

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

2 **In the Matter of:**

CASE NO. 2017-0010

3 **Beth M. Stoddard , LISAC-10994,
4 Licensed Independent Substance Abuse
5 Counselor,
6 In the State of Arizona.**

**RELEASE FROM
7 CONSENT AGREEMENT AND ORDER**

RESPONDENT

7
8 The Board received a request from Respondent to release them from the terms and
9 conditions of the Consent Agreement and Order dated December 13th, 2016. After
10 consideration, the Board voted to release Respondent from the terms and conditions of the
11 Consent Agreement and Order dated December 13th, 2016.

12 **ORDER**

13 **GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:**

14 Respondent is hereby released from all terms and conditions of the Consent Agreement
15 and Order dated December 13th, 2016.

16 Dated this 7th day of February, 2018.

17 By:



18 **TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners**

19 **ORIGINAL** of the foregoing filed

20 This 7th day of February, 2018, with:

21 Arizona Board of Behavioral Health Examiners
22 1740 W. Adams St., Suite 3600
23 Phoenix, AZ 85007

24 **COPY** of the foregoing mailed via

25 Certified mail no. 94890090002710050 070198
This 7th day of February, 2018, to:

Beth M. Stoddard
Address of Record
Respondent

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

3 **In the Matter of:**
4 **Beth M. Stoddard, LISAC-10994,**
5 **Licensed Independent Substance Abuse**
6 **Counselor,**
7 **In the State of Arizona.**

CASE NO. 2017-0010
CONSENT AGREEMENT

8 **RESPONDENT**

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

15 **RECITALS**

16 Respondent understands and agrees that:

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

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

25 ...

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

3 4. Respondent acknowledges and agrees that upon signing this Consent
4 Agreement and returning it to the Board's Executive Director, Respondent may not revoke their
5 acceptance of this Consent Agreement or make any modifications to it. Any modification of this
6 original document is ineffective and void unless mutually approved by the parties in writing.

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

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

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

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

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

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. LISAC-10994 for the practice of
4 substance abuse counseling in Arizona.

5 2. On 12/18/15, Respondent was court appointed as the Therapeutic Interventionist
6 ("TI") in a family court case involving parents ("Mother" and "Father") and their minor child
7 ("Daughter").

8 3. Following the appointment, Father contacted Respondent numerous times
9 requesting to start the reunification process with Daughter, but received minimal responses.

10 4. On 01/23/16, Respondent met with Father for the first and only time.

11 5. On 04/02/16, Respondent met with Mother for the first and only time.

12 6. At no point did Respondent meet with Daughter.

13 7. On 05/20/16, Respondent failed to appear at the Maricopa Superior Court of
14 Arizona ("Court") proceeding regarding the family court case.

15 8. Court minutes from the proceeding indicated:

16 a. Court finds that Respondent is not fit to serve as the TI in the case given
17 her abandonment of the parties and her failure to appear.

18 b. Court will ask that the Family Court Administration take appropriate steps
19 to remove Respondent from the roster of behavioral health providers
20 allowed to serve as a TI.

21 c. Respondent shall refund Father \$165 within 5 days of receipt of the
22 minute entry.

23 d. Respondent's appointment as TI in the family case is vacated.

24 9. A review of Respondent's clinical record for the family indicated:

25 a. Respondent's treatment plan was missing various required elements.

1 b. Respondent's progress notes were missing various required elements.

2 **CONCLUSIONS OF LAW**

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

6 2. The conduct and circumstances described in the Findings of Fact constitute a
7 violation of A.R.S. § 32-3251(16)(k), any conduct or practice that is contrary to recognized
8 standards of ethics in the behavioral health profession or that constitutes a danger to the health,
9 welfare or safety of a client, as it relates to the 2013 NAADAC Code of Ethics:

10 **The Counseling Relationship – Standard 2: Client Self Determination**

11 (4.) The addiction professional will take reasonable steps to avoid abandoning
12 clients who are in need of services. Referral will be made only after careful
13 consideration of all factors to minimize adverse effects.

14 (5.) The addiction professional recognizes that there are clients with whom
15 he/she cannot work effectively. In such cases, arrangements for consultation, co-
16 therapy or referral are made.

17 3. The conduct and circumstances described in the Findings of Fact constitute a
18 violation of A.R.S. § 32-3251(16)(p), failing to conform to minimum practice standards as
19 developed by the Board, as it relates to the following:

- 20 • A.A.C. R4-6-1102, Treatment Plan
- 21 • A.A.C. R4-6-1103, Client Record

22 **ORDER**

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

25 ...

1 1. Respondent's license, LISAC-10994, will be placed on probation, effective from
2 the date of entry as signed below.

3 2. Respondent shall not practice under their license, LISAC-10994, unless they are
4 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,
5 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they
6 shall immediately notify the Board in writing and shall not practice under their license until they
7 submit a written request to the Board to re-commence compliance with this Consent
8 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

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

13 **Continuing Education**

14 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within
15 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
16 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course.
17 All required continuing education shall be pre-approved by the Board Chair or designee. Upon
18 completion, Respondent shall submit a certificate of completion of the required continuing
19 education.

20 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within
21 12 months of the effective date of this Consent Agreement, Respondent shall complete 12 clock
22 hours of continuing education addressing family court procedures. All required continuing
23 education shall be pre-approved by the Board Chair or designee. Upon completion, Respondent
24 shall submit a certificate of completion of the required continuing education.
25 ...

Clinical Supervision

1
2 6. While on probation, Respondent shall submit to clinical supervision for 12 months
3 by a masters or higher level behavioral health professional licensed at the independent level
4 with experience in forensically informed treatment. Within 30 days of the date of this Consent
5 Agreement, Respondent shall submit the name of a clinical supervisor for pre-approval by the
6 Board Chair or designee. Also within 30 days of the date of this Consent Agreement, the clinical
7 supervisor shall submit a letter disclosing their prior relationship to Respondent. In that letter,
8 the clinical supervisor must address why they should be approved, acknowledge that they have
9 reviewed the Consent Agreement and include the results of an initial assessment and a
10 supervision plan regarding the proposed supervision of Respondent. The letter from the
11 supervisor shall be submitted to the Board.

Focus and Frequency of Clinical Supervision

12 7. The focus of the supervision shall relate to family court procedures, client care
13 and family court ethics. Respondent shall meet individually in person with the supervisor once
14 per month.
15

Reports

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

- 20 a. Dates of each clinical supervision session.
- 21 b. A comprehensive description of issues discussed during supervision
- 22 sessions.
- 23
- 24 ...
- 25 ...

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

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

8 Change of Clinical Supervisor During Probation

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

16 GENERAL PROVISIONS

17 Provision of Clinical Supervision

18 12. Respondent shall not provide clinical supervision while subject to this Consent
19 Agreement.

20 Civil Penalty

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

23 14. Respondent's payment of the civil penalty shall be stayed so long as Respondent
24 remains compliant with the terms of this Consent Agreement. If Board staff determines that
25 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the

1 exception of the tolling provision under paragraph 3, the stay of the civil penalty payment shall
2 be automatically lifted and payment of the civil penalty shall be made by certified check or
3 money order payable to the Board within 30 days after being notified in writing of the lifting of
4 the stay.

5 15. Within 10 days of being notified of the lifting of the stay, Respondent may request
6 that the matter be reviewed by the Board for the limited purpose of determining whether the
7 automatic lifting of the stay was supported by clear and convincing evidence. If the Board
8 receives the written request within 10 days or less of the next regularly scheduled Board
9 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
10 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
11 review.

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

17 17. If Respondent currently sees clients in their own private practice, and obtains any
18 other type of behavioral health position, either as an employee or independent contractor, where
19 they provide behavioral health services to clients of another individual or agency, they shall
20 comply with requirements set forth in paragraphs 18 through 20 below.

21 18. Within 10 days of the effective date of this Order, if Respondent is working in a
22 position where Respondent provides any type of behavioral health related services or works in a
23 setting where any type of behavioral health, health care, or social services are provided,
24 Respondent shall provide the Board Chair or designee with a signed statement from
25 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this

1 Consent Agreement. If Respondent does not provide the employer's statement to the Board
2 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a
3 copy of the Consent Agreement.

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

14 20. If, during the period of Respondent's probation, Respondent changes
15 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
16 extended leave of absence for whatever reason that may impact their ability to timely comply
17 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform
18 the Board of their change of employment status. After the change and within 10 days of
19 accepting employment in a position where Respondent provides any type of behavioral health
20 related services or in a setting where any type of behavioral health, health care, or social
21 services are provided, Respondent shall provide the Board Chair or designee a written
22 statement providing the contact information of their new employer(s) and a signed statement
23 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a
24 copy of this Consent Agreement. If Respondent does not provide the employer's statement to
25 the Board within 10 days, as required, Respondent's failure to provide the required statement to

1 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide
2 Respondent's employer(s) with a copy of the Consent Agreement.

3 21. Respondent shall practice behavioral health using the name under which they
4 are licensed. If Respondent changes their name, they shall advise the Board of the name
5 change as prescribed under the Board's regulations and rules.

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

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

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

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

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

PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Beth M. Stoddard
Beth M. Stoddard

12.10.2016
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 13th day of December, 2016.

By: M. Zavalala
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed
This 13th day of December, 2016 with:

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

COPY of the foregoing mailed via Interagency Mail
This 13th day of December, 2016, to:

Marc Harris
Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007

COPY of the foregoing mailed via
Certified mail no. 7012 2920 00017794 8726
This 13th day of December, 2016, to:

Beth M. Stoddard
Address of Record
Respondent