 practice as a licensed behavioral health professional.  
16

17 2. The conduct and circumstances described in the Findings of Fact constitute  
18 a violation of:

19 a. A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or  
20 regulation applicable to the practice of behavioral health, as it relates to  
21 A.R.S § 13-3620: Duty to Report.

22 b. A.R.S. § 32-3251(16)(l), engaging in conduct, practice or condition that  
23 impairs the ability of the licensee to safely and competently practice the  
24 licensee's profession.  
25  
26

1 c. A.R.S. § 32-3251(16)(p), failing to conform to minimum practice  
2 standards as developed by the Board, as it relates to:

- 3 • A.A.C. R4-6-1101, Consent for Treatment  
4 • A.A.C. R4-6-1102, Treatment Plan  
5 • A.A.C. R4-6-1103, Client Record  
6

7 **DECREE of CENSURE**

8 Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant  
9 to the authority granted to the Board under A.R.S. § 32-3281:

10 1. Respondent is hereby censured, which is an official action against their  
11 license, for their conduct as set forth in the Findings of Fact.

12 2. This Order shall be effective on the date of entry below.

13 3. This Order is conclusive evidence of the matters described herein and may  
14 be considered by the Board in determining appropriate sanctions in the event a  
15 subsequent violation occurs.  
16

17 Dated this 25<sup>th</sup> day of September, 2018.

18 By: Moli Zavala  
19 TOBI ZAVALA, Executive Director  
20 Arizona Board of Behavioral Health Examiners  
21

22  
23  
24 ORIGINAL of the foregoing filed  
25 This 25<sup>th</sup> day of September, 2018 with:

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

1 COPY of the foregoing mailed via Interagency Mail  
This 25<sup>th</sup> day of September, 2018, to:

2 Marc Harris  
3 Assistant Attorney General  
4 2005 North Central Avenue  
Phoenix, Arizona 85004

5 COPY of the foregoing mailed via  
6 Certified mail no. 9489009000276043067955  
This 25<sup>th</sup> day of September, 2018, to:

7 Shannon K. Spellman  
8 Address of Record  
Respondent

9 COPY of the foregoing mailed via Mail  
10 This 25<sup>th</sup> day of September, 2018 to:

11 Stephen W. Myers  
12 One Renaissance Square  
13 2 North Central Avenue, Suite 1450  
Phoenix, AZ 85004  
Attorney for Respondent

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