

1 BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

2 In the Matter of:
3 Anita Williams, LAC-13382,
4 Licensed Associate Counselor,
5 In the State of Arizona.

CASE NO. 2016-0078

RELEASE FROM
CONSENT AGREEMENT AND ORDER

RESPONDENT

6
7 The Board received a request from Respondent to release them from the terms and
8 conditions of the Consent Agreement and Order dated March 22, 2016. After consideration, the
9 Board voted to release Respondent from the terms and conditions of the Consent Agreement
10 and Order dated March 22, 2016.

11 ORDER

GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:

12 Respondent is hereby released from all terms and conditions of the Consent Agreement
13 and Order dated March 22, 2016.

14 Dated this 7th day of May, 2018.

15
16 By:

M. Zavala
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

17
18 ORIGINAL of the foregoing filed

This 7th day of May, 2018, with:

19 Arizona Board of Behavioral Health Examiners
20 1740 W. Adams St., Suite 3600
Phoenix, AZ 85007

21 COPY of the foregoing mailed via

22 Certified mail no. 94890090007600244510

This 7th day of May, 2018, to:

23 Anita Williams
24 Address of Record
25 Respondent

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 ...

FINDINGS OF FACT

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2 1. Respondent is the holder of License No. LAC-13382 for the practice of
3 counseling in Arizona.

4 2. In 04/15, Respondent self-reported that she had entered treatment at an alcohol
5 detox facility ("Facility").

6 3. A 3/27/15 Medical Screening Evaluation from Facility indicated:

- 7 a. Respondent's functional impairment was severe
- 8 b. She was missing work and drinking to help her function
- 9 c. Respondent was drinking daily for the previous 3 months

10 4. Respondent acknowledged that prior to entering Facility:

- 11 a. She was drinking several bottles of wine each night
- 12 b. She had exhausted her leave time and was missing work without pay
- 13 c. She began drinking wine before work to be able to function
- 14 d. She consumed wine at work to help her get through the day

15 5. Upon discharge from Facility, Respondent refused a referral for further treatment
16 indicating that she could do it herself.

17 6. Following her discharge, Respondent voluntarily sought individual counseling
18 services and attended 5 sessions before discontinuing treatment.

19 7. Following the individual counseling, Respondent indicates she attended SMART
20 recovery meetings 1-2 times weekly.

21 8. In 05/15, Respondent relapsed because she thought she could drink socially
22 again.

23 9. Respondent maintains her sobriety date is 5/18/15 or 5/19/15, and her relapse
24 prevention efforts include:

- 25 a. Staying busy at work

- b. Being held accountable by family and colleagues
- c. Exercising
- d. SMART Recovery Program one time per week

CONCLUSIONS OF LAW

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

2. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(15)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

3. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(15)(k) any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession or that constitutes a danger to the health, welfare or safety of a client, as it relates to the following section of the 2014 ACA Code of Ethics:

C.2.g. Impairment:

Counselors monitor themselves for signs of impairment from their own physical, mental, or emotional problems and refrain from offering or providing professional services when impaired. They seek assistance for problems that reach the level of professional impairment, and, if necessary, they limit, suspend, or terminate their professional responsibilities until it is determined that they may safely resume their work. Counselors assist colleagues or supervisors in recognizing their own professional impairment and provide consultation and assistance when warranted with colleagues or supervisors showing signs of impairment and intervene as appropriate to prevent imminent harm to clients.

ORDER

1 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to
2 the provisions and penalties imposed as follows:

Stayed Suspension

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4 1. As of the effective date of this Consent Agreement, Respondent's license, LAC-
5 13382, shall be **SUSPENDED** 24 months. However, the suspension shall be stayed and
6 Respondent's license shall be placed on probation.

7
8 2. During the stayed suspension portion of the Order, if Respondent is
9 noncompliant with the terms of the Order in any way, the stay of the suspension shall be lifted
10 and Respondent's license shall be automatically suspended as set forth above.

11 3. If Respondent contests the lifting of the stay as it relates to this paragraph,
12 Respondent shall request in writing, within 10 days of being notified of the automatic
13 suspension of licensure, that the matter be placed on the Board agenda for the Board to review
14 and determine if the automatic suspension of Respondent's license was supported by
15 substantial evidence.

16 4. If the written request is received within 10 days of a regularly scheduled Board
17 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
18 scheduled Board meeting.

19 5. Pending the Board's review, Respondent's license shall be reported as
20 suspended - under review. Respondent may not work in any capacity as a licensed behavioral
21 health professional pending the Board's review. The Board's decision and Order shall not be
22 subject to further review.

Probation

23 6. Respondent's license, LAC-13382, will be placed on probation, effective from the
24 date of entry as signed below.
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Recovery Program

15. While on probation, Respondent shall attend recovery support meetings at a minimum of 1 time per week. Respondent shall obtain a sponsor, mentor, or group leader and that individual shall provide quarterly reports to the Board Chair or designee attesting to Respondent's attendance and participation.

GENERAL PROVISIONS

Provision of Clinical Supervision

16. Respondent shall not provide clinical supervision while subject to this Consent Agreement.

Civil Penalty

17. Subject to the provisions set forth in paragraph 18, the Board imposes a civil penalty against the Respondent in the amount of \$1,000.00.

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

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

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

6 21. If Respondent currently sees clients in their own private practice, and obtains any
7 other type of behavioral health position, either as an employee or independent contractor, where
8 she provides behavioral health services to clients of another individual or agency, she shall
9 comply with requirements set forth in paragraphs 22 through 24 below.

10 22. Within 10 days of the effective date of this Order, if Respondent is working in a
11 position where Respondent provides any type of behavioral health related services or works in a
12 setting where any type of behavioral health, health care, or social services are provided,
13 Respondent shall provide the Board Chair or designee with a signed statement from
14 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this
15 Consent Agreement. If Respondent does not provide the employer's statement to the Board
16 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a
17 copy of the Consent Agreement.

18 23. If Respondent is not employed as of the effective date of this Order, within 10
19 days of accepting employment in a position where Respondent provides any type of behavioral
20 health related services or in a setting where any type of behavioral health, health care, or social
21 services are provided, Respondent shall provide the Board Chair or designee with a written
22 statement providing the contact information of her new employer and a signed statement from
23 Respondent's new employer confirming Respondent provided the employer with a copy of this
24 Consent Agreement. If Respondent does not provide the employer's statement to the Board
25 within 10 days, as required, Respondent's failure to provide the required statement to the Board

1 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
2 employer(s) with a copy of the Consent Agreement.

3 24. If, during the period of Respondent's probation, Respondent changes
4 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
5 extended leave of absence for whatever reason that may impact her ability to timely comply with
6 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
7 Board of her change of employment status. After the change and within 10 days of accepting
8 employment in a position where Respondent provides any type of behavioral health related
9 services or in a setting where any type of behavioral health, health care, or social services are
10 provided, Respondent shall provide the Board Chair or designee a written statement providing
11 the contact information of her new employer(s) and a signed statement from Respondent's new
12 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent
13 Agreement. If Respondent does not provide the employer's statement to the Board within 10
14 days, as required, Respondent's failure to provide the required statement to the Board shall be
15 deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
16 employer(s) with a copy of the Consent Agreement.

17 25. Respondent shall practice behavioral health using the name under which she is
18 licensed. If Respondent changes her name, she shall advise the Board of the name change as
19 prescribed under the Board's regulations and rules.

20 26. Prior to the release of Respondent from probation, Respondent must submit a
21 written request to the Board for release from the terms of this Consent Agreement at least 30
22 days prior to the date she would like to have this matter appear before the Board. Respondent
23 may appear before the Board, either in person or telephonically. Respondent must provide
24 evidence that she has successfully satisfied all terms and conditions in this Consent Agreement.
25 The Board has the sole discretion to determine whether all terms and conditions of this Consent

1 Agreement have been met and whether Respondent has adequately demonstrated that she has
2 addressed the issues contained in this Consent Agreement. In the event that the Board
3 determines that any or all terms and conditions of this Consent Agreement have not been met,
4 the Board may conduct such further proceedings as it determines are appropriate to address
5 those matters.

6 27. Respondent shall bear all costs relating to probation terms required in this
7 Consent Agreement.

8 28. Respondent shall be responsible for ensuring that all documentation required in
9 this Consent Agreement is provided to the Board in a timely manner.

10 29. This Consent Agreement shall be effective on the date of entry below.

11 30. This Consent Agreement is conclusive evidence of the matters described herein
12 and may be considered by the Board in determining appropriate sanctions in the event a
13 subsequent violation occurs.

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

15 Anita Williams 3/10/16
16 Anita Williams Date

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

18 Dated this 22nd day of March, 2016.

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

22 **ORIGINAL** of the foregoing filed
This 22nd day of March, 2016 with:

23 Arizona Board of Behavioral Health Examiners
24 3443 N. Central Ave., Suite 1700
25 Phoenix, AZ 85012

COPY of the foregoing mailed via Interagency Mail

This 22nd day of March, 2016, to:

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

COPY of the foregoing mailed via

Certified mail no: 70142870000189575762
This 22nd day of March, 2016, to:

Anita Williams
Address of Record
Respondent