

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 her
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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 she has failed to comply with the
24 terms of this Consent Agreement or of the practice act.

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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. LAC-16795 for the practice of
4 counseling in Arizona.

5 2. On 01/20/19, Respondent was arrested for driving under the influence.

6 3. Respondent's blood alcohol content was measured at .185%.

7 4. Respondent acknowledges consuming alcohol prior to operating her vehicle.

8 **CONCLUSIONS OF LAW**

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

12 2. The conduct and circumstances described in the Findings of Fact constitute a
13 violation of A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs the ability of
14 the licensee to safely and competently practice the licensee's profession.

15 **ORDER**

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

18 1. Respondent's license, LAC-16795, will be placed on probation, effective from the
19 date of entry as signed below.

20 2. Respondent shall not practice under their license, LAC-16795, unless they are
21 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,
22 Respondent is unable to comply with the terms and conditions of this Consent Agreement, she
23 shall immediately notify the Board in writing and shall not practice under her license until she
24 submits a written request to the Board to re-commence compliance with this Consent
25 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

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

5 **Continuing Education**

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

12 **Recovery Program**

13 5. While on probation, Respondent shall attend a minimum of 6 Mothers Against
14 Drunk Driving ("M.A.D.D.") meetings in person or an equivalent program. Respondent shall
15 provide a report to the Board Chair or designee substantiating her attendance at M.A.D.D.
16 meetings or equivalent program.

17 **Early Release**

18 6. After completion of the continuing education requirements set forth in this
19 Consent Agreement, Respondent may request early release from the Consent Agreement if all
20 other terms of the Consent Agreement have been met.

21 **GENERAL PROVISIONS**

22 **Provision of Clinical Supervision**

23 7. Respondent shall not provide clinical supervision while subject to this Consent
24 Agreement

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1 Civil Penalty

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

4 9. 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 10. 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 substantial evidence. If the Board receives the
14 written request within 10 days or less of the next regularly scheduled Board meeting, the
15 request will not be heard at that meeting, but will be heard at the next regularly scheduled Board
16 meeting. The Board's decision on this matter shall not be subject to further review.

17 11. 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 final
21 and the period of probation shall be extended until the matter is final.

22 12. If Respondent currently sees clients in her own private practice, or obtains any
23 other type of behavioral health position, either as an employee or independent contractor, where
24 Respondent provides behavioral health services to clients of another individual or agency,
25 Respondent shall comply with requirements set forth in paragraphs 13 through 15 below.

1 13. 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 14. 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 15. 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 her ability to timely comply with
22 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
23 Board of her change of employment status. After the change and within 10 days of accepting
24 employment in a position where Respondent provides any type of behavioral health related

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1 services or in a setting where any type of behavioral health, health care, or social services are
2 provided, Respondent shall provide the Board Chair or designee a written statement providing
3 the contact information of Respondent's new employer(s) and a signed statement from
4 Respondent's new employer(s) confirming Respondent provided the employer(s) with a copy of
5 this Consent Agreement. If Respondent does not provide the employer's statement to the Board
6 within 10 days, as required, Respondent's failure to provide the required statement to the Board
7 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
8 employer(s) with a copy of the Consent Agreement.

9 16. Respondent shall practice behavioral health using the name under which they
10 are licensed. If Respondent changes her name, she shall advise the Board of the name change
11 as prescribed under the Board's regulations and rules.

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

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

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1 19. Respondent shall be responsible for ensuring that all documentation required in
2 this Consent Agreement is provided to the Board in a timely manner.

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

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

7
8 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

9 *Amber Ricci*
Amber Ricci (Nov 27, 2019)

10 Amber A. Ricci

Nov 27, 2019

Date

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

12 By:

Tobi Zavala

13 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

Dec 16, 2019

Date

14 **ORIGINAL** of the foregoing filed Dec 16, 2019

15 with:

16 Arizona Board of Behavioral Health Examiners
17 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

18 **EXECUTED COPY** of the foregoing sent electronically Dec 16, 2019

19 to:

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

21 Amber A. Ricci
22 Address of Record
23 Respondent

24 Michael Nevels
4808 North 22nd Street, Suite 200
25 Phoenix, AZ 85016
Attorney for Respondent