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

In the Matter of:

**Jon B. Grossman, LCSW-0754,
LMFT-0182,
Licensed Clinical Social Worker,
Licensed Marriage and Family Therapist,
In the State of Arizona.**

**CASE NO. 2016-0131
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), Jon B. Grossman ("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

1 Consent Agreement.

2 4. Respondent acknowledges and agrees that upon signing this Consent
3 Agreement and returning it to the Board's Executive Director, Respondent may not revoke their
4 acceptance of this Consent Agreement or make any modifications to it. Any modification of this
5 original document is ineffective and void unless mutually approved by the parties in writing.

6 5. The findings contained in the Findings of Fact portion of this Consent Agreement
7 are conclusive evidence of the facts stated herein and may be used for purposes of determining
8 sanctions in any future disciplinary matter.

9 6. This Consent Agreement is subject to the Board's approval, and will be effective
10 only when the Board accepts it. In the event the Board in its discretion does not approve this
11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,
12 nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except
13 that Respondent agrees that should the Board reject this Consent Agreement and this case
14 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its
15 review and discussion of this document or of any records relating thereto.

16 7. Respondent understands that once the Board approves and signs this Consent
17 Agreement, it is a public record that may be publicly disseminated as a formal action of the
18 Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

19 8. Respondent further understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
21 disciplinary action pursuant to A.R.S. § 32-3281.

22 9. Although Respondent does not agree that all the Findings of Fact set forth in this
23 Consent Agreement are supported by the evidence, Respondent acknowledges that it is the
24 Board's position that, if this matter proceeded to formal hearing, the Board could establish
25 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted

1 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent
2 Agreement as an economical and practical means of resolving the issues associated with the
3 complaint filed against Respondent. Further, Respondent acknowledges that the Board may use
4 the evidence in its possession relating to this Consent Agreement for purposes of determining
5 sanctions in any further disciplinary matter.

6 10. The Board therefore retains jurisdiction over Respondent and may initiate
7 disciplinary action against Respondent if it determines that they have failed to comply with the
8 terms of the Consent Agreement or of the practice act.

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

10 **FINDINGS OF FACT**

11 1. Respondent is the holder of License Nos. LCSW-0754 and LMFT-0182 for the
12 practice of social work and marriage and family therapy in Arizona.

13 2. Respondent is one of the owners of a behavioral health agency ("Agency").

14 3. In addition to being one of the owners, Respondent is the clinical director of
15 Agency, whose duties include clinical supervision and program management.

16 4. Respondent acknowledges that by 05/16, one of his former employees
17 ("Employee") was 4 months behind on submitting case notes.

18 5. From 02/15- 02/16, Respondent was Employee's clinical supervisor.

19 6. When asked by Board staff about Employee's delinquent case notes,
20 Respondent was unable to explain how Agency allowed Employee to become 4 months behind
21 on submitting case notes.

22 7. In review of Employee's personnel record, there were no write-ups or other
23 documented warnings regarding Employee's missing case notes.

24 8. As clinical director and one of the owners of Agency, whose duties include
25 clinical supervision, Respondent is responsible for providing adequate clinical oversight, which

1 includes the review and monitoring of his supervisees' clinical documentation.

2 9. During the course of the Board's investigation, Board staff issued a subpoena for
3 the clinical records of one of Employee's clients ("Client").

4 10. Based on the clinical records received, Client received behavioral health services
5 from Agency for approximately 1 year on a weekly basis.

6 11. As a supplement to Client's clinical records, Respondent's wife, who is the
7 administrative director and one of the owners of Agency, included a letter to the Board which
8 indicated:

9 a. A claims search for Client produced only three claims that went through for
10 payment.

11 b. There was no information that any other claims were billed, denied, or paid.

12 c. April – November were either not billed or never processed or paid.

13 12. It appears highly concerning that Agency is unable to produce financial and
14 billing records that correspond with the dates of services for their behavioral health client.

15 13. According to Employee, the following occurred during a 12/15 teleconference
16 with Respondent:

17 a. Employee expressed concerns about any person changing the dates on her
18 case notes.

19 b. Employee explained that it was her understanding that doing so would
20 constitute insurance fraud.

21 14. During his investigative interview with Board staff, Respondent indicated the
22 following regarding his 12/15 teleconference with Employee that he recalled Employee telling
23 him about concerns regarding changing dates on cases notes. During that same interview,
24 Respondent recalled that:

25 a. He became aware that case notes were being altered when investigating the

1 facts after the complaint was filed with the Board and that while he learned of
2 it then he allowed the administrators to deal with the issue.

3 b. The only thing Respondent was aware of was that there had been some
4 documentation altering.

5 c. Agency administration was handling that issue and if Respondent would have
6 become involved then he would have been taking time away from his duties.

7 15. As clinical director and one of the owners of Agency, Respondent largely shares
8 responsibility of all clinical and business practices of Agency.

9 16. It appears highly concerning that documentation altering was occurring within
10 Agency.

11 **CONCLUSIONS OF LAW**

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

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

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

21 **ORDER**

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

24 1. As of the effective date of the Consent Agreement, Respondent, who was
25 intending to retire from the provision of clinical services notwithstanding this dispute, agrees not

1 to practice under his licenses until the date of their expiration.


2 2. Respondent's licenses, LCSW-0754 and LMFT-0182, by rule, expire on
3 11/30/17.

4 3. Upon the expiration date, Respondent agrees not to renew his licenses.

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

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


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

11 
12 Jan B. Grossman

11 9-20-2017
12 Date

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

14 Dated this 11th day of October, 2017.

15
16 By: 
17 TOBI ZAVALA, Executive Director
18 Arizona Board of Behavioral Health Examiners

19 **ORIGINAL** of the foregoing filed
20 This 11th day of October, 2017 with:

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

24 **COPY** of the foregoing mailed via Interagency Mail
25 This 11th day of October, 2017, to:

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

1 COPY of the foregoing mailed via
Certified mail no. 7057145000086887998
2 This 11th day of October, 2017, to:

3 Jon B. Grossman
4 Address of Record
5 Respondent

6 COPY of the foregoing mailed via Mail
7 This 11th day of October, 2017, to:

8 Rick K. Carter
9 Wong & Carter, P.C.
10 3003 N. Central Ave., #1000
11 Phoenix, AZ 85012
12 Attorney for Respondent
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