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BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

Rita J. Weatherholt, LPC-18252,

In the Matter of:

Licensed Professional Counselor, In the State of Arizona.

CASE NO. 2021-0159
DECREE OF CENSURE

RESPONDENT

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), Rita J. Weatherholt ("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:

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

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- 4. Respondent acknowledges and agrees that upon signing this Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke their acceptance of this Consent Agreement or make any modifications to it. Any modification of this original document is ineffective and void unless mutually approved by the parties in writing.
- 5. The findings contained in the Findings of Fact portion of this Consent Agreement are conclusive evidence of the facts stated herein between only Respondent and the Board for the final disposition of this matter and may be used for purposes of determining sanctions in any future disciplinary matter.
- 6. This Consent Agreement is subject to the Board's approval, and will be effective only when the Board accepts it. In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or of any records relating thereto.
- 7. Respondent acknowledges and agrees that the acceptance of this Consent Agreement is solely to settle this Board matter and does not preclude the Board from instituting other proceedings as may be appropriate now or in the future. Furthermore, and notwithstanding any language in this Consent Agreement, this Consent Agreement does not preclude in any way any other state agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Consent Agreement makes no representations, implied or

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

- 8. Respondent understands that once the Board approves and signs this Consent Agreement, it is a public record that may be publicly disseminated as a formal action of the Board, and that it shall be reported as required by law to the National Practitioner Data Bank.
- 9. Respondent further understands that any violation of this Consent Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in disciplinary action pursuant to A.R.S. § 32-3281.
- 10. The Board therefore retains jurisdiction over Respondent and may initiate disciplinary action against Respondent if it determines that they have failed to comply with the terms of this Consent Agreement or of the practice act.

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

FINDINGS OF FACT

- 1. Respondent is the holder of License No. LPC-18252 for the practice of counseling in the State of Arizona.
- 2. From 02/03/21 - 04/20/21, Respondent provided clinical supervision to an LAC ("Supervisee") in Private Practice.
- 3. On 04/16/21, the Board received a supervised private practice application from Supervisee which listed Respondent as the proposed clinical supervisor.
- 4. Respondent did not meet the requirements to be Supervisee's clinical supervisor in accordance with A.A.C. R4-6-211 since Licensee did not have two years of independent licensure at the time of Supervisee's supervised private practice application.
- 5. When Respondent began providing clinical supervision to Supervisee, she believed she was permitted to provide supervision to him since she was on the clinical supervisor registry with the Board.

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- 6. On 02/17/21, Supervisee showed Respondent proof of his LAC license.
- 7. Around 02/24/21, Respondent was granted access to Supervisee's Simple Practice electronic health records system that had numerous progress notes in the queue for Respondent to sign off on.
 - 8. Respondent represented the following:
 - Respondent thought that since Supervisee's license was dated as effective
 02/01/21, she could sign off on progress notes from that date on.
 - b. When signing off on Supervisee's progress notes, Respondent was under the impression all of Supervisee's notes would be for services provided after his effective licensure date.
 - c. It was a complete oversight to not pay attention to the psychotherapy notes for dates prior to Supervisee's licensure date.
 - d. Around 04/14/21, Supervisee asked Respondent to initial and sign an attestation regarding her qualifications as a supervisor, but Respondent did not initial one statement about being independently licensed for at least two years.
 - e. Respondent did not recall a 2-year requirement from her clinical supervision training.
- 9. Once Board staff informed Respondent of concerns regarding Supervisee and Respondent not qualifying to be Supervisee's supervisor in accordance with Board rules, she contacted Supervisee to terminate the supervision relationship.
- 10. Once Licensee became aware she was not compliant with Board regulations, she ceased the supervision of Supervisee.
- 11. Since the filing of this complaint, Respondent has taken continuing education regarding clinical supervision and reviewed the Board's rules on supervision.

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CONCLUSIONS OF LAW

- 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 et seq. and the rules promulgated by the Board relating to Respondent's professional practice as a licensed behavioral health professional.
- 2. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(16)(k), engaging in any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession or that constitutes a danger to the health, welfare or safety of a client, as it relates to the ACA Code of Ethics:

I.1.a. Knowledge:

Counselors know and understand the ACA Code of Ethics and other applicable ethics codes from professional organizations or certification and licensure bodies of which they are members. Lack of knowledge or misunderstanding of an ethical responsibility is not a defense against a charge of unethical conduct.

ORDER of CENSURE

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

- 1. Respondent is hereby censured, which is an official action against their license, for their conduct as set forth in the Findings of Fact.
 - 2. This Consent Agreement shall be effective on the date of entry below.
- 3. This Consent Agreement is conclusive evidence of the matters described herein and may be considered by the Board in determining appropriate sanctions in the event a subsequent violation occurs.

1	PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT	
2	Rita J Weatherholt Rita J Weatherholt (Aug 2, 2021 09:54 PDT)	Aug 2, 2021
3	Rita J. Weatherholt	Date
4	DOADD ACCEDTS SIGNS AND DATES THE	CONCENT ACREMENT
5	BOARD ACCEPTS, SIGNS AND DATES THIS	
6	By:	Aug 20, 2021
7	TOBI ZAVALA, Executive Director Arizona Board of Behavioral Health Examiners	Date
8	ORIGINAL of the foregoing filed Aug 20, 2021	
9	original of the foregoing filed with:	
11	Arizona Board of Behavioral Health Examiners 1740 West Adams Street, Suite 3600 Phoenix, AZ 85007	
12	EXECUTED COPY of the foregoing sent electronically A	ug 20, 2021
14 15	Mona Baskin Assistant Attorney General 2005 North Central Avenue	
16	Phoenix, AZ 85004	
17	Rita J. Weatherholt Address of Record	
18	Respondent	
19	Flynn P. Carey One Renaissance Square	
20	2 North Central Avenue Suite 1450 Phoenix AZ 85004	
21	Attorney for Respondent	
22		
23		
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