BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

Case No.: 2007-0157

RELEASE FROM CONSENT AGREEMENT AND ORDER

In the Matter of:

DEENA STEWART-HITZKE
Licensed Independent Substance Abuse Counselor,
LISAC-10275,
In the State of Arizona.

The Board received a request from Deena Stewart-Hitzke to release her from the terms and conditions of the Consent Agreement and Order dated July 17, 2007.

After consideration of the documentation provided by Ms. Stewart-Hitzke and the Substance Abuse Credentialing Committee's recommendation supporting release from the terms and conditions of the Consent Agreement and Order dated July 17, 2007, the Board noted that Ms. Stewart-Hitzke complied with all of the terms and conditions of the Consent Agreement and Order.

ORDER

GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:

Ms. Stewart-Hitzke is hereby released from all terms and conditions of the Consent Agreement and Order dated July 17, 2007.

DATED this day of , 2008.

ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

By: DEBRA RINAUDO, Executive Director
ORIGINAl of the foregoing filed
This 15th day of December, 2008, with:

Arizona Board of Behavioral Health Examiners
3443 North Central Avenue, Suite 1700
Phoenix, Arizona 85012

COPY of the foregoing certified mailed:
This 15th day of December, 2008,
Certified mail no. 760718200043147977, to:

Deena Stewart-Hitzke
(Address on Record)
Respondent

Marc H. Harris
Assistant Attorney General
1275 West Washington CIV/LES
Phoenix, Arizona 85007
Attorney for the Board of Behavioral Health Examiners

Tina Zepeda, Compliance Officer
BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

CASE NO. 2007-0157

CONSENT AGREEMENT

In the Matter of:

DEENA STEWART-HITZKE, Licensed
Independent Substance Abuse
Counselor, LISAC-10275,
In the State of Arizona.

Respondent

In the State of Arizona.

In the interest of a prompt and speedy settlement of the above captioned matter, consistent with
the public interest, statutory requirements and responsibilities of the Arizona State Board of Behavioral
Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(E) and 41-1092.07(F)(5), Deena
Stewart-Hitzke ("Respondent") and the Board enter into this Consent Agreement, Findings of Fact,
Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

CONSENT AGREEMENT

Respondent understands and agrees that:

1. Any record prepared in this matter, all investigative materials prepared or received by the
Board concerning the allegations, and all related materials and exhibits may be retained in the Board's file
pertaining to this matter.

2. Respondent has the right to a formal administrative hearing at which Respondent can present
evidence and cross examine the State's witnesses. Respondent hereby irrevocably waives her right to
such formal hearing concerning these allegations and irrevocably waives her right to any rehearing or
judicial review relating to the allegations contained in this Consent Agreement.

3. Respondent has the right to consult with an attorney prior to entering into this Consent
Agreement.

4. The findings contained in the Findings of Fact portion of this Consent Agreement are
conclusive evidence of the facts stated herein and may be used for purposes of determining sanctions in
any future disciplinary matter.
5. This Consent Agreement is subject to the Board's approval, and will be effective only when the Board accepts it. In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or of any records relating thereto.

6. Respondent further understands that once the Board approves and signs this Consent Agreement, it shall constitute a public record that may be disseminated as a formal action of the Board.

The Board issues the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. On February 1, 2002, the Board issued Respondent's certification as an independent substance abuse counselor ("CSAC"), which converted to an independent substance abuse counselor ("LISAC") license on July 1, 2004.

2. In June 2004, the Board denied Respondent's certified professional counselor application based on unprofessional conduct related to performance issues at three different behavioral health agencies between 2001 and 2003.

3. The performance issues included boundaries and limits with clients, over-identifying with clients, and an inability to focus due to personal issues. Respondent resigned from all three agencies due to the negative impact of her personal issues on her work performance.

4. In January 2005, Respondent's personal issues continued to impact her ability to effectively provide client care at a fourth behavioral health agency and she resigned in February 2005. An agency termination report rated her work quality as unsatisfactory and she was not recommended for rehire.

5. Respondent then took a break from her counseling career for almost one year to address concerns regarding her professional performance. She re-took ethics and internship preparation courses. She completed over 700 hours of supervised internship at Our Family Services and began her employment with that agency in January 2006.
6. In early 2007, while employed at Our Family Services, Respondent became overly involved with a female client's ("Client") pending court matter, exceeded her role at the agency, and became an advocate for her client. Respondent did not obtain the necessary supervision to address the matter when it first arose. Respondent engaged in a 2 week dialogue with Client's attorney regarding the attorney's court case preparation and authored an opinion letter to Client's attorney regarding the level of danger posed by Client's spouse. Respondent never met with Client's spouse.

7. While Respondent has made efforts to address her personal and professional issues, her problematic professional conduct has continued.

CONCLUSIONS OF LAW

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

2. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(12)(f), any conduct, practice, or condition that impairs the ability of the licensed behavioral health professional to safely and competently practice.

ORDER

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

1. Respondent's license is immediately placed on probation for a minimum of twelve (12) months, effective from the date of entry as signed below.

2. During the period of probation, Respondent shall attend therapy with a master's, or higher level, independently licensed behavioral health professional. Respondent shall submit the name of her proposed therapist and the therapist's curriculum vitae for pre-approval by the Substance Abuse Credentialing Committee Chair or designee. The therapist shall submit a letter addressing why he/she should be approved, acknowledging that he/she has reviewed the Consent Agreement and include the results of an initial assessment and a treatment plan regarding the proposed treatment of Respondent, including the frequency of in-person therapy sessions to be provided. The letter from the therapist shall be submitted to the Board's office.
3. Once approved, the therapist shall submit quarterly reports for review and approval by the Substance Abuse Credentialing Committee Chair or designee. The quarterly reports shall include issues presented in this consent agreement that need to be reported and the therapist shall notify the Board if more frequent therapy is needed. The focus of the therapy shall relate to the issues identified in the consent agreement and the Board’s confidential investigative report.

4. Respondent shall submit to clinical supervision by a master’s, or higher level, independently licensed behavioral health professional for a minimum of twelve (12) months. Within sixty (60) days of the date of this Consent Agreement, Respondent shall submit the name of a clinical supervisor for pre-approval by the Counseling Committee Chair or designee. Also within sixty (60) days of the date of this Consent Agreement, the clinical supervisor shall submit a letter disclosing his/her prior relationship to Respondent. In that letter, the supervisor must address why he/she should be approved, acknowledging that he/she has reviewed the Consent Agreement and include the results of an initial assessment and a supervision plan regarding the proposed supervision of Respondent. The letter from the supervisor shall be submitted to the Board’s office. The focus of the supervision shall relate to boundaries.

5. Once approved, the supervisor shall submit quarterly reports to the Committee and a final summary report to the Board. The quarterly reports shall include issues presented in this consent agreement that need to be reported and the supervisor shall notify the Board if more frequent supervision is needed. The focus of the supervision shall relate to boundaries and the issues presented in this consent agreement and the Board’s investigative report. Respondent shall meet in person with the supervisor at least 1 hour for every 40 hours worked.

6. Respondent shall not provide clinical supervision while on probation.

7. Upon completion of the terms of this Consent Agreement, Respondent must make a written request for release from the stipulations of this Consent Agreement. Respondent must provide evidence that she has successfully satisfied all terms and conditions of this Consent Agreement and Order. The Board has the sole discretion to determine whether all terms and conditions of this Consent Agreement and Order have been met and whether Respondent has adequately demonstrated that she has addressed the issues contained in this Consent Agreement and Order.
8. Respondent shall bear all costs relating to the probation, supervision, and individual counseling.

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

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

11. Respondent shall be responsible for ensuring that all required documentation is provided to the Committee in a timely manner.

PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Deena Stewart-Hitzke

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT:

Dated this 17th day of July, 2007.

By: DEBRA RINAUDO, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGIN of the foregoing mailed This 18th day of July, 2007, with:

Arizona Board of Behavioral Health Examiners
3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

COPY of the foregoing mailed via Certified mail no. 7560 1777 0000 7560 1777
This 18th day of July, 2007, to:
Deena Stewart-Hitzke
Address of Record
Respondent