

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

2 **In the Matter of:**

3 **Rebecca L. Howard, LPC-12959,**  
4 **Licensed Professional Counselor,**  
5 **In the State of Arizona.**

6                           **RESPONDENT**

**CASE NO. 2016-0093**

**RELEASE FROM  
CONSENT AGREEMENT AND ORDER**

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

11                           **ORDER**

12           GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:

13           Respondent is hereby released from all terms and conditions of the Consent Agreement  
14 and Order dated August 8, 2016.

15                           Dated this 18<sup>th</sup> day of September, 2017.

16  
17                           By:

*Tobi Zavala*  
18 TOBI ZAVALA, Executive Director  
19 Arizona Board of Behavioral Health Examiners

20 **ORIGINAL** of the foregoing filed  
This 18<sup>th</sup> day of September, 2017, with:

21 Arizona Board of Behavioral Health Examiners  
22 3443 N. Central Ave., Suite 1700  
Phoenix, AZ 85012

23 **COPY** of the foregoing mailed via  
Certified mail no. 706714SD000086887138  
24 This 18<sup>th</sup> day of September, 2017, to:

25 Rebecca L. Howard  
Address of Record  
Respondent

1 **COPY** of the foregoing mailed via Mail  
This 18<sup>th</sup> day of September, 2017 to:

2 Michele G. Thompson  
3 Udall Law Firm, LLP  
4 4801 E. Broadway Blvd, Ste 400  
5 Tucson, AZ 85711-3638  
6 Attorney for Respondent  
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BEFORE THE ARIZONA BOARD  
OF BEHAVIORAL HEALTH EXAMINERS

**In the Matter of:**

**Rebecca L. Howard, LPC-12959,  
Licensed Professional Counselor,  
In the State of Arizona.**

**CASE NO. 2016-0093  
CONSENT AGREEMENT**

**RESPONDENT**

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), Rebecca L. Howard ("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.

**RECITALS**

Respondent understands and agrees that:

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.
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 their right to such formal hearing concerning these allegations and irrevocably waives their right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.
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 their  
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 they have 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. LPC-12959 for the practice of  
3 counseling in Arizona.

4 2. Respondent and another behavioral health professional ("Professional") were  
5 formally colleagues who shared a mutual client, P.L.

6 3. In 10/15, Respondent submitted a complaint to the Board, alleging that  
7 Professional engaged in various acts of unprofessional conduct.

8 4. During that investigation, Board staff questioned Respondent, who shared the  
9 following information:

10 a. Respondent believes she became aware that Professional had a client, L.A.,  
11 living in Professional's rental home in 2012.

12 b. Respondent recalls telling Professional, "you know you could lose your  
13 license, you know you're not supposed to do that."

14 5. As a result, the Board opened a complaint against Respondent.

15 6. In response to the complaint, Respondent indicated, "Because [Respondent] was  
16 not aware of the validity of this allegation, she did not report it to the board at that time."

17 7. Although Respondent represents that she did not immediately report the  
18 information because she was uncertain of the validity of the claim, according to Respondent's  
19 written response, Respondent was also directly informed by Professional around 09/13 that  
20 Professional had L.A. living in her rental home.

21 8. In addition, Professional told Respondent that she had introduced P.L. to L.A. in  
22 2012 because she thought it would be good for P.L. to meet another client who shared the  
23 same diagnosis.

24 9. Upon receipt of this information, Respondent should have recognized the fact  
25 that client confidentiality had been breached and taken appropriate measures.

1           10.   Respondent waited approximately 2 years before filing a complaint against  
2 Professional in 10/15.

3   **CONCLUSIONS OF LAW**

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

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

10          3.    The conduct and circumstances described in the Findings of Fact constitute a  
11 violation of A.R.S. § 32-3251(12)(ff), failing to report in writing to the Board information that  
12 would cause a reasonable person to believe that another licensee is guilty of unprofessional  
13 conduct

14   **ORDER**

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

17          1.    Respondent's license, LPC-12959, will be placed on probation for 12 months,  
18 effective from the date of entry as signed below.

19          2.    Respondent shall not practice under their license, LPC-12959, unless they are  
20 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,  
21 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they  
22 shall immediately notify the Board in writing and shall not practice under their license until they  
23 submit a written request to the Board to re-commence compliance with this Consent  
24 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

25          3.    In the event that Respondent is unable to comply with the terms and conditions

1 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until  
2 such time as they are granted approval to re-commence compliance with the Consent  
3 Agreement.

#### 4 Continuing Education

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

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

#### 17 Clinical Supervision

18 6. While on probation, Respondent shall submit to clinical supervision for 12 months  
19 by a masters or higher level behavioral health professional licensed at the independent level.  
20 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a  
21 clinical supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the  
22 date of this Consent Agreement, the clinical supervisor shall submit a letter disclosing their prior  
23 relationship to Respondent. In that letter, the clinical supervisor must address why they should  
24 be approved, acknowledge that they have reviewed the Consent Agreement and include the  
25 results of an initial assessment and a supervision plan regarding the proposed supervision of

1 Respondent. The letter from the supervisor shall be submitted to the Board.

2 **Focus and Frequency of Clinical Supervision**

3 7. The focus of the supervision shall relate to boundaries, ethical code, reporting  
4 requirements, and rules and statutes governing the Board. Respondent shall meet individually in  
5 person with the supervisor for a minimum of once monthly.

6 **Reports**

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

- 11 a. Dates of each clinical supervision session.
- 12 b. A comprehensive description of issues discussed during supervision  
13 sessions.

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

17 10. After Respondent's probationary period, the supervisor shall submit a final  
18 summary report for review and approval by the Board Chair or designee. The final report shall  
19 also contain a recommendation as to whether the Respondent should be released from this  
20 Consent Agreement.

21 **Change of Clinical Supervisor During Probation**

22 11. If, during the period of Respondent's probation, the clinical supervisor determines  
23 that they cannot continue as the clinical supervisor, they shall notify the Board within 10 days of  
24 the end of supervision and provide the Board with an interim final report. Respondent shall  
25 advise the Board Chair or designee within 30 days of cessation of clinical supervision by the



1 approved clinical supervisor and provide the name of a new proposed clinical supervisor. The  
2 proposed clinical supervisor shall provide the same documentation to the Board as was required  
3 of the initial clinical supervisor.

4 **GENERAL PROVISIONS**

5 **Provision of Clinical Supervision**

6 12. Respondent shall not provide clinical supervision while subject to this Consent  
7 Agreement.

8 **Civil Penalty**

9 13. Subject to the provisions set forth in paragraph 14, the Board imposes a civil  
10 penalty against the Respondent in the amount of \$1,000.00.

11 14. Respondent's payment of the civil penalty shall be stayed so long as Respondent  
12 remains compliant with the terms of this Consent Agreement. If Board staff determines that  
13 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the  
14 exception of the tolling provision under paragraph 3, the stay of the civil penalty payment shall  
15 be automatically lifted and payment of the civil penalty shall be made by certified check or  
16 money order payable to the Board within 30 days after being notified in writing of the lifting of  
17 the stay.

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

25 ...

1           16.    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           17.    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 they provide behavioral health services to clients of another individual or agency, they shall  
9 comply with requirements set forth in paragraphs 18 through 20 below.

10          18.    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          19.    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 their 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 20. 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 their ability to timely comply  
6 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform  
7 the Board of their change of employment status. After the change and within 10 days of  
8 accepting employment in a position where Respondent provides any type of behavioral health  
9 related services or in a setting where any type of behavioral health, health care, or social  
10 services are provided, Respondent shall provide the Board Chair or designee a written  
11 statement providing the contact information of their new employer(s) and a signed statement  
12 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a  
13 copy of this Consent Agreement. If Respondent does not provide the employer's statement to  
14 the Board within 10 days, as required, Respondent's failure to provide the required statement to  
15 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide  
16 Respondent's employer(s) with a copy of the Consent Agreement.

17 21. Respondent shall practice behavioral health using the name under which they  
18 are licensed. If Respondent changes their name, they shall advise the Board of the name  
19 change as prescribed under the Board's regulations and rules.

20 22. 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 they 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 they have successfully satisfied all terms and conditions in this Consent  
25 Agreement. The Board has the sole discretion to determine whether all terms and conditions of

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

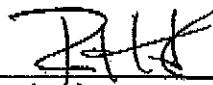
6 23. Respondent shall bear all costs relating to probation terms required in this  
7 Consent Agreement.

8 24. 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 25. This Consent Agreement shall be effective on the date of entry below.

11 26. 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.

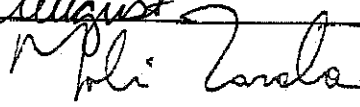
14  
15 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

16   
17 \_\_\_\_\_  
Rebecca L. Howard

16 8/5/16  
17 \_\_\_\_\_  
Date

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

19 Dated this 5th day of August, 2016.

20  
21 By:   
22 \_\_\_\_\_  
TOBIN ZAVALA, Executive Director  
23 Arizona Board of Behavioral Health Examiners

24 ORIGINAL of the foregoing filed  
25 This 5th day of August, 2016 with:

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

3 **COPY** of the foregoing mailed via Interagency Mail  
4 This 8<sup>th</sup> day of August, 2016, to:

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

7 **COPY** of the foregoing mailed via  
Certified mail no. 70142870001957-2012  
8 This 8<sup>th</sup> day of August, 2016, to:

9 Rebecca L. Howard  
10 Address of Record  
Respondent

11 **COPY** of the foregoing mailed via Mail  
12 This 8<sup>th</sup> day of August, 2016 to:

13 Michele Thompson  
Udall Law Firm, LLP  
4801 E. Broadway Boulevard, #400  
14 Tucson, AZ 85711-3638  
Attorney for Respondent  
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