

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

3 **In the Matter of:**

4 **Abigail E. Sassano, LCSW-13526,**
5 **Licensed Clinical Social Worker,**
6 **In the State of Arizona.**

CASE NO. 2019-0022
CONSENT AGREEMENT

7 **RESPONDENT**

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), Abigail E. Sassano ("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 only between Respondent and the Board for
7 the final disposition of this matter and may be used for purposes of determining sanctions in any
8 future disciplinary matter.

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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

19 8. Respondent further understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
21 disciplinary action pursuant to A.R.S. § 32-3281.

22 9. The Board therefore retains jurisdiction over Respondent and may initiate
23 disciplinary action against Respondent if it determines that they have failed to comply with the
24 terms of this Consent Agreement or of the practice act.

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. LCSW-13526 for the practice of social
4 work in Arizona.

5 2. Since 2014, Respondent has provided clinical supervision to an applicant
6 ("Applicant") for licensed clinical social worker.

7 3. In 12/17, Applicant submitted her LCSW application to the Board.

8 4. In support of that application, Applicant and Respondent signed and submitted
9 verification forms to the Board.

10 5. On those verification forms, Respondent declared that she and Applicant
11 completed 53 hours of clinical supervision between the dates of 02/15 – 08/17.

12 6. Despite the verification forms clearly stating that the forms were required to be
13 completed by clinical supervisor, Respondent acknowledged that Applicant, rather than herself,
14 completed the verification forms.

15 7. When asked about this issue, Respondent answered as follows:

16 a. When asked how Respondent verified the clinical supervision hours that
17 Applicant wrote on the verification form, Respondent indicated she didn't
18 verify the information because she trusted the information that Applicant
19 wrote on there.

20 b. Respondent did not look at any of the clinical supervision notes before
21 signing the verification form.

22 8. Respondent's conduct is problematic as she signed certifying statements,
23 attesting under penalty of perjury, that all information contained in the verification forms was true
24 and correct.

25 9. Aside from falsifying verification forms, other issues identified with the clinical

1 supervision record are as follows:

2 a. A total of 53 hours of clinical supervision were declared on the verification
3 forms, however, none of those hours are acceptable for the following
4 reasons:

- 5 • The supervision notes were not written or maintained by Respondent as
6 required.
- 7 • The notes were not created contemporaneously as required.
- 8 • The notes fail to meet the minimum documentation standards as
9 prescribed by A.A.C. R4-6-212.
- 10 • Several supervision notes include identical dates with different content or
11 overlapping time frames.

12 b. All of the supervision notes include Applicant's signature, but fail to include
13 the date of her signature.

14 c. Without the date of the signature, it is impossible to know when the
15 supervision notes were created or signed.

16 d. Furthermore, Applicant acknowledges creating the notes months, and even
17 years after the fact.

18 e. Similarly, Respondent acknowledges signing the supervision notes years
19 after the fact, and when she did sign them, she failed to date her signature.

20 10. During her written response and investigative interview, Respondent relayed the

21 following:

22 a. When asked how Respondent was able to verify the content of the notes if
23 she did not sign them until years later, Respondent indicated that she was not
24 able to, but trusted Applicant to do them accordingly as she had always taken
25 notes during their sessions.

1 b. Respondent has already taken the Board's clinical supervision tutorial, which
2 she took sometime in the past 2 years as a requirement of the Board's clinical
3 supervision registry.

4 c. When asked why Respondent was not following the Board's rules for clinical
5 documentation if she took the tutorial, which discusses the requirements,
6 Respondent indicated, "Well I read it. For whatever reason, I didn't retain that
7 information about the specifics of documentation."

8 CONCLUSIONS OF LAW

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

12 2. The conduct and circumstances described in the Findings of Fact constitute a
13 violation of A.R.S. § 32-3251(16)(c)(i), making any oral or written misrepresentation of a fact to
14 secure or attempt to secure the issuance or renewal of a license.

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

18 ORDER

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

21 1. Respondent's license, LCSW-13526, will be placed on probation for 24 months,
22 effective from the date of entry as signed below.

23 2. Respondent shall not practice under their license, LCSW-13526, unless they are
24 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,
25 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they

1 shall immediately notify the Board in writing and shall not practice under their license until they
2 submit a written request to the Board to re-commence compliance with this Consent
3 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

4 3. In the event that Respondent is unable to comply with the terms and conditions
5 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
6 such time as they are granted approval to re-commence compliance with the Consent
7 Agreement.

8 Continuing Education

9 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within
10 12 months of the effective date of this Consent Agreement, Respondent shall complete 10 clock
11 hours of continuing education addressing legal, risk management and clinical supervision. All
12 required continuing education shall be pre-approved by the Board Chair or designee. Upon
13 completion, Respondent shall submit a certificate of completion of the required continuing
14 education.

15 5. In addition to the continuing education requirements of A.R.S. § 32-3273, and in
16 addition to the clinical supervisor educational requirements of A.A.C. R4-6-214, within 12
17 months of the effective date of this Consent Agreement, Respondent shall complete 12 clock
18 hours of clinical supervision training. All required continuing education shall be pre-approved by
19 the Board Chair or designee. Upon completion, Respondent shall submit a certificate of
20 completion of the required continuing education.

21 Clinical Supervision

22 6. While on probation, Respondent shall submit to clinical supervision for 24 months
23 by a masters or higher level behavioral health professional licensed at the independent level.
24 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a
25 clinical supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the

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

6 Focus and Frequency of Clinical Supervision

7 7. The focus of the supervision shall relate to documentation, rules and laws, ethics
8 and providing clinical supervision. Respondent shall meet individually in person with the clinical
9 supervisor for a minimum one hour monthly if working fulltime.

10 Reports

11 8. 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 9. All quarterly supervision reports shall include a copy of clinical supervision
19 documentation maintained for that quarter. All clinical supervision documentation maintained by
20 the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(C).

21 10. After Respondent's probationary period, the supervisor shall submit a final
22 summary report for review and approval by the Board Chair or designee. The final report shall
23 also contain a recommendation as to whether the Respondent should be released from this
24 Consent Agreement.

25 ...

1 **Change of Clinical Supervisor During Probation**

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

9 **Early Release**

10 12. After completion of the stipulations set forth in this Consent Agreement, and upon
11 the clinical supervisor's recommendation, Respondent may request early release from the
12 Consent Agreement after 12 months.

13 **GENERAL PROVISIONS**

14 **Provision of Clinical Supervision**

15 13. Respondent shall not provide clinical supervision while subject to this Consent
16 Agreement.

17 **Civil Penalty**

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

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

1 the stay.

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

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

14 18. If Respondent currently sees clients in their own private practice, and obtains any
15 other type of behavioral health position, either as an employee or independent contractor, where
16 they provide behavioral health services to clients of another individual or agency, they shall
17 comply with requirements set forth in paragraphs 19 through 21 below.

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

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

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

25 ...

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

4 23. Prior to the release of Respondent from probation, Respondent must submit a
5 written request to the Board for release from the terms of this Consent Agreement at least 30
6 days prior to the date they would like to have this matter appear before the Board. Respondent
7 may appear before the Board, either in person or telephonically. Respondent must provide
8 evidence that they have successfully satisfied all terms and conditions in this Consent
9 Agreement. The Board has the sole discretion to determine whether all terms and conditions of
10 this Consent Agreement have been met and whether Respondent has adequately demonstrated
11 that they have addressed the issues contained in this Consent Agreement. In the event that the
12 Board determines that any or all terms and conditions of this Consent Agreement have not been
13 met, the Board may conduct such further proceedings as it determines are appropriate to
14 address those matters.

15 24. Respondent shall bear all costs relating to probation terms required in this
16 Consent Agreement.

17 25. Respondent shall be responsible for ensuring that all documentation required in
18 this Consent Agreement is provided to the Board in a timely manner.

19 26. This Consent Agreement shall be effective on the date of entry below.

20 27. This Consent Agreement is conclusive evidence of the matters described herein
21 and may be considered by the Board in determining appropriate sanctions in the event a
22 subsequent violation occurs.

23 ...

24 ...

25 ...

1 PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

2 Abigail E. Sassano
3 Abigail E. Sassano

11-26-18
Date

4 BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

5 Dated this 27th day of November, 2018.

6
7
8 By:

M. Zavala
9 TOBI ZAVALA, Executive Director
10 Arizona Board of Behavioral Health Examiners

11 ORIGINAL of the foregoing filed

12 This 27th day of November, 2018 with:

13 Arizona Board of Behavioral Health Examiners
14 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

15 COPY of the foregoing mailed via Interagency Mail

16 This 27th day of November, 2018, to:

17 Marc Harris
18 Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

19 COPY of the foregoing mailed via

20 Certified mail no. 9489009000076060239882
This 27th day of November, 2018, to:

21 Abigail E. Sassano
22 Address of Record
Respondent