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

**In the Matter of:**

**Mary L. Alvarez Dupnik, LMSW-16091,  
Licensed Master Social Worker,  
In the State of Arizona.**

**RESPONDENT**

**CASE NO. 2018-0055  
CONSENT AGREEMENT**

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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), Mary L. Alvarez Dupnik ("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**

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.
  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. Although Respondent does not agree that all the Findings of Fact set forth in  
6 this Consent Agreement are supported by the evidence, Respondent acknowledges that it is  
7 the Board's position that, if this matter proceeded to formal hearing, the Board could establish  
8 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted  
9 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent  
10 Agreement as an economical and practical means of resolving the issues associated with the  
11 complaints filed against her. Further, Respondent acknowledges that the Board may use the  
12 evidence in its possession relating to this Consent Agreement for purposes of determining  
13 sanctions in any future matter.

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16 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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

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

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

25 **FINDINGS OF FACT**

1           1.       Respondent is the holder of License No. LMSW-16091 for the practice of social  
2 work in Arizona.

3           2.       From approximately 06/15 – 10/16, Respondent was employed by a behavioral  
4 health agency ("Agency").

5           3.       During her tenure at Agency, Respondent provided individual and group therapy  
6 to an adult female client ("Client").

7           4.       In review of Client's behavioral health records, Client presented with serious  
8 substance abuse issues, which included using drugs such as Heroin, THC, Cocaine, and Meth.

9           5.       In 10/16, Client was discharged from Agency due to lack of contact.

10          6.       In 04/17, Client resumed services and soon after reported the following  
11 information to Agency:

12           a.       Between 06/17 – 07/17, Respondent contacted Client via Facebook.

13           b.       Respondent was staying a local hotel near St. Mary's Road and Interstate 10.

14           c.       In 07/17, Client went to Respondent's hotel room to catch up with her.

15           d.       When Client got to Respondent's hotel room, Respondent offered her alcohol  
16 and arranged to have drugs delivered to the room.

17           e.       Crack cocaine was delivered to the hotel room and both Client and  
18 Respondent began using together.

19          7.       In response to the allegations, Respondent indicated the following through  
20 written and oral statements to the Board:

21           a.       Because Respondent was trying to help her best friend's niece, Respondent  
22 was letting her use her cell phone from time to time.

23           b.       Respondent's friend's niece downloaded the Facebook Messenger app to  
24 Respondent's cell phone and didn't log off.

25

- 1 c. When Respondent used to work for Agency, she had saved Agency contacts,  
2 including client initials and their phone numbers.
- 3 d. So, Client's phone number was in Respondent's phone.
- 4 e. "When I went to do something with my phone, a picture of [Client] popped up  
5 with this green something or other... I had no idea you could press that... I  
6 guess [Client] was on Facebook or something... and it called her. It  
7 happened that fast."
- 8 f. Other than through Facebook, Respondent and Client also communicated via  
9 phone and text message.
- 10 g. Respondent booked a hotel room for 2-3 days to help her friend's niece with  
11 her personal issues.
- 12 h. Client knew about the hotel room because Respondent told her.
- 13 i. Client contacted Respondent and Respondent gave her the hotel information.
- 14 j. Client asked if she could bring her friend along, to which Respondent agreed.
- 15 k. Respondent allowed Client, her girlfriend, and Respondent's friend's niece to  
16 stay in the hotel room without Respondent for approximately 1 hour until she  
17 returned around 10:00 p.m.
- 18 l. "When I got back, I could tell there was paraphernalia."
- 19 m. Respondent could see crack pipes in the room.
- 20 n. Following Client's visit to Respondent's hotel room, they shared a few  
21 conversations via phone for a few weeks.

22 8. Although Respondent's explanation of events appears highly difficult to reconcile,  
23 it matters little when considering the following facts:

- 24 a. Respondent stored client information in her personal cell phone despite her  
25 departure from Agency.

1 b. Respondent engaged in an avoidable relationship with her former client, while  
2 having full knowledge of the client's significant substance abuse issues and  
3 vulnerabilities.

4 c. Respondent took no steps to correct or set clear, appropriate boundaries.

5 d. Respondent engaged in a social media relationship despite the potential of  
6 boundary confusion, inappropriate interaction, or risk of harm to the client.

7 ...

8 e. Respondent initiated, established, and maintained the inappropriate  
9 relationship with her former client and at no point, did Respondent disclose  
10 the inappropriate relationship to Agency or the Board.

11 f. Respondent facilitated and created the environment in which the client was  
12 subjected to risk of harm and engaged in the consumption of highly  
13 dangerous and illegal drugs, including crack cocaine.

14 9. During Respondent's investigative interview, Respondent acknowledged  
15 communicating with Client via phone, text message, and Facebook Messenger.

16 10. On 4 separate occasions, Board staff requested that Respondent provide copies  
17 of all correspondence between herself and Client.

18 11. Respondent did not furnish the Board with any of the requested correspondence.

19 **CONCLUSIONS OF LAW**

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

23 2. The conduct and circumstances described in the Findings of Fact constitute a  
24 violation of A.R.S. § 32-3251(16)(k), any conduct or practice that is contrary to recognized  
25 standards of ethics in the behavioral health profession or that constitutes a danger to the health,

1 welfare or safety of a client, as it relates to the following sections of the 2017 NASW Code of  
2 Ethics:

3 **1.06 Conflicts of Interest:**

4 (C) Social workers should not engage in dual or multiple relationships  
5 with clients or former clients in which there is a risk of exploitation or  
6 potential harm to the client. In instances when dual or multiple  
7 relationships are unavoidable, social workers should take steps to  
8 protect clients and are responsible for setting clear, appropriate, and  
9 culturally sensitive boundaries. (Dual or multiple relationships occur  
10 when social workers relate to clients in more than one relationship,  
11 whether professional, social, or business. Dual or multiple  
12 relationships can occur simultaneously or consecutively.)

13 (H) Social workers should avoid accepting requests from or engaging  
14 in personal relationships with clients on social networking sites or  
15 other electronic media to prevent boundary confusion, inappropriate  
16 dual relationships, or harm to clients.

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

20 4. The conduct and circumstances described in the Findings of Fact constitute a  
21 violation of A.R.S. § 32-3251(16)(o), failing to furnish information within a specified time to the  
22 Board or its investigators or representatives if legally requested by the Board.

23 **ORDER**

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

1           1.       Respondent's license, LMSW-16091, shall be surrendered to the Board, effective  
2 from the date of entry as signed below.

3           2.       The surrender shall be considered a revocation of Respondent's license.

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

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

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10 \_\_\_\_\_  
Mary L. Alvarez Dupnik

\_\_\_\_\_ Date

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

13                   Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

14  
15                   By:

16                   \_\_\_\_\_  
TOBI ZAVALA, Executive Director  
17 Arizona Board of Behavioral Health Examiners

18  
19 **ORIGINAL** of the foregoing filed

20 This \_\_\_\_\_ day of \_\_\_\_\_, 2018 with:

21 Arizona Board of Behavioral Health Examiners  
22 1740 West Adams Street, Suite 3600  
Phoenix, AZ 85007

23 **COPY** of the foregoing mailed via Interagency Mail

This \_\_\_\_\_ day of \_\_\_\_\_, 2018, to:

24 Marc Harris  
25 Assistant Attorney General  
2005 North Central Avenue

PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Mary L. Alvarez Dupnik  
Mary L. Alvarez Dupnik

5/15/18  
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 21<sup>st</sup> day of May, 2018.

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

ORIGINAL of the foregoing filed  
This 21<sup>st</sup> day of May, 2018 with:

Arizona Board of Behavioral Health Examiners  
1740 West Adams Street, Suite 3600  
Phoenix, AZ 85007

COPY of the foregoing mailed via Interagency Mail  
This 21<sup>st</sup> day of May, 2018, to:

Marc Harris  
Assistant Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004-1592

COPY of the foregoing mailed via  
Certified mail no. 9489009000276060244848  
This 21<sup>st</sup> day of May, 2018, to:

Mary L. Alvarez Dupnik  
Address of Record  
Respondent