

1 Consent Agreement.

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

6 5. The findings contained in the Findings of Fact portion of this Consent Agreement
7 are conclusive evidence of the facts stated herein and may be used for purposes of determining
8 sanctions in any 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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 The Board issues the following Findings of Fact, Conclusions of Law and Order:

20 **FINDINGS OF FACT**

21 1. Respondent is the holder of License No. LISAC-0694 for the practice of
22 substance abuse counseling in Arizona.

23 2. From 04/17 – 01/18, Respondent provided behavioral health services to an adult
24 female client ("Client").

25 3. Respondent acknowledges that Client's adult daughter ("Daughter") was Client's

1 legal guardian.

2 4. According to Daughter:

- 3 a. Daughter requested that Client's sessions occur in the home because Client
4 was mentally unstable and could not make reasonable decisions regarding
5 care herself.
- 6 b. On 01/05/18, Daughter received a call from Client from an unknown number
7 stating that she had been dropped off at the hospital by Respondent because
8 she had been hearing voices.
- 9 c. Once at the hospital, Client signed herself in under a false name, which made
10 it nearly impossible to find out which hospital she was at.
- 11 d. When Daughter arrived to the hospital, she was told that Client had been
12 waiting since the morning to be seen by a doctor.
- 13 e. Daughter was told by a nurse that Client had to be stopped from leaving after
14 it was noticed that she was making plans to get a ride from another patient.
- 15 f. Respondent did not reach out to Daughter at any time to inform her that she
16 was concerned about Client's mental state or share her plan to remove Client
17 from their home.

18 5. In response to the allegations, Respondent acknowledges transporting Client to
19 the hospital and leaving her with nursing staff.

20 6. In retrospect, Respondent represents the following:

- 21 a. Respondent should have contacted Daughter immediately as she is Client's
22 medical power of attorney.
- 23 b. Respondent should not have transported Client to the hospital.
- 24 c. Respondent is very sorry the difficulty and concern she has caused Daughter.

25 7. Aside from the aforementioned issues, Respondent is licensed by the Board as a

1 licensed independent substance abuse counselor.

2 8. As such, Respondent's scope of practice is limited to substance abuse, chemical
3 dependency issues, and related problems.

4 9. Despite the clear constraints of Respondent's scope of practice, Respondent
5 provided behavioral health services that were unrelated to substance abuse or chemical
6 dependency issues.

7 10. In review of Client's Behavioral Health Services Referral form:

8 a. Client's cousin passed away and she is having a hard time working through
9 her emotions.

10 b. She is requesting therapy to learn coping skills.

11 11. In review of Client's Assessment form:

12 a. Substance abuse history:

- 13 • Client does not use substance of any kind at present.
- 14 • No drug history.

15 b. DSM diagnosis:

- 16 • Depression.
- 17 • Mild anxiety.
- 18 • Psychotic thinking.

19 12. Furthermore, in review of Client's treatment plan and progress notes, there is no
20 information to reflect that Client had any issues related to substance abuse or chemical
21 dependency.

22 CONCLUSIONS OF LAW

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

1 **COPY** of the foregoing mailed via Interagency Mail
This 4th day of June, 2018, to:

2
3 Marc Harris
4 Assistant Attorney General
5 2005 North Central Avenue
6 Phoenix, AZ 85004

7 **COPY** of the foregoing mailed via
8 Certified mail no. 94890090002710060248051
9 This 4th day of June, 2018, to:

10 Elizabeth A. Fortune
11 Address of Record
12 Respondent
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