

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

3 **In the Matter of:**

4 **Ronald D. Martin, LPC-14030,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2018-0060
 CONSENT AGREEMENT

8 In the interest of a prompt and speedy settlement of the above captioned matter,
9 consistent with the public interest, statutory requirements and responsibilities of the Arizona
10 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F)
11 and 41-1092.07(F)(5), Ronald D. Martin ("Respondent") and the Board enter into this Consent
12 Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final
13 disposition of this matter.

14 **RECITALS**

15 Respondent understands and agrees that:

- 16 1. Any record prepared in this matter, all investigative materials prepared or
17 received by the Board concerning the allegations, and all related materials and exhibits may be
18 retained in the Board's file pertaining to this matter.
- 19 2. Respondent has the right to a formal administrative hearing at which Respondent
20 can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably
21 waives their right to such formal hearing concerning these allegations and irrevocably waives
22 their right to any rehearing or judicial review relating to the allegations contained in this Consent
23 Agreement.
- 24 3. Respondent has the right to consult with an attorney prior to entering into this
25 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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. LPC-14030 for the practice of
4 counseling in the state of Arizona.

5 2. From 03/08 – 01/18, Respondent was employed at a behavioral health agency
6 where he primarily provided court-ordered sex offender counseling.

7 3. In 12/17, the Board received a complaint from one of Respondent's sex offender
8 counseling clients ("Client") and his wife ("Wife"), which indicated:

9 a. Wife found information on Respondent's Facebook profile page that
10 disgusted her.

11 b. "He clearly lacks good judgement professionally, but posting such sexual
12 material for 'anyone' to see, since everything on his account is public."

13 c. "It also shows that [Respondent] is very unprofessional, sexually
14 inappropriate, racially discriminating, a sexist, and a very incompetent
15 person."

16 d. Respondent is someone that is providing professional counseling services for
17 sex related issues and he is participating in similar behavior in his personal
18 life.

19 4. In support of their complaint, Client and Wife provided several Facebook posts
20 that were taken from Respondent's profile, which can be described as follows:

21 a. 05/09/17: Respondent shared a photo from "Veteran's Humor" that states,
22 "ONE FREE MURDER: This voucher entitled you to commit one murder
23 without legal, social or financial consequences."

24 ...

25 ...

1 b. 08/08/17: Respondent shared a photo from "Sexy Atheists" that depicts nude
2 cartoon drawings of President Trump and Kim Jong Un, who have missiles in
3 the place of their penises.

4 c. 08/27/17: Respondent shared a photo from the "Fuck Sensitivity" Facebook
5 profile, which depicts a billboard saying, Nude Girl Sex Show \$1 Swingers
6 Sex Club. Sex Movies \$0.25, Films \$8 video tape. The photo shows a school
7 bus parked underneath the billboard.

8 5. Respondent stated that the above-mentioned posts were a reposting of previous
9 posts done by other persons and were intended by the Respondent to be read and viewed as
10 sarcasm.

11 6. The posts from Respondent's Facebook profile reveal that Respondent used his
12 middle and last name as his Facebook profile name.

13 7. Respondent's profile picture was a picture of himself, and his phone number was
14 linked to his profile.

15 8. Respondent's privacy settings were set to public.

16 CONCLUSIONS OF LAW

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

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

23 ORDER

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

1 relationship to Respondent. In that letter, the clinical supervisor must address why they should
2 be approved, acknowledge that they have reviewed the Consent Agreement and include the
3 results of an initial assessment and a supervision plan regarding the proposed supervision of
4 Respondent. The letter from the supervisor shall be submitted to the Board.

5 Focus and Frequency of Clinical Supervision

6 6. The focus of the supervision shall relate to professional behavior, boundaries,
7 transference, and self-care. Respondent shall meet individually in person with the supervisor for
8 a minimum of twice monthly if working fulltime or once monthly if working less than 20 hours per
9 week.

10 Reports

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

- 15 a. Dates of each clinical supervision session.
- 16 b. A comprehensive description of issues discussed during supervision
17 sessions.

18 Change of Clinical Supervisor During Probation

19 8. If, during the period of Respondent's probation, the clinical supervisor determines
20 that they cannot continue as the clinical supervisor, they shall notify the Board within 10 days of
21 the end of supervision and provide the Board with an interim final report. Respondent shall
22 advise the Board Chair or designee within 30 days of cessation of clinical supervision by the
23 approved clinical supervisor and provide the name of a new proposed clinical supervisor. The
24 proposed clinical supervisor shall provide the same documentation to the Board as was required
25 of the initial clinical supervisor.

1 Therapy

2 9. During the period of probation, Respondent shall attend therapy for 12 months
3 with a masters or higher level behavioral health professional licensed at the independent level.
4 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of
5 their therapist and the therapist's curriculum vitae for pre-approval by the Board Chair or
6 designee. Also within 30 days of the date of this Consent Agreement, the therapist shall submit
7 a letter addressing why they should be approved, acknowledging that they have reviewed the
8 Consent Agreement and include the results of an initial assessment and a treatment plan
9 regarding the proposed treatment of Respondent.

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

13 Focus and Frequency of Therapy

14 11. The focus of the therapy shall relate to self-care, burnout and boundaries.
15 Respondent shall meet in person with the therapist at least once monthly.

16 Reports

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

1 Change of Therapist

2 13. In the event that, during the period of Respondent's probation, Respondent's
3 Board-approved therapist discontinues treatment, Respondent shall submit the name of a new
4 therapist and the therapist's curriculum vitae for pre-approval by the Board Chair or designee
5 within 30 days of the discontinued treatment. Also within 30 days of the date of the discontinued
6 treatment, the proposed therapist shall submit a letter addressing why they should be approved,
7 acknowledging that they have reviewed the Consent Agreement, and include the results of an
8 initial assessment and a treatment plan regarding the proposed treatment of Respondent.

9 GENERAL PROVISIONS

10 Provision of Clinical Supervision

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

13 Civil Penalty

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

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

23 17. Within 10 days of being notified of the lifting of the stay, Respondent may request
24 that the matter be reviewed by the Board for the limited purpose of determining whether the
25 automatic lifting of the stay was supported by clear and convincing evidence. If the Board

1 receives the written request within 10 days or less of the next regularly scheduled Board
2 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
3 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
4 review.

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

10 19. If Respondent currently sees clients in their own private practice, and obtains any
11 other type of behavioral health position, either as an employee or independent contractor, where
12 they provide behavioral health services to clients of another individual or agency, they shall
13 comply with requirements set forth in paragraphs 20 through 22 below.

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

22 21. If Respondent is not employed as of the effective date of this Order, within 10
23 days of accepting employment in a position where Respondent provides any type of behavioral
24 health related services or in a setting where any type of behavioral health, health care, or social
25 services are provided, Respondent shall provide the Board Chair or designee with a written

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

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

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

24 24. Prior to the release of Respondent from probation, Respondent must submit a
25 written request to the Board for release from the terms of this Consent Agreement at least 30

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

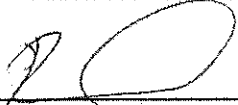
10 25. Respondent shall bear all costs relating to probation terms required in this
11 Consent Agreement.

12 26. Respondent shall be responsible for ensuring that all documentation required in
13 this Consent Agreement is provided to the Board in a timely manner.

14 27. This Consent Agreement shall be effective on the date of entry below.

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

18
19 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

20 
21 _____
Ronald D. Martin

20 4/30/18
21 _____
Date

22 ...
23 ...
24 ...
25 ...

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

2 Dated this 8th day of May, 2018.

3
4 By: M. Zavalta
5 TOBI ZAVALA, Executive Director
6 Arizona Board of Behavioral Health Examiners

7 **ORIGINAL** of the foregoing filed
8 This 8th day of May, 2018 with:

9 Arizona Board of Behavioral Health Examiners
10 1740 West Adams Street, Suite 3600
11 Phoenix, AZ 85007

12 **COPY** of the foregoing mailed via Interagency Mail
13 This 8th day of May, 2018, to:

14 Marc Harris
15 Assistant Attorney General
16 2005 North Central Avenue
17 Phoenix, AZ 85004

18 **COPY** of the foregoing mailed via
19 Certified mail no. 9489009000276060244572
20 This 8th day of May, 2018, to:

21 Ronald D. Martin
22 Address of Record
23 Respondent

24 **COPY** of the foregoing mailed via Mail
25 This 8th day of May, 2018 to:

The Cohen Law Firm
Larry J. Cohen
PO Box 10056
Phoenix, AZ 85064-0056
Attorney for Respondent