



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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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. LMSW-15702 for the practice of social  
4 work in Arizona.

5 2. In 07/15, Respondent was issued her LMSW license.

6 3. At the time of her LMSW issuance, the Board placed Respondent on a Non-  
7 Disciplinary Consent Agreement due 3 previous DUI arrests and past alcohol-related issues.

8 4. Approximately 2 years after the issuance of her LMSW license, on 06/24/17,  
9 Respondent was again arrested for DUI.

10 5. In a 07/17 statement to the Board, Respondent indicated the following:

11 a. Respondent was sober from 06/13 until she relapsed in 06/17.

12 b. Respondent maintained sobriety for those 4 years by engaging in AA  
13 meetings, working with her sponsor, volunteering in MADD victim impact  
14 panels, maintaining boundaries with active users, and engaging in traditional  
15 Native American ceremonies.

16 c. On 06/24/17, Respondent relapsed by consuming alcohol while visiting a  
17 friend at a pool party.

18 d. On 07/03/17, Respondent was terminated from her employment after self-  
19 reporting her DUI arrest.

20 6. In review of Respondent's treatment records, it appears that she was honest and  
21 forthcoming with her nurse practitioner and counselor regarding her 06/17 DUI and relapse.

22 7. Respondent was also forthcoming in disclosing her DUI arrest when submitting  
23 her 10/17-employment application to her prospective employer.

24 8. Irrespective of those disclosures, the fact remains that Respondent has been  
25 arrested for Driving Under the Influence on 4 separate occasions.



1 noncompliant with the terms of the Order in any way, the stay of the suspension shall be lifted  
2 and Respondent's license shall be automatically suspended as set forth above.

3 3. If Respondent contests the lifting of the stay as it relates to this paragraph,  
4 Respondent shall request in writing, within 10 days of being notified of the automatic  
5 suspension of licensure, that the matter be placed on the Board agenda for the Board to review  
6 and determine if the automatic suspension of Respondent's license was supported by clear and  
7 convincing evidence.

8 4. If the written request is received within 10 days of a regularly scheduled Board  
9 meeting, the request will not be heard at that meeting, but will be heard at the next regularly  
10 scheduled Board meeting.

11 5. Pending the Board's review, Respondent's license shall be reported as  
12 suspended - under review. Respondent may not work in any capacity as a licensed behavioral  
13 health professional pending the Board's review. The Board's decision and Order shall not be  
14 subject to further review.

15 **Probation**

16 6. Respondent's license, LMSW-15702, will be placed on probation for 24 months,  
17 effective from the date of entry as signed below.

18 7. Respondent shall not practice under their license, LMSW-15702, unless they are  
19 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,  
20 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they  
21 shall immediately notify the Board in writing and shall not practice under their license until they  
22 submit a written request to the Board to re-commence compliance with this Consent  
23 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

24 8. In the event that Respondent is unable to comply with the terms and conditions  
25 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until

1 such time as they are granted approval to re-commence compliance with the Consent  
2 Agreement.

### 3 Clinical Supervision

4 9. While on probation, Respondent shall submit to clinical supervision for 24 months  
5 by a masters or higher level behavioral health professional licensed at the independent level.  
6 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a  
7 clinical supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the  
8 date of this Consent Agreement, the clinical supervisor shall submit a letter disclosing their prior  
9 relationship to Respondent. In that letter, the clinical supervisor must address why they should  
10 be approved, acknowledge that they have reviewed the Consent Agreement and include the  
11 results of an initial assessment and a supervision plan regarding the proposed supervision of  
12 Respondent. The letter from the supervisor shall be submitted to the Board.

### 13 Focus and Frequency of Clinical Supervision

14 10. The focus of the supervision shall relate to self-care. Respondent shall meet  
15 individually in person with the supervisor for a minimum of one hour at least weekly if working  
16 fulltime or twice monthly if working less than 20 hours per week.

### 17 Reports

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

- 22 a. Dates of each clinical supervision session.
- 23 b. A comprehensive description of issues discussed during supervision  
24 sessions.

25 12. All quarterly supervision reports shall include a copy of clinical supervision

1 documentation maintained for that quarter. All clinical supervision documentation maintained by  
2 the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(C).

3 13. After Respondent's probationary period, the supervisor shall submit a final  
4 summary report for review and approval by the Board Chair or designee. The final report shall  
5 also contain a recommendation as to whether the Respondent should be released from this  
6 Consent Agreement.

7 **Change of Clinical Supervisor During Probation**

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

15 **Therapy**

16 15. During the period of probation, Respondent shall attend therapy for 24 months  
17 with a dually licensed behavioral health professional holding a LISAC and an additional  
18 independent level license. Within 30 days of the date of this Consent Agreement, Respondent  
19 shall submit the name of their therapist and the therapist's curriculum vitae for pre-approval by  
20 the Board Chair or designee. Also within 30 days of the date of this Consent Agreement, the  
21 therapist shall submit a letter addressing why they should be approved, acknowledging that they  
22 have reviewed the Consent Agreement and include the results of an initial assessment and a  
23 treatment plan regarding the proposed treatment of Respondent.

24 16. Upon approval, the Board will provide the therapist with copies of any required  
25 evaluations completed at the request of the Board prior to this Consent Agreement and the

1 Board's investigative report.

2 **Focus and Frequency of Therapy**

3 17. The focus of the therapy shall relate to triggers, thoughts, cravings, use, and  
4 concerns identified in the investigative report. Respondent shall meet in person with the  
5 therapist twice monthly.

6 **Reports**

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

15 **Change of Therapist**

16 19. In the event that, during the period of Respondent's probation, Respondent's  
17 Board-approved therapist discontinues treatment, Respondent shall submit the name of a new  
18 therapist and the therapist's curriculum vitae for pre-approval by the Board Chair or designee  
19 within 30 days of the discontinued treatment. Also within 30 days of the date of the discontinued  
20 treatment, the proposed therapist shall submit a letter addressing why they should be approved,  
21 acknowledging that they have reviewed the Consent Agreement, and include the results of an  
22 initial assessment and a treatment plan regarding the proposed treatment of Respondent.

23 **Biological Fluid Testing**

24 20. Within 10 days of the effective date of this Order, Respondent shall enroll in a  
25 program that meets Board criteria for observed random biological fluid testing. The chemicals



1 tested shall be determined by the Board Chair or designee. Random testing shall be done at a  
2 minimum of once monthly and may be required more frequently as requested by the Board or its  
3 designee. Respondent shall direct the Board-approved testing laboratory to provide a copy of  
4 each test result to the Board. Respondent shall direct the Board-approved testing laboratory to  
5 advise the Board or its designee within 7 days regarding any issue of noncompliance by  
6 Respondent. Respondent shall notify the biological fluid testing laboratory and the Board, in  
7 writing, of unavailability to test prior to an anticipated absence or if unable to provide a sample  
8 due to illness. Respondent must submit in writing within 7 days of the missed specimen,  
9 documentation from a treating physician who has personally evaluated Respondent on the day  
10 of the requested screen that Respondent was not physically able to report to the laboratory for  
11 biological fluid testing.

12 ***Failure to show for a random biological fluid test or failure to provide a random***  
13 ***biological fluid sample on a day when a sample is requested by the Board, its designee***  
14 ***or the laboratory will be considered an admission of a positive urine screening.*** The  
15 following situations will also constitute ***an admission of a positive urine screen***: submission of  
16 a specimen where the integrity has been compromised as indicated by the presence of  
17 adulterants, with determination made by laboratory personnel; submission of a sample that is  
18 below acceptable volume or temperature to be tested; failure to provide written advance notice  
19 of anticipated absence; and failure to provide written verification of illness from a physician  
20 within 7 days of the missed specimen.

21 ***Failure to show for the random biological fluid test, failure to provide a random***  
22 ***biological fluid sample*** or a positive drug screen showing evidence of any drug other than an  
23 authorized medication ***will constitute a violation of this Order. A violation of this Order for***  
24 ***those reasons will be deemed to be a threat to the public's health, safety and welfare.***  
25 ***The Board may then summarily suspend Respondent's license and may impose***

1 *disciplinary action including but not limited to suspension or revocation of Respondent's*  
2 *license, after notice and opportunity for a hearing. The issue at such hearing will be*  
3 *limited to whether Respondent violated this Order by failing to show for a random*  
4 *biological fluid test, failing to provide a random biological fluid sample or for having*  
5 *tested positive for any drug other than an authorized medication.*

6 21. Respondent shall abstain completely from the personal use of the following  
7 substances: opiates, foodstuffs containing poppy seeds, foodstuffs containing hemp products,  
8 and herbal or health preparations containing derivatives of controlled substances. Respondent  
9 is fully responsible for any and all ingested materials and their contents.

10 22. Respondent shall abstain completely from the personal use of alcohol or  
11 controlled substances or possession of controlled substances, as defined in the State Controlled  
12 Substances Act and Dangerous Drugs and Narcotics as defined by law or any drugs requiring a  
13 prescription. Respondent shall abstain from the use of alcohol and all over-the-counter  
14 medications except plain aspirin, acetaminophen, or ibuprofen.

15 23. Orders prohibiting Respondent from personal use or possession of controlled  
16 substances, dangerous drugs, narcotics, or medications do not apply to medications lawfully  
17 prescribed to Respondent for a bona fide illness or condition by a medical care provider. During  
18 the duration of this Consent Agreement, Respondent shall select one (1) medical care provider  
19 to coordinate their health care needs and to be aware of all prescriptions utilized by  
20 Respondent. Respondent shall immediately submit to that provider a copy of this Consent  
21 Agreement and shall execute all release of information forms as required by the Board or its  
22 designee. The medical care provider shall, within 14 days of the effective date of this Consent  
23 Agreement, inform the Board, in writing, of knowledge of Respondent's Consent Agreement and  
24 provide a list of medications prescribed for Respondent. During the duration of this Consent  
25 Agreement, Respondent shall cause all providers to notify the Board of any additional

1 medications ordered by the provider. The notification shall be made in writing within 7 days of  
2 the provider's issuance of the prescription.

3 24. If Respondent has a lawful prescription for a narcotic or mood-altering drug,  
4 Respondent shall cause their prescribing provider to submit monthly reports to the Board by the  
5 30<sup>th</sup> day of each month regarding the continued need for the prescribed narcotic or mood-  
6 altering medications. The Board or its designee may, at any time, request the provider to  
7 document the continued need for prescribed medications. Respondent shall keep a written  
8 record of medications taken, including over the counter drugs, and produce such record upon  
9 request by the Board or its designee.

#### 10 Recovery Program

11 25. While on probation, Respondent shall attend recovery support meetings at a  
12 minimum of 2 times per week. Respondent shall obtain a sponsor, mentor, or group leader and  
13 that individual shall provide quarterly reports to the Board Chair or designee attesting to  
14 Respondent's attendance and participation.

#### 15 GENERAL PROVISIONS

##### 16 Provision of Clinical Supervision

17 26. Respondent shall not provide clinical supervision while subject to this Consent  
18 Agreement.

##### 19 Civil Penalty

20 27. Subject to the provisions set forth in paragraph 28, the Board imposes a civil  
21 penalty against the Respondent in the amount of \$1,000.00.

22 28. Respondent's payment of the civil penalty shall be stayed so long as Respondent  
23 remains compliant with the terms of this Consent Agreement. If Board staff determines that  
24 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the  
25 exception of the tolling provision under paragraph 8, the stay of the civil penalty payment shall

1 be automatically lifted and payment of the civil penalty shall be made by certified check or  
2 money order payable to the Board within 30 days after being notified in writing of the lifting of  
3 the stay.

4 29. Within 10 days of being notified of the lifting of the stay, Respondent may request  
5 that the matter be reviewed by the Board for the limited purpose of determining whether the  
6 automatic lifting of the stay was supported by clear and convincing evidence. If the Board  
7 receives the written request within 10 days or less of the next regularly scheduled Board  
8 meeting, the request will not be heard at that meeting, but will be heard at the next regularly  
9 scheduled Board meeting. The Board's decision on this matter shall not be subject to further  
10 review.

11 30. The Board reserves the right to take further disciplinary action against  
12 Respondent for noncompliance with this Consent Agreement after affording Respondent notice  
13 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply  
14 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final  
15 and the period of probation shall be extended until the matter is final.

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

24 32. If Respondent is not employed as of the effective date of this Order, within 10  
25 days of accepting employment in a position where Respondent provides any type of behavioral

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

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

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

1 35. 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 36. Respondent shall bear all costs relating to probation terms required in this  
13 Consent Agreement.

14 37. 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 38. This Consent Agreement shall be effective on the date of entry below.

17 39. 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 *Jennifer L. Johnson*  
23 Jennifer L. Johnson

*3/29/2018*  
Date

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

25 Dated this 4th day of April, 2018.

1 By: *M. T. Zavala*  
2 TOBI ZAVALA, Executive Director  
3 Arizona Board of Behavioral Health Examiners  
4

5 ORIGINAL of the foregoing filed

6 This 4<sup>th</sup> day of April, 2018, with:

7 Arizona Board of Behavioral Health Examiners  
8 1740 West Adams Street, Suite 3600  
9 Phoenix, AZ 85007

10 COPY of the foregoing mailed via Interagency Mail

11 This 4<sup>th</sup> day of April, 2018, to:

12 Marc Harris  
13 Assistant Attorney General  
14 2005 North Central Avenue  
15 Phoenix, AZ 85004-1592

16 COPY of the foregoing mailed via

17 Certified mail no. 9489009000276049424131

18 This 4<sup>th</sup> day of April, 2018, to:

19 Jennifer L. Johnson  
20 Address of Record  
21 Respondent  
22  
23  
24  
25