

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

2 **In the Matter of:**

3 **Gail Eaton, LCSW-11342,**
4 **Licensed Clinical Social Worker,**
5 **In the State of Arizona.**

6 **RESPONDENT**

CASE NO. 2015-0013


**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 11th, 2019. After consideration,
9 the Board voted to release Respondent from the terms and conditions of the Consent
10 Agreement and Order dated February 11th, 2019.

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 11th, 2019.

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

Sep 14, 2020

Date

18 **ORIGINAL** of the foregoing filed Sep 14, 2020
19 with:

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

23 **EXECUTED COPY** of the foregoing sent electronically Sep 14, 2020
24 to:

25 Gail Eaton
Address of Record
Respondent

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

3 **In the Matter of:**

4 **Gail Eaton, LCSW-11342,**
5 **Licensed Clinical Social Worker,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2015-0013
 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), Gail Eaton ("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-11342 for the practice of social
4 work in Arizona.

5 2. From 02/13 – 09/15, Respondent provided individual counseling to a male minor
6 child ("Client").

7 3. Respondent was aware that:

8 a. Client's father ("Father") and mother ("Mother") were involved in ongoing
9 custody issues.

10 b. Father was the sole legal decision maker for Client.

11 4. Respondent acknowledges:

12 a. On at least two occasions, testifying in court on Father's behalf.

13 b. Authoring a 03/04/14 letter intended for the court which indicated:

14 i. There is a pattern of frequent disruption due to Mother's behavior
15 toward Client.

16 ii. Client is antagonized by Mother from her erratic behavior including
17 verbal abuse, incessant finger pointing and arm waving.

18 iii. Respondent strongly advises Mother seek treatment to resolve
19 whatever her personal issues are that prevent her from effectively
20 parenting.

21 c. Authoring a 07/01/14 letter intended for the court which indicated:

22 i. Mother does not have Client's best interest in mind.

23 ii. Client has expressed that he does not want to visit Mother and
24 that she lies about everything.

25 iii. Client's behavior is consistent with a child that has been

1 emotionally, if not physically, abused.

2 iv. Further visitation makes Client vulnerable to continued emotional
3 turmoil.

4 5. Respondent's testimonies and letters to the court appear particularly concerning
5 where:

6 a. Aside from completing paperwork on one occasion, Respondent and
7 Mother never met for any therapeutic or background gathering session.

8 b. Despite not collecting information directly from Mother, Respondent
9 offered disparaging statements to the court.

10 c. Providing information to the court at Father's request appears biased and
11 outside the scope of Respondent's therapeutic duties.

12 6. Respondent indicated there was suspected abuse by Mother including:

13 a. An 02/26/13 intake assessment for Client noted:

14 i. Reason for referral: Client needs an outlet and safe vent.

15 ii. History of abuse: Some suspected by Mother.

16 b. Noting that prior to treatment starting, Client was receiving supervised
17 visitation with Mother due to allegations of physical abuse.

18 c. During interview with investigative staff, stating that past physical abuse
19 was disclosed by Father and Client.

20 7. Despite her indications of suspected abuse of Client by Mother, there is no
21 documentation that Respondent inquired whether the suspected abuse was reported to the
22 Department of Child Safety, or that she reported the suspected abuse herself.

23 8. On 09/21/13, Mother called Respondent and informed her that the school had
24 notified both parents that Client had made a suicidal gesture the previous day at school.

25 9. On 09/22/13, Respondent met with Client and Father and documented that Client

1 shared details of the school incident and his thoughts that Mother drove him to the suicidal
2 gesture.

3 10. Respondent failed to complete a suicide risk assessment or document that any
4 substantive questions were asked regarding Client's state of mind, suicidal plans, or means to
5 commit a suicidal act.

6 11. On 04/30/13, Mother's attorney sent a request to Respondent for Client's clinical
7 records which Respondent represents was not received until 05/28/13.

8 12. After receiving no records, Mother sent an additional request for Client's records
9 on 06/25/13.

10 13. On 09/04/13, Respondent sent Mother select progress notes and a written
11 response indicating that she was unaware of A.R.S. § 25-403.06 which required her to provide
12 minor client records to a parent, as it was her first request for records in any case.

13 14. Despite eventually sharing the progress notes, Respondent failed to provide
14 billing records as requested by Mother because Respondent believed financial records weren't
15 covered by A.R.S. § 25-403.06.

16 15. Respondent's clinical file for Client did not include a treatment plan, and
17 Respondent indicated she prefers not to use them in her private practice.

18 16. Without a treatment plan, and in reviewing Client's progress notes, it is difficult to
19 determine what, if any treatment was being provided to Client during the 2.5 years of individual
20 counseling.

21 CONCLUSIONS OF LAW

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

25 2. The conduct and circumstances described in the Findings of Fact constitute a

1 violation of A.R.S. § 32-3251(15)(l), any conduct, practice or condition that impairs the ability of
2 the licensee to safely and competently practice the licensee's profession.

3 3. The conduct and circumstances described in the Findings of Fact constitute a
4 violation of A.R.S. § 32-3251(15)(ii), violating any federal or state law, rule or regulation
5 applicable to the practice of behavioral health as it relates to: A.R.S. § 13-3620, Duty to Report.

6 4. The conduct and circumstances described in the Findings of Fact constitute a
7 violation of A.R.S. § 32-3251(15)(kk), failing to make client records in the licensee's possession
8 promptly available to the client, a minor client's parent, the client's legal guardian or the client's
9 authorized representative on receipt of proper authorization to do so from the client, a minor
10 client's parent, the client's legal guardian or the client's authorized representative.

11 5. The conduct and circumstances described in the Findings of Fact constitute a
12 violation of A.R.S. § 32-3251(15)(p), failing to conform to minimum practice standards as
13 developed by the Board, as it relates to the following: A.A.C. R4-6-1102, Treatment Plan.

14 6. The conduct and circumstances described in the Findings of Fact constitute a
15 violation of A.R.S. § 32-3251(15)(k), any conduct or practice that is contrary to recognized
16 standards of ethics in the behavioral health profession as it relates to the 2008 NASW Code of
17 Ethics:

18 **1.04 Competence**

19 (a) Social workers should provide services and represent themselves as
20 competent only within the boundaries of their education, training, license,
21 certification, consultation received, supervised experience, or other relevant
22 professional experience.

23 (b) Social workers should provide services in substantive areas or use
24 intervention techniques or approaches that are new to them only after engaging
25 in appropriate study, training, consultation, and supervision from people who are

1 competent in those interventions or techniques.

2 (c) When generally recognized standards do not exist with respect to an
3 emerging area of practice, social workers should exercise careful judgment and
4 take responsible steps (including appropriate education, research, training,
5 consultation, and supervision) to ensure the competence of their work and to
6 protect clients from harm.

7 **ORDER**

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

10 1. Respondent's license, LCSW-11342, will be placed on probation for 24 months,
11 effective from the date of entry as signed below.

12 2. Respondent shall not practice under their license, LCSW-11342, unless they are
13 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,
14 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they
15 shall immediately notify the Board in writing and shall not practice under their license until they
16 submit a written request to the Board to re-commence compliance with this Consent
17 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

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

22 **Continuing Education**

23 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within
24 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
25 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course

1 addressing current behavioral health documentation standards in Arizona. All required
2 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,
3 Respondent shall submit a certificate of completion of the required continuing education.

4 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within
5 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
6 three semester credit hour graduate level behavioral health ethics course from a regionally
7 accredited college or university, pre-approved by the Board Chair or designee. Upon
8 completion, Respondent shall submit to the Board an official transcript establishing completion
9 of the required course.

10 Clinical Supervision

11 6. While on probation, Respondent shall submit to clinical supervision for 24 months
12 by a masters or higher level behavioral health professional licensed at the independent level or
13 with a psychologist licensed by the Arizona Board of Psychologist Examiners who meets the
14 Board's clinical supervisor requirements. Within 30 days of the date of this Consent Agreement,
15 Respondent shall submit the name of a clinical supervisor for pre-approval by the Board Chair
16 or designee. Also within 30 days of the date of this Consent Agreement, the clinical supervisor
17 shall submit a letter disclosing their prior relationship to Respondent. In that letter, the clinical
18 supervisor must address why they should be approved, acknowledge that they have reviewed
19 the Consent Agreement and include the results of an initial assessment and a supervision plan
20 regarding the proposed supervision of Respondent. The letter from the supervisor shall be
21 submitted to the Board.

22 Focus and Frequency of Clinical Supervision

23 7. The focus of the supervision shall relate to behavioral health documentation,
24 professional practices and ethics, rules and statues, and high conflict court cases. Respondent
25 shall meet individually in person with the supervisor for a minimum of one hour at least weekly.

1 Reports

2 8. Once approved, the supervisor shall submit quarterly reports for review and
3 approval by the Board Chair or designee. The quarterly reports shall include issues presented in
4 this Consent Agreement that need to be reported and the supervisor shall notify the Board if
5 more frequent supervision is needed. Quarterly reports shall include the following:

- 6 a. Dates of each clinical supervision session.
7 b. A comprehensive description of issues discussed during supervision
8 sessions.

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

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

16 Change of Clinical Supervisor During Probation

17 11. If, during the period of Respondent's probation, the clinical supervisor determines
18 that they cannot continue as the clinical supervisor, they shall notify the Board within 10 days of
19 the end of supervision and provide the Board with an interim final report. Respondent shall
20 advise the Board Chair or designee within 30 days of cessation of clinical supervision by the
21 approved clinical supervisor and provide the name of a new proposed clinical supervisor. The
22 proposed clinical supervisor shall provide the same documentation to the Board as was required
23 of the initial clinical supervisor.

24 Early Release

25 12. After completion of the stipulations set forth in this Consent Agreement, and upon

1 the clinical supervisor's recommendation, Respondent may request early release from the
2 Consent Agreement after 12 months.

3 GENERAL PROVISIONS

4 Provision of Clinical Supervision

5 13. Respondent shall not provide clinical supervision while subject to this Consent
6 Agreement.

7 Civil Penalty

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

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

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

24 17. The Board reserves the right to take further disciplinary action against
25 Respondent for noncompliance with this Consent Agreement after affording Respondent notice

1 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
2 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
3 and the period of probation shall be extended until the matter is final.

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

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

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

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

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

18 23. Prior to the release of Respondent from probation, Respondent must submit a
19 written request to the Board for release from the terms of this Consent Agreement at least 30
20 days prior to the date they would like to have this matter appear before the Board. Respondent
21 may appear before the Board, either in person or telephonically. Respondent must provide
22 evidence that they have successfully satisfied all terms and conditions in this Consent
23 Agreement. The Board has the sole discretion to determine whether all terms and conditions of
24 this Consent Agreement have been met and whether Respondent has adequately demonstrated
25 that they have addressed the issues contained in this Consent Agreement. In the event that the

1 Board determines that any or all terms and conditions of this Consent Agreement have not been
2 met, the Board may conduct such further proceedings as it determines are appropriate to
3 address those matters.

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

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

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

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


12
13 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

14 
15 Gail Eaton

Dec. 20, 2018
Date

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

17 Dated this 11 day of February, ²⁰¹⁹2018.

18 By: 
19 TOBÍ ZAVALA, Executive Director
20 Arizona Board of Behavioral Health Examiners

21
22 ORIGINAL of the foregoing filed
23 This 11 day of February, ²⁰¹⁹2018 with:

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

1 COPY of the foregoing mailed via Interagency Mail ²⁰¹⁹
This 11 day of February, ~~2018~~, to:

2
3 Marc Harris
4 Assistant Attorney General
5 2005 North Central Avenue
6 Phoenix, AZ 85004

5 COPY of the foregoing mailed via
6 Certified mail no. 9489009000276047001015
7 This 11 day of February, ²⁰¹⁹~~2018~~, to:

8 Gail Eaton
9 Address of Record
10 Respondent

9 COPY of the foregoing mailed via Mail ²⁰¹⁹
10 This 11 day of February, ~~2018~~ to:

11 Michael J. Ryan
12 Holden & Armer, P.C.
13 4505 East Chandler Boulevard, Suite #210
14 Phoenix, Arizona 85048
15 Attorney for Respondent
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