

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

2 **In the Matter of:**

3 **Alfred C. Dodini, LCSW-17008,**
4 **Licensed Clinical Social Worker,**
5 **In the State of Arizona.**

6 **RESPONDENT**

CASE NO. 2018-0014

**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 January 22, 2018. After consideration,
9 the Board voted to release Respondent from the terms and conditions of the Consent
10 Agreement and Order dated January 22, 2018.

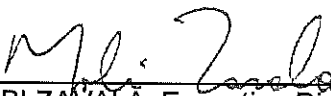
11 **ORDER**

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 January 22, 2018.

15 Dated this 17 day of June, 2019.

16
17 By:


18 TOBIN ZAVALA, Executive Director
19 Arizona Board of Behavioral Health Examiners

20 **ORIGINAL** of the foregoing filed

This 17 day of June, 2019, 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

Certified mail no. 94990091000216043640643

This 17 day of June, 2019, to:

25 Alfred C. Dodini
Address of Record
Respondent

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BEFORE THE ARIZONA BOARD
OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:

Alfred C. Dodini,
Applicant for Licensed Clinical Social
Worker,
In the State of Arizona.

RESPONDENT

CASE NO. 2018-0014

CONSENT AGREEMENT
FOR ISSUANCE OF LICENSE

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

RECITALS

Respondent understands and agrees that:

1. Any record prepared in this matter, all investigative materials prepared or received by the Board concerning the allegations, and all related materials and exhibits may be retained in the Board's file pertaining to this matter.
2. Respondent has the right to a formal administrative hearing at which Respondent can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably waives their right to such formal hearing concerning these allegations and irrevocably waives their right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.

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. On 11/01/16, Respondent submitted his application for licensed clinical social
4 worker in the state of Arizona.

5 2. Prior to submitting his application, Respondent was previously licensed by the
6 Board from approximately 2004 – 2011.

7 3. Between 2008 – 2009, the Board received 3 complaints of unprofessional
8 conduct against Respondent's license.

9 4. Following the Board's review of those complaints, Respondent was offered a
10 proposed Consent Agreement, which included various terms and conditions including continuing
11 education and clinical supervision.

12 5. Respondent ultimately declined the proposed Consent Agreement and chose to
13 voluntarily surrender his license in 2011.

14 6. Since the date of Respondent's voluntary surrender, Respondent has maintained
15 professional licensure in the state of Indiana.

16 7. Respondent acknowledges that, although he has maintained licensure in Indiana,
17 he has not practice under that license.

18 8. In support of his application, Respondent submitted numerous continuing
19 education certificates to the Board, although acknowledging that most were completed to satisfy
20 his Indiana license renewal requirements.

21 9. In review of Respondent's continuing education certificates, he did not address
22 each of the continuing education areas that the Board previously determined may help correct
23 Respondent's past conduct.

24 ...

25 ...

1 CONCLUSIONS OF LAW

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

5 2. The conduct and circumstances described in the Findings of Fact caused the
6 Board to restrict Respondent's professional practice pursuant to A.R.S. § 32-3275(B) as ordered
7 below.

8 ORDER

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

11 1. Respondent's application to be a licensed clinical social worker is approved
12 pending Respondent's completion of the continuing education requirements set forth in
13 paragraph 5 below.

14 2. The license issued to Respondent pursuant to paragraph 1 will be immediately
15 placed on probation for 24 months.

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

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

1 Continuing Education

2 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within
3 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
4 three semester credit hour graduate level behavioral health ethics course from an accredited
5 college or university, pre-approved by the Board Chair or designee. Upon completion,
6 Respondent shall submit to the Board an official transcript establishing completion of the
7 required course.

8 Clinical Supervision

9 6. While on probation, Respondent shall submit to clinical supervision for 24 months
10 by a masters or higher level behavioral health professional licensed at the independent level.
11 Respondent may submit a qualified clinical supervisor from any state, so long as they meet the
12 minimum requirements listed above. Within 30 days of the date of this Consent Agreement,
13 Respondent shall submit the name of a clinical supervisor for pre-approval by the Board Chair
14 or designee. Also within 30 days of the date of this Consent Agreement, the clinical supervisor
15 shall submit a letter disclosing their prior relationship to Respondent. In that letter, the clinical
16 supervisor must address why they should be approved, acknowledge that they have reviewed
17 the Consent Agreement and include the results of an initial assessment and a supervision plan
18 regarding the proposed supervision of Respondent. The letter from the supervisor shall be
19 submitted to the Board.

20 Focus and Frequency of Clinical Supervision

21 7. The focus of the supervision shall relate to professional boundaries, self-care,
22 ethics, and high-conflict cases. Respondent shall meet individually in person with the clinical
23 supervisor at least once, monthly.

24 Reports

25 8. Once approved, the supervisor shall submit quarterly reports for review and

1 approval by the Board Chair or designee. The quarterly reports shall include issues presented in
2 this Consent Agreement that need to be reported and the supervisor shall notify the Board if
3 more frequent supervision is needed. Quarterly reports shall include the following:

4 a. Dates of each clinical supervision session.

5 b. A comprehensive description of issues discussed during supervision
6 sessions.

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

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

14 Change of Clinical Supervisor During Probation

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

22 Early Release

23 12. After completion of the stipulations set forth in this Consent Agreement, and upon
24 the clinical supervisor's recommendation, Respondent may request early release from the
25 Consent Agreement after 12 months.

1 GENERAL PROVISIONS

2 Provision of Clinical Supervision

3 13. Respondent shall not provide clinical supervision while subject to this Consent
4 Agreement.

5 Civil Penalty

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

8 15. Respondent's payment of the civil penalty shall be stayed so long as Respondent
9 remains compliant with the terms of this Consent Agreement. If Board staff determines that
10 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
11 exception of the tolling provision under paragraph 4, the stay of the civil penalty payment shall
12 be automatically lifted and payment of the civil penalty shall be made by certified check or
13 money order payable to the Board within 30 days after being notified in writing of the lifting of
14 the stay.

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

22 17. The Board reserves the right to take further disciplinary action against
23 Respondent for noncompliance with this Consent Agreement after affording Respondent notice
24 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
25 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final.

1 and the period of probation shall be extended until the matter is final.

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

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

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

24 21. If, during the period of Respondent's probation, Respondent changes
25 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on

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

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

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

1 address those matters.

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

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

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

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

10
11 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

12 Alfred C. Dodini
13 Alfred C. Dodini

09/04/2017
Date

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

15
16 Dated this 22nd day of January, 2017

17
18 By: Tobi Zavala
19 TOBI ZAVALA, Executive Director
20 Arizona Board of Behavioral Health Examiners

21 ORIGINAL of the foregoing filed
22 This 22nd day of January, 2017 with:

23 Arizona Board of Behavioral Health Examiners
24 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

25 COPY of the foregoing mailed via Interagency Mail
This 22nd day of January, 2017, to:

1 Marc Harris
2 Assistant Attorney General
3 1275 West Washington
4 Phoenix, Arizona 85007

5 COPY of the foregoing mailed via
6 Certified mail no. 9489009000276050070020
7 This 22nd day of January, 2018 to:

8 Alfred C. Dodini
9 Address of Record
10 Respondent

11 COPY of the foregoing mailed via Mail
12 This 22nd day of January, 2018 to:

13 Ann-Marie Anderson
14 Wright Welker & Pauole, PLC
15 10429 South 51st Street, Suite 285
16 Phoenix, AZ 85044
17 Attorney for Respondent
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