

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

2 **In the Matter of:**

CASE NO. 2016-0098

3 **Mary J. Coy, LMSW-16278,**
4 **Licensed Master Social Worker,**
5 **In the State of Arizona.**

**RELEASE FROM CONSENT AGREEMENT
AND ORDER**


6 **RESPONDENT**

7 The Board received a request from Respondent to release them from the terms and
8 conditions of the Consent Agreement and Order dated August 8th, 2016. After consideration,
9 the Board voted to release Respondent from the terms and conditions of the Consent
10 Agreement and Order dated August 8th, 2016.

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 August 8th, 2016.

15 By: 

Sep 20, 2019

16 TOBI ZAVALA, Executive Director
17 Arizona Board of Behavioral Health Examiners

Date

18 **ORIGINAL** of the foregoing filed Sep 20, 2019
19 with:

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

22 **EXECUTED COPY** of the foregoing sent electronically Sep 20, 2019
to:

23 Mary J. Coy
24 Address of Record
Respondent

1 of this Consent Agreement or make any modifications to it. Any modification of this original
2 document is ineffective and void unless mutually approved by the parties in writing.

3 5. The findings contained in the Findings of Fact portion of this Consent Agreement
4 are conclusive evidence of the facts stated herein and may be used for purposes of determining
5 sanctions in any future disciplinary matter.

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8 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

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

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

23 **FINDINGS OF FACT**

24 1. Respondent is an applicant for licensure for the practice of social work in
25 Arizona.

26 2. Respondent has a long history of substance abuse.

1 3. Since at least 2007, Respondent has intermittently received outpatient behavioral
2 health services at a behavioral health agency (“Agency”) for drug dependence including opioid
3 type and polysubstance.

4 4. Following Respondent’s participation in outpatient treatment at Agency from
5 March 2009 – January 2011, Respondent informed Agency that she was able to successfully
6 detox and denied needing additional services.

7 5. Respondent returned to Agency for treatment from April 2011- January 2013 after
8 relapsing.

9 6. A May 13, 2011 Agency clinical note indicated:

- 10 a. Respondent started using heroin about 20 years ago.
- 11 b. Respondent was injecting about ½ of a gram per day.
- 12 c. Respondent relapsed on heroin to get suboxone out of her system.

13 7. A January 14, 2013 Notice of Action form from Agency indicated Respondent’s
14 services would end on January 24, 2013 for the following reasons:

- 15 a. On December 21, 2012, Agency tried to contact Respondent.
- 16 b. On December 24, 2012, Agency tried to contact Respondent.
- 17 c. On January 2, 2013, Agency sent Respondent a letter.
- 18 d. Respondent had not been to appointments or worked on your care plan.

19 8. Agency’s January 24, 2013 Discharge Summary indicated Respondent was
20 discharged for “Lack of contact”.

21 9. Between April – December 2013, Respondent returned to treatment at Agency
22 after relapsing.

23 10. In Respondent’s January 2016 written statement to Board staff, she indicated she
24 believed her sobriety date to be early 2011.

25 11. Agency treatment records indicate Respondent’s sobriety date is early 2013.

26 12. In regard to Respondent’s relapse prevention efforts, she reported she currently:

- 27 a. Attends NA meetings and has a sponsor.
- 28 b. Respondent is not involved in any type of behavioral health treatment, but
29 consults with other professionals off the clock.
- 30 c. Respondent has positive, healthy relationships.

1 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 Agreement.
3 All such requests shall be pre-approved by the Board Chair or designee.

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

7 **Stayed Revocation**

8 1. As of the effective date of this Consent Agreement, Respondent's license shall be
9 **REVOKED**. However, the revocation shall be stayed and Respondent's license shall be placed
10 on probation.

11 2. During the stayed revocation portion of the Order, if Respondent is noncompliant
12 with the terms of the Order in any way, the stay of the revocation shall be lifted and
13 Respondent's license shall be automatically revoked as set forth above.

14 3. If Respondent contests the lifting of the stay as it relates to this paragraph,
15 Respondent shall request in writing, within 10 days of being notified of the automatic revocation
16 of licensure, that the matter be placed on the Board agenda for the Board to review and
17 determine if the automatic revocation of Respondent's license was supported by clear and
18 convincing evidence.

19 4. If the written request is received within 10 days of a regularly scheduled Board
20 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
21 scheduled Board meeting.

22 5. Pending the Board's review, Respondent's license shall be reported as revoked—
23 under review. Respondent may not work in any capacity as a licensed behavioral health
24 professional pending the Board's review. The Board's decision and Order shall not be subject to
25 further review.
26

1 **Decree of Censure**

2 6. Respondent is hereby issued a decree of censure, which is an official action
3 against her license for the conduct set forth in the findings of fact.

4 **Recovery Program**

5 7. While on probation, Respondent shall attend recovery support meetings at a
6 minimum of three times per week for the first year and, if approved by the Board, a minimum of
7 twice a week thereafter for the remaining period of probation. Respondent shall obtain a
8 sponsor, mentor, or group leader and that individual shall provide quarterly reports to the Board
9 Chair or designee attesting to Respondent's attendance and participation.

10 **Biological Fluid Testing**

11 8. Within 10 days of the effective date of this Order, Respondent shall enroll in a
12 program that meets Board criteria for observed random biological fluid testing. The chemicals
13 tested shall be determined by the Board Chair or designee. Random testing shall be done at a
14 minimum of two times per month for the first year and, if approved by the Board, a minimum of
15 once a month thereafter for the remaining period of probation. Testing may be required more
16 frequently as requested by the Board or its designee. Respondent shall direct the Board-
17 approved testing laboratory to provide a copy of each test result to the Board. Respondent shall
18 direct the Board-approved testing laboratory to advise the Board or its designee within seven
19 days regarding any issue of noncompliance by Respondent. Respondent shall notify the
20 biological fluid testing laboratory and the Board, in writing, of unavailability to test prior to an
21 anticipated absence or if unable to provide a sample due to illness. Respondent must submit in
22 writing within seven days of the missed specimen, documentation from a treating physician who
23 has personally evaluated Respondent on the day of the requested screen that Respondent was not
24 physically able to report to the laboratory for biological fluid testing.

25 *Failure to show for a random biological fluid test or failure to provide a random*
26 *biological fluid sample on a day when a sample is requested by the Board, its designee or the*

1 *laboratory will be considered an admission of a positive urine screening.* The following
2 situations will also constitute *an admission of a positive urine screen:* submission of a specimen
3 where the integrity has been compromised as indicated by the presence of adulterants, with
4 determination made by laboratory personnel; submission of a sample that is below acceptable
5 volume or temperature to be tested; failure to provide written advance notice of anticipated
6 absence; and failure to provide written verification of illness from a physician within seven days
7 of the missed specimen.

8 *Failure to show for the random biological fluid test, failure to provide a random*
9 *biological fluid sample or a positive drug screen showing evidence of any drug other than an*
10 *authorized medication will constitute a violation of this Order. A violation of this Order for*
11 *those reasons will be deemed to be a threat to the public's health, safety and welfare. The Board*
12 *may then summarily suspend Respondent's license and may impose disciplinary action including*
13 *but not limited to suspension or revocation of Respondent's license, after notice and opportunity*
14 *for a hearing. The issue at such hearing will be limited to whether Respondent violated this*
15 *Order by failing to show for a random biological fluid test, failing to provide a random*
16 *biological fluid sample or for having tested positive for any drug other than an authorized*
17 *medication.*

18 9. Respondent shall abstain completely from the personal use of the following
19 substances: opiates, foodstuffs containing poppy seeds, foodstuffs containing hemp products, and
20 herbal or health preparations containing derivatives of controlled substances. Respondent is
21 fully responsible for any and all ingested materials and their contents.

22 10. Respondent shall abstain completely from the personal use of alcohol or
23 controlled substances or possession of controlled substances, as defined in the State Controlled
24 Substances Act and Dangerous Drugs and Narcotics as defined by law or any drugs requiring a
25 prescription. Respondent shall abstain from the use of alcohol and all over-the-counter
26 medications except plain aspirin, acetaminophen, or ibuprofen.

Civil Penalty

1
2 14. Subject to the provisions set forth in paragraph 40, the Board imposes a civil
3 penalty against the Respondent in the amount of \$1,000.00.

4 15. 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 5, 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 16. Within 10 days of being notified of the lifting of the stay, Respondent may
12 request that the matter be reviewed by the Board for the limited purpose of determining whether
13 the 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 meeting,
15 the request will not be heard at that meeting, but will be heard at the next regularly scheduled
16 Board meeting. The Board's decision on this matter shall not be subject to further review.

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

22 18. If Respondent currently sees clients in their own private practice, and obtains any
23 other type of behavioral health position, either as an employee or independent contractor, where
24 they provide behavioral health services to clients of another individual or agency, they shall
25 comply with requirements set forth in paragraphs 44 through 46 below.
26

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

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

19 21. If, during the period of Respondent's probation, Respondent changes
20 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
21 extended leave of absence for whatever reason that may impact their ability to timely comply
22 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform
23 the Board of their change of employment status. After the change and within 10 days of
24 accepting employment in a position where Respondent provides any type of behavioral health
25 related services or in a setting where any type of behavioral health, health care, or social services
26 are provided, Respondent shall provide the Board Chair or designee a written statement

1 providing the contact information of their new employer(s) and a signed statement from
2 Respondent's new employer(s) confirming Respondent provided the employer(s) with a copy of
3 this Consent Agreement. If Respondent does not provide the employer's statement to the Board
4 within 10 days, as required, Respondent's failure to provide the required statement to the Board
5 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
6 employer(s) with a copy of the Consent Agreement.

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

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

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

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

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