

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

2 **In the Matter of:**

3 **Victoria H. Congdon, LMSW-17032,**  
4 **Licensed Master Social Worker,**  
5 **In the State of Arizona.**

6 **RESPONDENT**

**CASE NO. 2019-0138**


**RELEASE FROM  
CONSENT AGREEMENT AND ORDER**

7 The Board received a request from Respondent to release them from the terms and  
8 conditions of the Consent Agreement and Order dated February 5<sup>th</sup>, 2020. After consideration,  
9 the Board voted to release Respondent from the terms and conditions of the Consent  
10 Agreement and Order dated February 5<sup>th</sup>, 2020.

11 **ORDER**

12 **GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:**

13 Respondent is hereby released from all terms and conditions of the Consent Agreement  
14 and Order dated February 5<sup>th</sup>, 2020.

15 By:   
16 **TOBIN ZAVALA, Executive Director**  
**Arizona Board of Behavioral Health Examiners**

**Dec 13, 2021**

Date

17  
18 **ORIGINAL** of the foregoing filed **Dec 13, 2021**  
with:

19 Arizona Board of Behavioral Health Examiners  
20 1740 West Adams Street, Suite 3600  
21 Phoenix, AZ 85007

22 **EXECUTED COPY** of the foregoing sent electronically **Dec 13, 2021**  
to:

23 Victoria H. Congdon  
24 Address of Record  
25 Respondent

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

3 **In the Matter of:**

4 **Victoria H. Congdon, LMSW-17032,**  
5 **Licensed Master Social Worker,**  
6 **In the State of Arizona.**

7 **RESPONDENT**

**CASE NO. 2019-0138**  
**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), Victoria H. Congdon ("Respondent") and the Board enter into this  
12 Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as  
13 a final 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 between only 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                The Board issues the following Findings of Fact, Conclusions of Law and Order:

1 **FINDINGS OF FACT**

2 1. Respondent is the holder of License No. LMSW-17032 for the practice of social  
3 work in the State of Arizona.

4 2. From 08/07 – 04/19, Respondent was employed by a behavioral health agency  
5 (“Agency”) as a social worker.

6 3. In 04/19, Agency became aware that Respondent inappropriately referred a  
7 family to the Ronald McDonald House, a nonprofit agency who offers temporary housing to  
8 families whose children are hospitalized.

9 4. Due to their population, the Ronald McDonald House does not accept individuals  
10 who have been recently exposed to contagious diseases, as many of the children staying there  
11 have little to no immunity and can become easily sick if exposed to illnesses.

12 5. Respondent acknowledges lying on an application to the Ronald McDonald  
13 House by submitting a referral on behalf of a family that had been exposed to measles.

14 6. In another but unrelated incident, Agency learned that Respondent failed to make  
15 a report to DCS or law enforcement when a client admitted to using marijuana and being the  
16 subject of domestic violence during her pregnancy.

17 **CONCLUSIONS OF LAW**

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

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

24 ...

25 ...





1 **Civil Penalty**

2 10. Subject to the provisions set forth in paragraph 11, the Board imposes a civil  
3 penalty against the Respondent in the amount of \$1,000.00.

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

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

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

23 14. If Respondent currently sees clients in their own private practice, and obtains any  
24 other type of behavioral health position, either as an employee or independent contractor, where

25 ...

1 they provide behavioral health services to clients of another individual or agency, they shall  
2 comply with requirements set forth in paragraphs 15 through 17 below.

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

11       16. If Respondent is not employed as of the effective date of this Order, within 10  
12 days of accepting employment in a position where Respondent provides any type of behavioral  
13 health 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 with a written  
15 statement providing the contact information of their new employer and a signed statement from  
16 Respondent's new employer confirming Respondent provided the employer with a copy of this  
17 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
18 within 10 days, as required, Respondent's failure to provide the required statement to the Board  
19 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's  
20 employer(s) with a copy of the Consent Agreement.

21       17. If, during the period of Respondent's probation, Respondent changes  
22 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on  
23 extended leave of absence for whatever reason that may impact their ability to timely comply  
24 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform

25 ...



1 the Board of their change of employment status. After the change and within 10 days of  
2 accepting employment in a position where Respondent provides any type of behavioral health  
3 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 a written  
5 statement providing the contact information of their new employer(s) and a signed statement  
6 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a  
7 copy of this Consent Agreement. If Respondent does not provide the employer's statement to  
8 the Board within 10 days, as required, Respondent's failure to provide the required statement to  
9 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide  
10 Respondent's employer(s) with a copy of the Consent Agreement.

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

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

25 ...

1 20. Respondent shall bear all costs relating to probation terms required in this  
2 Consent Agreement.

3 21. Respondent shall be responsible for ensuring that all documentation required in  
4 this Consent Agreement is provided to the Board in a timely manner.

5 22. This Consent Agreement shall be effective on the date of entry below.

6 23. This Consent Agreement is conclusive evidence of the matters described herein  
7 and may be considered by the Board in determining appropriate sanctions in the event a  
8 subsequent violation occurs.

9 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

10 Victoria H. Congdon

11 Victoria H. Congdon (Feb 5, 2020)

12 Victoria H. Congdon

13 Feb 5, 2020

14 Date

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

16 By:

17 Meli Zavala

18 TOBI ZAVALA, Executive Director  
19 Arizona Board of Behavioral Health Examiners

20 Feb 5, 2020

21 Date

22 **ORIGINAL** of the foregoing filed  
23 with:

24 Arizona Board of Behavioral Health Examiners  
25 1740 West Adams Street, Suite 3600  
Phoenix, AZ 85007

26 Feb 5, 2020

27 **EXECUTED COPY** of the foregoing sent electronically  
28 to:

29 Marc Harris  
30 Assistant Attorney General  
31 2005 North Central Avenue  
32 Phoenix, AZ 85004

33 Feb 5, 2020

34 Victoria H. Congdon  
35 Address of Record  
Respondent

1 Roger W. Frazier  
2 2525 E. Broadway Blvd., Suite 200  
3 Tucson, AZ 85716  
4 Attorney for Respondent

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