

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

2 **In the Matter of:**

3 **Rebecca J. Tolman, LCSW-13050,**
4 **Licensed Clinical Social Worker,**
5 **In the State of Arizona.**

6 **RESPONDENT**

CASE NO. 2021-0112

**RELEASE FROM NON-DISCIPLINARY
CONSENT AGREEMENT AND ORDER**

7 The Board received a request from Respondent to release them from the terms and
8 conditions of the Non-Disciplinary Consent Agreement and Order dated July 28th, 2021. After
9 consideration, the Board voted to release Respondent from the terms and conditions of the
10 Non-Disciplinary Consent Agreement and Order dated July 28th, 2021.

11 **ORDER**

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

13 Respondent is hereby released from all terms and conditions of the Non-Disciplinary
14 Consent Agreement and Order dated July 28th, 2021.

15 By: 

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

Oct 13, 2021

Date

17
18 **ORIGINAL** of the foregoing filed Oct 13, 2021
19 with:

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

21 **EXECUTED COPY** of the foregoing sent electronically Oct 13, 2021
22 to:

23 Rebecca J. Tolman
Address of Record
24 Respondent

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

3 **In the Matter of:**

4 **Rebecca J. Tolman, LCSW-13050,**
5 **Licensed Clinical Social Worker,**
6 **In the State of Arizona.**

7 **Respondent**

CASE NO. 2021-0112
NON-DISCIPLINARY CONSENT
AGREEMENT

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(D)(3)
11 and 41-1092.07(F)(5), Rebecca J. Tolman (“Respondent”) and the Board enter into this Non-
12 Disciplinary Consent Agreement, Findings of Fact, Conclusions of Law and Order (“Consent
13 Agreement”) as a final 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 acknowledges and agrees that the acceptance of this Consent
17 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
18 other proceedings as may be appropriate now or in the future. Furthermore, and
19 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
20 preclude in any way any other state agency or officer or political subdivision of this state from
21 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
22 in the future relating to this matter or other matters concerning Respondent, including but not
23 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
24 than with respect to the Board, this Consent Agreement makes no representations, implied or

25 ...

1 otherwise, about the views or intended actions of any other state agency or officer or political
2 subdivision of the state relating to this matter or other matters concerning Respondent.

3 8. Respondent understands that once the Board approves and signs this Consent
4 Agreement, it shall constitute a public record that may be disseminated as a formal action of the
5 Board.

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

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

12 The Board issues the following Findings of Fact, Conclusions of Law and Order:

13 **FINDINGS OF FACT**

14 1. Respondent is the holder of License No. LCSW-13050 for the practice of social
15 work in the state of Arizona.

16 2. From 04/16 – Present, Respondent provided behavioral health services to an
17 adult female client (“Client”).

18 3. Respondent’s clinical record for Client contained the following documentation
19 deficiencies:

20 a. The consent for treatment was missing the following required elements:

- 21 • Purpose of treatment.
- 22 • General procedures to be used in treatment, including benefits,
23 limitations, and potential risks.
- 24 • Notification of the licensee’s supervision or involvement with a treatment
25 team of professionals.

- Methods for the client to obtain information about the client's records.
- The client's right to participate in treatment decisions and in the development and periodic review and revision of the client's treatment plan.
- The client's right to refuse any recommended treatment or to withdraw consent to treatment and to be advised of the consequences of refusal or withdrawal.

- b. Respondent prepared six (6) treatment plans that did not include the date they would be reviewed.
- c. One (1) treatment plan was not signed by Client.
- d. Respondent's telepractice documentation was missing several required elements.

4. Despite being in a private practice setting since 2015, Respondent was not aware of her documentation deficiencies.

5. Additionally, when Respondent switched from handwritten to electronic records, it appears that Respondent began to copy and paste progress notes during numerous sessions with Client.

6. Respondent represented the following to Board staff regarding her progress notes:

- a. The notes appear to have the same content due to her "own life stressors, I guess."
- b. Licensee feels the notes are accurate and does not feel notes need to have unique content.
- c. The notes still cover what was addressed in treatment.

...

1 7. After receiving the Board complaint, Respondent took the following remedial
2 measures:

- 3 a. Respondent completed 11 hours of behavioral health continuing
4 education hours.
5 b. Respondent provided Board staff with updated consent for treatment and
6 telepractice templates that appear to meet minimum Board requirements.

7 **CONCLUSIONS OF LAW**

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

11 2. Pursuant to A.R.S. § 32-3281(D)(3), if the Board finds that Respondent's
12 conduct is not of sufficient seriousness to merit direct action against them, it may issue a
13 nondisciplinary order requiring Respondent to complete a prescribed number of hours of
14 continuing education in an area or areas prescribed by the Board to provide them with the
15 necessary understanding of current developments, skills, procedures or treatment.

16 **ORDER**

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

19 **Continuing Education**

20 1. 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 6 clock
22 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course
23 addressing current behavioral health documentation standards in Arizona. All required
24 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,
25 Respondent shall submit a certificate of completion of the required continuing education.

1 **Licensee Name**

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

5 **Early Release**

6 3. After completion of the required continuing education, Respondent may request
7 early release from this Consent Agreement.

8 **General Provisions**

9 4. Respondent must submit a written request to the Board for release from the
10 terms of this Consent Agreement at least 30 days prior to the date they would like to have this
11 matter presented before the Board. Respondent may appear before the Board, either in person
12 or telephonically. Respondent must provide evidence that they have successfully satisfied all
13 terms and conditions in this Consent Agreement. The Board has the sole discretion to
14 determine whether all terms and conditions of this Consent Agreement have been met and
15 whether Respondent has adequately demonstrated that they have addressed the issues
16 contained in this Consent Agreement. In the event that the Board determines that any or all
17 terms and conditions of this Consent Agreement have not been met, the Board may open up a
18 complaint which will be subject to the provisions of A.R.S. § 32-3281.

19 5. Respondent shall bear all costs relating to completion of all terms required in this
20 Consent Agreement.

21 6. Respondent shall be responsible for ensuring that all documentation required in
22 this Consent Agreement is provided to the Board in a timely manner.

23 7. This Consent Agreement shall be effective on the date of entry below.

24 8. This Consent Agreement is conclusive evidence of the matters described herein
25 and may be considered by the Board in determining appropriate sanctions in future cases.

1 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

2 Rebecca Tolman, LCSW
3 Rebecca Tolman, LCSW (Jul 28, 2021 11:36 PDT)

Jul 28, 2021

4 Rebecca J. Tolman

Date

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

6 By: Mpli Zavala

Jul 28, 2021

7 TOBI ZAVALA, Executive Director
8 Arizona Board of Behavioral Health Examiners

Date

9 **ORIGINAL** of the foregoing filed Jul 28, 2021
10 with:

11 Arizona Board of Behavioral Health Examiners
12 1740 West Adams Street, Suite 3600
13 Phoenix, AZ 85007

14 **EXECUTED COPY** of the foregoing sent electronically Jul 28, 2021
15 to:

16 Mona Baskin
17 Assistant Attorney General
18 2005 North Central Avenue
19 Phoenix, AZ 85004

20 Rebecca J. Tolman
21 Address of Record
22 Respondent

23 Flynn P. Carey
24 One Renaissance Square
25 2 North Central Ave, Suite 1450
Phoenix, AZ 85004
Attorney for Respondent