

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

3 **In the Matter of:**

4 **Christine M. Pellegrino, LAC-17139,**
5 **Licensed Associate Counselor,**
6 **In the State of Arizona.**

CASE NO. 2019-0043
INTERIM CONSENT AGREEMENT

7 **Respondent**

8 By mutual agreement and understanding, between the Arizona State Board of
9 Behavioral Health Examiners ("Board") and Christine M. Pellegrino ("Respondent"), the parties
10 enter into this Interim Consent Agreement, Findings of Fact, Conclusions of Law and Order
11 ("Interim Consent Agreement") as an interim disposition of this matter.

12 **RECITALS**

13 Respondent understands and agrees that:

14 1. The Board may adopt this Interim Consent Agreement, or any part thereof,
15 pursuant to A.R.S. § 32-3251 *et seq.* and A.R.S. § 41-1092.07(F)(5).

16 2. Respondent has read and understands this Interim Consent Agreement as set
17 forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an
18 attorney or has waived the opportunity to discuss this Interim Consent Agreement with an
19 attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so
20 agrees to abide by all of its terms and conditions.

21 3. By entering into this Interim Consent Agreement, Respondent freely and
22 voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as
23 well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other
24 administrative and/or judicial action, concerning the matters related to the Interim Consent
25 Agreement.

1 4. Respondent understands that this Interim Consent Agreement does not
2 constitute a dismissal or resolution of this matter or any matters that may be currently pending
3 before the Board and does not constitute any waiver, express or implied, of the Board's
4 statutory authority or jurisdiction regarding any other pending or future investigations, actions,
5 or proceedings. Respondent also understands that acceptance of this Interim Consent
6 Agreement does not preclude any other agency, subdivision, or officer of this State from
7 instituting civil or criminal proceedings with respect to the conduct that is the subject of this
8 Interim Consent Agreement. Respondent does not intend their acceptance of this Interim
9 Consent Agreement to constitute an admission of any fact or facts and they enter into this
10 agreement as an interim compromise of a pending matter. Respondent further does not
11 relinquish their rights to an administrative hearing, rehearing, review, reconsideration, judicial
12 review or any other administrative and/or judicial action, concerning the matters related to a
13 final disposition of this matter, unless they affirmatively does so as part of the final resolution of
14 this matter.

15 5. Respondent acknowledges and agrees that upon signing this Interim Consent
16 Agreement and returning it to the Board's Executive Director, Respondent may not revoke their
17 acceptance of this Interim Consent Agreement or make any modifications to it. Any
18 modification of this original document is ineffective and void unless mutually approved by the
19 parties in writing.

20 6. Respondent understands that this Interim Consent Agreement shall not become
21 effective unless and until it is adopted by the Board and signed by its Executive Director.

22 7. Respondent understands and agrees that if the Board does not adopt this
23 Interim Consent Agreement, they will not assert in any future proceedings that the Board's
24 consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or
25 other similar defense.

1 8. Respondent understands that this Interim Consent Agreement is a public record
2 that may be publicly disseminated as a formal action of the Board, and that it shall be reported
3 as required by law to the National Practitioner Data Bank.

4 9. Respondent understands that this Interim Consent Agreement does not alleviate
5 their responsibility to comply with the applicable license-renewal statutes and rules. If this
6 Interim Consent Agreement remains in effect at the time Respondent's behavioral health
7 licenses come up for renewal, they must renew their license(s) if Respondent wishes to retain
8 their license(s). If Respondent elects not to renew their license(s) as prescribed by statute and
9 rule, Respondent's license(s) will not expire but rather, by operation of law (A.R.S. § 32-3202),
10 become suspended until the Board takes final action in this matter. Once the Board takes final
11 action, in order for Respondent to be licensed in the future, they must submit a new application
12 for licensure and meet all of the requirements set forth in the statutes and rules at that time.

13 10. Respondent understands that any violation of this Interim Consent Agreement
14 constitutes unprofessional conduct under A.R.S. § 32-3251(16)(n), violating a formal order,
15 consent agreement, term of probation or stipulated agreement, and may result in disciplinary
16 action under A.R.S. § 32-3281.

17 Respondent understands and agrees that:

18 **INTERIM FINDINGS OF FACT**

19 1. The Board is the duly constituted authority for licensing and regulating the
20 practice of counseling in the State of Arizona.

21 2. Respondent is the holder of License No. LAC-17139.

22 3. From 05/18 – 10/18, Respondent was employed by a behavioral health agency.

23 4. In 10/18, Respondent's employer submitted a complaint to the Board indicating
24 that Respondent was observed, and tested positive, to be under the influence of controlled
25 substances while at work.

INTERIM CONCLUSIONS OF LAW

1
2 1. The Board possesses subject matter and personal jurisdiction over Respondent
3 pursuant to A.R.S. § 32-3251 *et seq.*

4 2. The Board is authorized to enter into an interim consent agreement with an
5 associate counselor to limit or restrict the professional's practice in order to protect the public
6 and ensure that the professional is able to safely engage in the practice of associate counseling
7 pursuant to A.R.S. § 32-3281.

INTERIM ORDER

8
9 Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to
10 the authority granted to the Board under A.R.S. § 32-3281:

11 **IT IS HEREBY ORDERED** that Respondent shall not practice under their license until
12 such time as they submit a written request for the reinstatement of their license to the Board and
13 the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its
14 discretion, require any combination of staff-approved physical, psychiatric, or psychological
15 examinations, or other types of examinations, evaluations or interviews it believes are
16 necessary to assist the Board in determining whether Respondent is able to safely and
17 competently return to the practice of associate counseling. The Board's affirmative approval to
18 permit Respondent to return to practicing under their license shall not preclude the Board from
19 taking any other action it deems appropriate based upon the conduct set forth in the Interim
20 Findings of Fact.

21 Respondent's agreement not to practice under License No. LAC-17139 will be
22 considered an interim suspension of their license.


PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

23
24 
25 _____
Christine M. Pellegrino

Date 11/19/2018

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

2 Dated this 17th day of December, 2018.

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

7 **ORIGINAL** of the foregoing filed
8 This 17th day of December, 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 17th day of December, 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. 948910091000276044089090
20 This 17th day of December, 2018, to:

21 Christine M. Pellegrino
22 Address of Record
23 Respondent