

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

3 **In the Matter of:**

4 **Carolyn S. Settle, LCSW-0708,**
5 **Licensed Clinical Social Worker,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2019-0099
DECREE OF CENSURE

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), Carolyn S. Settle (“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 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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. LCSW-0708 for the practice of social
3 work in Arizona.

4 2. From approximately 2006 – 2010, Respondent provided behavioral health
5 services to an adult female client (“Client”).

6 3. In 10/07, Respondent and Client met again for another behavioral health session,
7 which was video recorded.

8 4. Following the end of their professional services, correspondence between Client
9 and Respondent continued intermittently from 2010 to 2018.

10 5. Client’s email correspondence to Respondent included several salutations
11 expressing affection and love.

12 6. Client and Respondent agree their relationship was not romantic.

13 7. When questioned about their communications by Board staff, Respondent
14 indicated the following:

15 a. Client was an affectionate person.

16 b. Client would say, “I love you” to many other persons within the EMDR
17 community.

18 c. Respondent admits to “caring” about all of her clients, so when she said she
19 was thinking of Client often, it is because, as a social worker she cares about
20 her clients.

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.

1 2. The conduct and circumstances described in the Findings of Fact constitute a
2 violation of A.R.S. § 32-3251(16)(k), any conduct or practice that is contrary to recognized
3 standards of ethics in the behavioral health profession or that constitutes a danger to the health,
4 welfare or safety of a client, as it relates to the following section of the NASW Code of Ethics:

5 **1.06 Conflicts of Interest:**

6 (c) Social workers should not engage in dual or multiple
7 relationships with clients or former clients in which there is a risk
8 of exploitation or potential harm to the client. In instances when
9 dual or multiple relationships are unavoidable, social workers
10 should take steps to protect clients and are responsible for
11 setting clear, appropriate, and culturally sensitive boundaries.
12 (Dual or multiple relationships occur when social workers relate
13 to clients in more than one relationship, whether professional,
14 social, or business. Dual or multiple relationships can occur
15 simultaneously or consecutively.)
16

17 **ORDER of CENSURE**

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

20 1. Respondent is hereby censured, which is an official action against their license,
21 for their conduct as set forth in the Findings of Fact.

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

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

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PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Carolyn S. Settle
Carolyn S. Settle (Dec 13, 2019)

Carolyn S. Settle

Dec 13, 2019

Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

By: *M. Zavala*

TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

Dec 13, 2019

Date

ORIGINAL of the foregoing filed Dec 13, 2019
with:

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

EXECUTED COPY of the foregoing sent electronically Dec 13, 2019
to:

Marc Harris
Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

Carolyn S. Settle
Address of Record
Respondent

J. Arthur Eaves
Sanders & Parks, PC
3030 North Third Street, Suite 1300
Phoenix, AZ 85012
Attorney for Respondent