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

In the Matter of:

**Jennifer Balistreri, LMSW-12207,
Licensed Master Social Worker,
In the State of Arizona.**

RESPONDENT

CASE NO. 2017-0136

**CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER OF
LICENSE**

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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), Jennifer Balistreri ("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.

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RECITALS

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Respondent understands and agrees that:

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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.

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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.

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

19 **FINDINGS OF FACT**

20 1. Respondent is the holder of License No. LMSW-12207 for the practice of social
21 work in Arizona.

22 2. As a licensed master social worker, Respondent is prohibited from having
23 ownership interest in, operating, or managing the behavioral health entity where she provides
24 behavioral health services.

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1 3. On 04/26/17, Respondent submitted the articles of incorporation for the
2 establishment and incorporation of a behavioral health agency ("Agency").

3 4. Respondent acknowledges obtaining start-up money from a private investor
4 when opening Agency.

5 5. During her investigative interview with Board staff, Respondent indicated the
6 following:

7 a. Respondent approached two of her colleagues about a business opportunity,
8 and they both accepted.

9 b. Respondent and her two colleagues practice independently of each other at
10 Agency.

11 6. From approximately 05/17 – 10/17, Respondent provided behavioral health
12 services without direct supervision as required.

13 7. Upon being made aware that, as a lower level licensee, Respondent is prohibited
14 from owning, operating or managing the behavioral health entity where she provides services;
15 Respondent submitted documentation to the Arizona Corporation Commission, removing herself
16 as a listed owner.

17 **CONCLUSIONS OF LAW**

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

21 2. The conduct and circumstances described in the Findings of Fact constitute a
22 violation of A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities
23 that are not congruent with the licensee's professional education, training or experience.

24 3. The conduct and circumstances described in the Findings of Fact constitute a
25 violation of A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting to violate or

1 assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant
2 to this chapter, any lawful order of the board, or any formal order, consent agreement, term of
3 probation or stipulated agreement issued under this chapter as it relates to:


- 4 a. A.A.C. R4-6-210, Practice Limitations.
- 5 b. A.A.C. R4-6-211(A), Direct Supervision: Supervised Work Experience:
6 General.

7 **ORDER**

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

- 10 1. Respondent's license, LMSW-12207, shall be surrendered to the Board, effective
11 from the date of entry as signed below.
- 12 2. The surrender shall be considered a revocation of Respondent's license.


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

15 
16 Jennifer Balistreri

15 11.10.17
16 Date

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

18 Dated this 15th day of November, 2017.

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

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1 ORIGINAL of the foregoing filed
This 15th day of November, 2017 with:

2 Arizona Board of Behavioral Health Examiners
3 3443 N. Central Ave., Suite 1700
4 Phoenix, AZ 85012

5 COPY of the foregoing mailed via Interagency Mail
This 15th day of November, 2017, to:

6 Marc Harris
7 Assistant Attorney General
8 1275 West Washington
9 Phoenix, Arizona 85007

10 COPY of the foregoing mailed via
11 Certified mail no. 7017450000086890219
12 This 15th day of November, 2017, to:

13 Jennifer Balistreri
14 Address of Record
15 Respondent
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