

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

2 **In the Matter of:**

3 **Susan M. McCord, LCSW-15447,**
4 **Licensed Clinical Social Worker,**
5 **In the State of Arizona.**

CASE NO. 2017-0039

**RELEASE FROM
CONSENT AGREEMENT AND ORDER**

6 **RESPONDENT**

7 The Board received a request from Respondent to release them from the terms and
8 conditions of the Consent Agreement and Order dated October 11, 2016. After consideration,
9 the Board voted to release Respondent from the terms and conditions of the Consent
10 Agreement and Order dated October 11, 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 October 11, 2016.

15 Dated this 21st day of December, 2018.

17 By:



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

20 **ORIGINAL** of the foregoing filed

This 21st day of December, 2018, with:

21 Arizona Board of Behavioral Health Examiners
22 1740 W. Adams St., Suite 3600
23 Phoenix, AZ 85007

24 **COPY** of the foregoing mailed via

Certified mail no. 9489009000270044089137

This 21st day of December, 2018, to:

25 Susan M. McCord
Address of Record
Respondent

1 **COPY** of the foregoing mailed via Mail
2 This 21st day of December, 2018 to:

3 John Kelly
4 1 E Washington St Ste 500
5 Phoenix, AZ 85004
6 Attorney for Respondent

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**BEFORE THE ARIZONA BOARD
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In the Matter of:

**Susan M. McCord, LCSW-15447,
Licensed Clinical Social Worker,
In the State of Arizona.**

**CASE NO. 2017-0039
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), Susan M. McCord ("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 ...

25 ...

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

2 FINDINGS OF FACT

3 1. Respondent is the holder of License No. LCSW-15447 for the practice of social
4 work in Arizona.

5 2. On 07/17/15, Respondent was arrested for DUI.

6 3. Respondent failed to self-report her criminal arrest to the Board until
7 approximately 9 months after her arrest.

8 4. The police report regarding Respondent's DUI arrest indicated the following:

9 a. Respondent was driving under the influence when she rear ended the vehicle
10 in front of her, which resulted in a 5-car collision.

11 b. Officer noticed that Respondent's eyes were watery and bloodshot, and her
12 speech was slurred.

13 c. Fire department officials told Officer that Respondent had alcohol in her
14 system.

15 5. Results from the scientific examination police report measured Respondent's
16 BAC at 0.197.

17 6. At her weight, Respondent had the equivalent of 7-8 drinks in her system at the
18 time her BAC was measured.

19 7. As a result of her arrest, Respondent was ordered to complete 36 hours of DUI
20 alcohol education and treatment, which she completed in 07/16.

21 8. During the course of the Board's investigation, Respondent's employment history
22 was reviewed.

23 9. It was determined that Respondent had changed places of employment on 2
24 occasions, without ever informing the Board of her employment changes, as required.

25 ...

1 CONCLUSIONS OF LAW

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

5 2. The conduct and circumstances described in the Findings of Fact constitute a
6 violation of A.R.S.32-3251(16)(ii), violating any federal or state law, rule or regulation applicable
7 to the practice of behavioral health, as it relates to:

8 A.R.S. § 32-3208, a health professional who has been charged with a
9 misdemeanor involving conduct that may affect patient safety or a felony after
10 renewing a license or certificate must notify the health professional's regulatory
11 board in writing within ten working days after the charge is filed.

12 3. The conduct and circumstances described in the Findings of Fact constitute a
13 violation of A.R.S.32-3251(16)(p), failing to conform to minimum practice standards as
14 developed by the Board, as it relates to A.A.C. R4-6-205 Change of Contact Information.

15 4. 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 ORDER

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

21 1. Respondent's license, LCSW-15447 will be placed on probation for 24 months,
22 effective from the date of entry as signed below.

23 2. Respondent shall not practice under their license, LCSW-15447 unless they are
24 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,
25 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they

1 shall immediately notify the Board in writing and shall not practice under their license until they
2 submit a written request to the Board to re-commence compliance with this Consent
3 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

4 3. In the event that Respondent is unable to comply with the terms and conditions
5 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
6 such time as they are granted approval to re-commence compliance with the Consent
7 Agreement.

8 Continuing Education

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

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

21 Therapy

22 6. During the period of probation, Respondent shall attend therapy for 6 months
23 with a masters or higher level behavioral health professional licensed at the independent level
24 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of
25 their therapist and the therapist's curriculum vitae for pre-approval by the Board Chair or

1 designee. Also within 30 days of the date of this Consent Agreement, the therapist shall submit
2 a letter addressing why they should be approved, acknowledging that they have reviewed the
3 Consent Agreement and include the results of an initial assessment and a treatment plan
4 regarding the proposed treatment of Respondent.

5 7. Upon approval, the Board will provide the therapist with copies of any required
6 evaluations completed at the request of the Board prior to this Consent Agreement and the
7 Board's investigative report.

8 Focus and Frequency of Therapy

9 8. The focus of the therapy shall relate to anxiety, self-care, substance abuse, and
10 the ability to participate in group settings. Respondent shall meet in person with the therapist
11 twice monthly for the first six months. After the first six months, the frequency shall be at the
12 recommendation of the therapist.

13 Reports

14 9. Once approved, the therapist shall submit quarterly reports and a final summary
15 report to the Board for review and approval. The quarterly reports shall include issues presented
16 in this Consent Agreement that need to be reported and the therapist shall notify the Board if
17 more frequent therapy is needed. The reports shall address Respondent's current mental health
18 status, medications prescribed, if any, treatment recommendation, and shall report if, in their
19 professional opinion, Respondent becomes unable to practice psychotherapy safely and
20 competently. The final report shall also contain a recommendation as to whether the
21 Respondent should be released from this Consent Agreement.

22 Change of Therapist

23 10. In the event that, during the period of Respondent's probation, Respondent's
24 Board-approved therapist discontinues treatment, Respondent shall submit the name of a new
25 therapist and the therapist's curriculum vitae for pre-approval by the Board Chair or designee

1 within 30 days of the discontinued treatment. Also within 30 days of the date of the discontinued
2 treatment, the proposed therapist shall submit a letter addressing why they should be approved,
3 acknowledging that they have reviewed the Consent Agreement, and include the results of an
4 initial assessment and a treatment plan regarding the proposed treatment of Respondent.

5 Recovery Program

6 11. Within 12 months of the effective date of this Consent Agreement, Respondent
7 shall attend a minimum of 6 Mothers Against Drunk Driving ("M.A.D.D.") meetings in person or
8 an equivalent program. Respondent shall provide a report to the Board Chair or designee
9 substantiating their attendance at M.A.D.D. meetings or an equivalent program.

10 GENERAL PROVISIONS

11 Provision of Clinical Supervision

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

14 Civil Penalty

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

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

24 15. Within 10 days of being notified of the lifting of the stay, Respondent may request
25 that the matter be reviewed by the Board for the limited purpose of determining whether the

1 automatic lifting of the stay was supported by clear and convincing evidence. If the Board
2 receives the written request within 10 days or less of the next regularly scheduled Board
3 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
4 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
5 review.

6 16. The Board reserves the right to take further disciplinary action against
7 Respondent for noncompliance with this Consent Agreement after affording Respondent notice
8 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
9 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
10 and the period of probation shall be extended until the matter is final.

11 17. If Respondent currently sees clients in their own private practice, and obtains any
12 other type of behavioral health position, either as an employee or independent contractor, where
13 ~~they provide behavioral health services to clients of another individual or agency, they shall~~
14 comply with requirements set forth in paragraphs 18 through 20 below.

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

23 19. If Respondent is not employed as of the effective date of this Order, within 10
24 days of accepting employment in a position where Respondent provides any type of behavioral
25 health related services or in a setting where any type of behavioral health, health care, or social

1 services are provided, Respondent shall provide the Board Chair or designee with a written
2 statement providing the contact information of their new employer and a signed statement from
3 Respondent's new employer confirming Respondent provided the employer with a copy of this
4 Consent Agreement. If Respondent does not provide the employer's statement to the Board
5 within 10 days, as required, Respondent's failure to provide the required statement to the Board
6 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
7 employer(s) with a copy of the Consent Agreement.

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

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

1 22. Prior to the release of Respondent from probation, Respondent must submit a
2 written request to the Board for release from the terms of this Consent Agreement at least 30
3 days prior to the date they would like to have this matter appear before the Board. Respondent
4 may appear before the Board, either in person or telephonically. Respondent must provide
5 evidence that they have successfully satisfied all terms and conditions in this Consent
6 Agreement. The Board has the sole discretion to determine whether all terms and conditions of
7 this Consent Agreement have been met and whether Respondent has adequately demonstrated
8 that they have addressed the issues contained in this Consent Agreement. In the event that the
9 Board determines that any or all terms and conditions of this Consent Agreement have not been
10 met, the Board may conduct such further proceedings as it determines are appropriate to
11 address those matters.

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

14 24. Respondent shall be responsible for ensuring that all documentation required in
15 this Consent Agreement is provided to the Board in a timely manner.

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

17 26. This Consent Agreement is conclusive evidence of the matters described herein
18 and may be considered by the Board in determining appropriate sanctions in the event a
19 subsequent violation occurs.

20
21 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

22 Susan M. McCord
23 Susan M. McCord

22 10/6/16
23 Date

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

25 Dated this 11th day of October, 2016.

1 By: Tobi Zavala
2 TOBI ZAVALA, Executive Director
3 Arizona Board of Behavioral Health Examiners

4 ORIGINAL of the foregoing filed
5 This 14th day of October, 2016 with:

6 Arizona Board of Behavioral Health Examiners
7 3443 N. Central Ave., Suite 1700
8 Phoenix, AZ 85012

9 COPY of the foregoing mailed via Interagency Mail
10 This 14th day of October, 2016, to:

11 Marc Harris
12 Assistant Attorney General
13 1275 West Washington
14 Phoenix, Arizona 85007

15 COPY of the foregoing mailed via
16 Certified mail no. 7014120000006338694
17 This 14th day of October, 2016, to:

18 Susan M. McCord
19 Address of Record
20 Respondent

21 COPY of the foregoing mailed via Mail
22 This 14th day of October, 2016 to:

23 John Kelly
24 1 East Washington Street, Suite 500
25 Phoenix, Arizona 85004
Attorney for Respondent