

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

2 **In the Matter of:**

3 **Ann K. Eberhardt, LAC-15909,**
4 **Licensed Associate Counselor,**
5 **In the State of Arizona.**

6 **RESPONDENT**

CASE NO. 2019-0017

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER OF REVOCATION**

7 On September 14, 2018, the Arizona Board of Behavioral Health Examiners ("Board") held a
8 formal hearing in the above matter. Assistant Attorney General Marc H. Harris appeared on behalf of the
9 State. Assistant Attorney General Michael D. Raine was present to provide independent legal advice to
10 the Board. Respondent was not present.

11 After having considered all the testimony and evidence presented, the Board issues the following
12 Findings of Fact, Conclusions of Law and Order.

13 **FINDINGS OF FACT**

14 1. Respondent is the holder of License No. LAC-15909 for the practice of associate
15 counseling in Arizona.

16 2. On 07/06/18, Respondent's sister ("Sister"), a licensed physician, contacted the Board
17 expressing concern for Respondent's mental health and the safety of her potential clients. (At the time
18 Sister contacted the Board, she did not believe that Respondent was employed but thought she was
19 looking for employment and knows she has a license to practice as an associate counselor.)

20 3. On 07/18/18, Sister submitted a formal complaint against Respondent. Upon receipt of
21 the complaint, Respondent sent the Board an email wherein she stated that she was "... embarrassed that
22 the AZBBHE is this discriminatory. I will review at my leisure and determine how to respond."

23 4. In support of her complaint, Sister submitted a series of highly concerning text messages,
24 Facebook posts, images, an application for emergency admission for evaluation ("Title 36 Petition")
25 hospitalization and numerous other records involving Respondent.

1 5. On or around 05/08/18, Sister submitted her Title 36 Petition to the Court for
2 Respondent's involuntary evaluation. According to Sister, she filed the Title 36 Petition partially based
3 upon the following information:

4 a. Sister believed Respondent was unwilling or unable to undergo a voluntary evaluation on
5 the following basis:

- 6 • Crisis Response Team and Tucson PD went to Respondent's house, spoke with her,
7 but she refused evaluation.
- 8 • Respondent was not taking care of herself and appeared disheveled.
- 9 • Was working as a therapist but cannot maintain a job.
- 10 • Housing situation is tenuous.
- 11 • Currently paranoid; thinks the FBI is tracking her; thinks she is in danger.
- 12 • Socially isolated and has alienated friends and family.
- 13 • Situation may get worse and she will continue to decompensate.
- 14 • Asking random strangers if they want to be good and go to a specific place.
- 15 • Facebook posts and calls from friends.

16 b. Respondent's friend, M.M., observed:

- 17 • Paranoia, concern for psychosis.
- 18 • Indicated FBI is going to kill friends' kids.
- 19 • Group of close friends have all received concerning text messages about FBI and
20 other comments of concern.

21 6. In the Title 36 Petition, Sister stated that "[a]s a professional, I am concerned for my
22 sister's wellbeing."

23 7. On or around 05/09/18, Respondent was involuntarily transported by law enforcement to
24 the Crisis Response Center, who then transferred Respondent to Sonora Behavioral Health.

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1 8. On 05/10/18, Dr. M. Anderson Douglass, of Sonora Behavioral Health, conducted a
2 psychiatric evaluation of Respondent. Dr. Douglass concluded that a court ordered treatment protocol
3 might be necessary in order to preserve and sustain Respondent's physical and mental health. His
4 conclusion was based in part on his impressions from his interview with Respondent, his review of
5 additional records and Respondent's level of non-cooperation.

6 9. On 05/14/18, Respondent underwent a second psychiatric evaluation at Sonora
7 Behavioral Health. This one was performed by Dr. James Abanishe. Dr. Abanishe's conclusions and
8 recommendations were similar to Dr. Douglass'.

9 10. On 05/18/18 Respondent underwent an Independent Psychiatric Evaluation by Dr. Vicki
10 Knight. Dr. Knight concluded that despite Respondent's symptoms, Respondent had been providing for
11 her basic needs and that she has been advocating for her own interests. Dr. Knight did not believe that
12 Respondent met the criteria for involuntary mental health treatment and that such intervention was likely
13 to have an adverse impact on Respondent's ability to pursue a position in counseling once her symptoms
14 had been adequately treated.

15 11. On 05/22/18, following the Court's review of the matter including the testimony from
16 Drs. Douglass, Abanishe and Knight, the Court dismissed the allegation of danger to self, concluding that
17 although Respondent suffers from a mental disorder, she is able to be a voluntary patient.

18 12. As a result, Sonora Behavioral Health completed a 05/22/18 Discharge Summary for
19 Respondent. The Discharge Plan, among other things, notes that Respondent refused to discuss medical
20 or psychiatric advance directives. In addition, it states that Respondent refused to complete her crisis
21 safety plan and sign the Discharge Plan.

22 13. Contrary to Dr. Knight's evaluation, since Respondent's 05/22/18 discharge, there is no
23 evidence indicating that Respondent is receiving any behavioral health treatment.

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25 ...

1 14. When contacted by the Board, Respondent's former therapist stated that she has not seen
2 Respondent since early June. Therapist further stated that based upon her last encounter with Respondent,
3 she has "grave concerns" for Respondent and that she "is afraid of her."

4 15. These statements are consistent with therapist's 06/18/18 closing file summary notes
5 which indicate that:

- 6 a. Respondent presented with marked hostility and out of character humor.
- 7 b. Upon self-reflection, therapist is aware of fears for her own safety.

8 16. In addition, a number of friends and colleagues were contacted by the Board. These
9 individuals shared similar concerns to those of Sister and Respondent's former therapist. Specifically:

10 a. Colleague 1:

- 11 • Over the last six months Respondent has pushed the core group away.
- 12 • She is aware of odd Facebook posts and texts sent to others in the group.
- 13 • Respondent once told her to "stay away or I'll call the cops".
- 14 • She overheard police tell Sister that they had been called to the residence many
15 times previously because Respondent would report feeling "unsafe".
- 16 • When the Mobile Acute Crisis team arrived at Respondent's residence,
17 Respondent refused to be assessed.
- 18 • The biggest concern with Respondent is that she is very smart and knows what to
19 say and what not to say in evaluations.
- 20 • As Respondent's behavior became more erratic, Colleague 1 refused to check on
21 her for Sister because she was fearful of Respondent.

22 b. Colleague 3:

- 23 • Colleague 3 received several disturbing messages through Facebook messenger
24 in the last 3 months including some in May and as recent as July 18th, which
25 included the following texts from Respondent:

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- “are you messed up with the gangs too?”
- “If so, please know that all my communications have been tracked by the nsa for some time now and I am sure that they are now looking into you and your husband.”
- “Please make sure your husband never calls me again.”
- She and other colleagues were hoping the petition would go through because Respondent needs a lot of help right now.
- Respondent is very smart and can get out of things.
- As a group, she and the others were concerned for their safety.
- Respondent has talked about buying a gun.

17. In addition, to the Facebook postings referenced above, the Board also received several Facebook posts made by Respondent related to the Federal Bureau of Investigations. Below is a sample of those postings:

- a. What is the best way to get an FBI agent killed?
 - Let them think for themselves.
- b. What’s the best way to tie up a FBI agent?
 - Duct tape
- c. Why can’t you take a FBI agent anywhere?
 - They keep getting themselves killed.
- d. What shortens the lifespan of a FBI agent?
 - How they piss people off.
- e. What should the FBI never cross?
 - A Mexican
- f. What’s the best way to hospitalize FBI agents?
 - A petition

1 ORIGINAL of the foregoing filed
This 25th day of September, 2018 with:

2
3 Arizona Board of Behavioral Health Examiners
4 1740 West Adams Street, Suite 3600
5 Phoenix, AZ 85007

6 COPY of the foregoing mailed via Interagency Mail
7 This 25th day of September, 2018, to:

8 Marc Harris
9 Assistant Attorney General
10 2005 North Central Avenue
11 Phoenix, Arizona 85004

12 Michael Raine
13 Assistant Attorney General
14 2005 North Central Avenue
15 Phoenix, AZ 85004
16 Attorney for the Board of Behavioral Health Examiners

17 COPY of the foregoing mailed via
18 Certified mail no. 9489009000276042657948
19 This 25th day of September, 2018, to:

20 Ann K. Eberhardt
21 Address of Record
22 Respondent
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2 receipt of the complaint, Respondent sent the Board an email wherein she stated that she was
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16 These individuals shared similar concerns to those of Sister and Respondent's former
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25 feeling "unsafe".

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- 20 • Respondent has talked about buying a gun.

21 17. In addition, to the Facebook postings referenced above, the Board also received
22 several Facebook posts made by Respondent related to the Federal Bureau of Investigations.
23 Below is a sample of those postings:

- 24 a. What is the best way to get an FBI agent killed?
- 25 • Let them think for themselves.

1 Based on the Preliminary Findings of Fact and Preliminary Conclusions of Law as set
2 forth above, and consistent with its authority under A.R.S. § 32-3281(C), the Board finds that
3 the public health, welfare and safety require emergency action.

4 **IT IS THEREFORE ORDERED THAT:**

5 1. License No. LAC-15909 issued to Respondent is hereby summarily suspended.
6 Respondent shall immediately surrender License No. LAC-15909 to the Board or its duly
7 authorized agent.

8 2. The Preliminary Findings of Fact and Preliminary Conclusions of Law constitute
9 written notice to Respondent of the charges of unprofessional conduct made by the Board
10 against her. Respondent is entitled to a formal administrative hearing to defend these charges
11 as expeditiously as possible after the issuance of this Order. The suspension of Respondent's
12 license shall remain in effect until the conclusion of the hearing.

13 3. The Board's Executive Director is instructed to schedule this matter before the
14 Board for the purposes of holding a formal administrative hearing which shall be commenced
15 as expeditiously as possible from the date of the issuance of this Order, unless stipulated and
16 agreed otherwise by Respondent.

17 Dated this 31st day of July, 2018.

18
19 By: _____

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

21 ORIGINAL of the foregoing filed

22 This 31st day of July, 2018 with:

23 Arizona Board of Behavioral Health Examiners
24 1740 West Adams St., Suite 3600
Phoenix, AZ 85007

25 COPY of the foregoing mailed via Interagency Mail

This 31st day of July, 2018, to:

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Marc H. Harris
Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

COPY of the foregoing mailed via
Certified mail no. 94890090 002710060230278
This 31st day of July, 2018, to:

Ann K. Eberhardt
Address of Record
Respondent

DOC#7202841