

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

3 **In the Matter of:**

4 **DEBRA DELOS-SANTOS, LMFT-10229**
5 **Licensed Marriage & Family Therapist,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2011-0071
 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(H)
11 and 41-1092.07(F)(5), Debra Delos-Santos ("Respondent") and the Board enter into this
12 Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as
13 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 her right to such formal hearing concerning these allegations and irrevocably waives her
22 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.

4. Respondent acknowledges and agrees that upon signing this Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke her 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 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 In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees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 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 and the Healthcare Integrity and Protection Data Bank.

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

FINDINGS OF FACT

1. Respondent is the holder of License No. LMFT-10229 for the practice of marriage and family therapy in Arizona.

2. On 09/22/04, Respondent submitted a Licensed Marriage and Family Therapist (LMFT) reciprocity application.

...

1 3. On that application, Respondent indicated that she received the following
2 degrees:

- 3 a. ADN in Nursing in 06/92 from Santa Barbara City College
- 4 b. BA in Psychology in 06/93 from the University of California
- 5 c. MA in Psychology in 06/95 from Antioch University
- 6 d. Ph.D. in Clinical Psychology in 06/04 from SayBrook Graduate School &
7 Research Center.

8 4. Respondent indicated that she held the following nursing licenses:

- 9 a. California RN-487605, 1992 to 10/06
- 10 b. Florida RN-3362722, 1999 to 07/06

11 5. Respondent indicated that she held the following MFT certificates/licenses held
12 in California:

- 13 a. Board of Behavioral Science Examiners ("BBSE") MFCC Trainee license,
14 #29102
- 15 b. Registered MFCC Intern License, #26635
- 16 c. MFC #34560 licensed Marriage & Family Therapist, 12/97 to 09/05.

17 6. On 11/01/05, the Board approved Respondent's LMFT license.

18 7. In 2009, Respondent submitted an application to the Arizona Board of
19 Psychologist Examiners ("Psychologist Board") to become a licensed psychologist.

20 8. In 03/09, Respondent was hired as a psychologist at a licensed agency
21 ("Agency").

22 9. Respondent advised Agency that her application for licensure through the
23 Psychologist Board was pending.

24 ...

1 10. In 12/09, Respondent withdrew her licensure application from the Psychologist
2 Board because it was determined that her curriculum was deficient.

3 11. In 06/10, Agency asked Respondent for a copy of her Psychologist Board
4 license.

5 12. Instead of advising Agency that she had withdrawn her licensure application,
6 Respondent indicated that she would provide a copy of her license, as requested.

7 13. When Agency went to the Psychologist Board's website to verify Respondent's
8 licensure status, it discovered that Respondent was not licensed.

9 14. When Agency questioned Respondent, she indicated that she had a provisional
10 license and a letter from the Psychologist Board to prove it.

11 15. On 06/17/10, Respondent met with administrative staff regarding her alleged
12 licenses. Respondent was suspended pending proof of licensure in all areas of practice.

13 16. Sometime during the evening of 06/17/10, Respondent removed her personal
14 belongings from her office and resigned from Agency.

15 17. On 06/24/10, Respondent sent Agency a 04/30/10 letter purported to be from the
16 Psychologist Board indicating that she had been issued a provisional license.

17 18. The Psychologist Board advised Agency that it does not issue provisional
18 licenses and that the letter Respondent provided appeared to be fraudulent.

19 19. Respondent also sent Agency documents allegedly from the Colorado Nursing
20 Board's website indicating that Respondent held a nurse practitioner's license, NP-5724.

21 20. License Number NP-5724 belongs to Sherry Ann Fuller.

22 21. Respondent's application records indicate that Respondent's maiden name was
23 Fuller.

24 22. The Colorado Nursing Board advised Board staff that it has not issued any
25 license to Respondent.

1 23. During its investigation, Agency identified the following additional concerns:

2 a. Respondent used another person's prescription pad and wrote 4 prescriptions
3 to client ND, and signed her name with a RN designation.

4 b. As the on-staff psychologist, Respondent had access to a locked safe used for
5 medications.

6 c. After Respondent resigned, Agency discovered multiple discontinued client
7 prescriptions in the safe that had not been properly disposed of in accordance
8 with Agency's policies.

9 d. These medications had been recorded as destroyed by Respondent.

10 24. Respondent is not licensed to write any type of prescriptions in Arizona.

11 25. In 07/10, Respondent submitted another licensure application to the Psychologist
12 Board.

13 26. In 08/10, the Psychologist Board denied Respondent's licensure application for
14 unprofessional conduct based on the following:

15 a. Respondent admitted to engaging in an act involving deceit and
16 misrepresentation.

17 b. Respondent admitted that she gave Agency a fraudulent letter from the
18 Psychologist Board stating that she had a provisional license issued by the
19 Psychologist Board.

20 27. On 09/17/10, Respondent appealed the Psychologist Board's decision and a
21 formal hearing was scheduled for 11/05/10.

22 28. On 11/02/10, Respondent withdrew her appeal of the denial of her licensure
23 application.

24 29. On 12/08/10, the Marriage and Family Therapy Credentialing Committee
25 ("MFTCC") of the Board reviewed these issues and opened a complaint for further investigation.

1 30. Additional issues discovered while investigating this matter included the
2 following:

3 a. Sample medications were also discovered in the Agency safe, with the
4 discontinued medications, that lacked any type of log to indicate how many
5 samples were received or how they were distributed.

6 b. In 05/10, Respondent began addressing herself as the Assistant Clinical
7 Director.

8 c. Respondent's supervisor ("Supervisor") confronted Respondent about this and
9 made it clear that she was not his assistant.

10 d Sometime after Respondent resigned, another Agency staff member received a
11 copy of Respondent's resume from an employment agency as a sample resume.

12 e. Respondent had indicated on this resume that she was the Assistant Clinical
13 Director at Agency.

14 f. A 06/23/10 letter to Agency from Respondent indicated the following:

15 ▪ Respondent enclosed license verifications for all her current
16 licenses, including the following:

17 ○ Arizona Board of Nursing on-line verification of
18 Respondent's nursing license, RN-131245.

19 ○ Colorado on-line verification of Respondent's alleged
20 nurse practitioner license, NP-5724.

21 ○ Respondent's Arizona LMFT license.

22 ○ The 04/30/10 letter alleging a provisional license by the
23 Psychologist Board.

24 g. Respondent was under investigation by the Arizona Board of Nursing
25 ("Nursing Board").

1 31. On 03/01/11, Respondent and the Nursing Board entered into a Consent
2 Agreement where Respondent agreed to the following Findings of Fact:

3 a. Respondent falsified documentation by signing 21 medication disposal
4 records, stating those medications had been destroyed.

5 b. After Respondent left Agency, Agency found the medications in a safe and not
6 destroyed as documented by Respondent.

7 c. Respondent practiced beyond her scope when she wrote four prescriptions as
8 verbal orders for a patient.

9 d. The patient's provider denied giving verbal orders for the medications.

10 e. Respondent created a letter stating that she had credentials as a psychologist
11 with a provisional license in Arizona.

12 f. Respondent did not have these credentials.

13 g. Respondent created an on-line verification from Colorado that indicated she
14 had credentials as a nurse practitioner in Colorado.

15 h. Respondent was not credentialed as a nurse practitioner in Colorado.

16 i. Upon review of past employment records from Sun Health Del Webb Medical
17 Center, it was revealed that Respondent's employment had been terminated for
18 a HIPPA violation when she looked into employees' medical records.

19 j. In 06/10, Respondent falsified an employment application for Aurora Behavioral
20 Health in Arizona when she stated she left Sun Health employment for reasons
21 other than termination.

22 k. In 08/10, the Psychologist Board denied Respondent's application for licensure
23 to practice psychology due to Respondent's admitted commission of an act
24 involving deceit and misrepresentation.

1 I. In 10/10, Respondent failed to provide the Nursing Board with an accurate and
2 complete response to the complaint when she failed to list all employers during
3 the past five years and falsely stated she had no previous employment
4 terminations.

5 m. In 10/10, Respondent's employment at Aurora Behavioral Health was
6 terminated for failing to hold information confidential, thereby impeding the
7 integrity of an investigation and ineffective communication.

8 **CONCLUSIONS OF LAW**

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

12 2. The conduct and circumstances described in the Findings of Fact constitute a
13 violation of A.R.S. § 32-3251(12)(b), use of fraud or deceit in connection with rendering services
14 as a licensee.

15 3. The conduct and circumstances described in the Findings of Fact constitute a
16 violation of A.R.S. § 32-3251(12)(d), any false, fraudulent or deceptive statement connected
17 with the practice of behavioral health.

18 4. The conduct and circumstances described in the Findings of Fact constitute a
19 violation of A.R.S. § 32-3251(12)(l), any conduct, practice or condition that impairs the ability of
20 the licensee to safely and competently practice the licensee's profession.

21 **SURRENDER ORDER**

22 Based upon the foregoing Findings of Fact and Conclusion of Law, the parties agree to
23 the provision and penalties imposed as follows:

24 1. Respondent's license, LMFT-10229, shall be surrendered to the Board, effective
25 from the date of entry as signed below.

2. The surrender shall be considered a revocation of Respondent's license.

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.

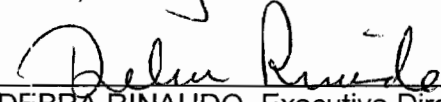
PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT


DEBRA DELOS-SANTOS

3/26/2011
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 31st day of May, 2011.

By: 
DEBRA RINAUDO, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed

This 1st day of June, 2011 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 1st day of June, 2011, to:

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

COPY of the foregoing mailed via

Certified mail no. 7010 3090 0001 3003 6269

This 1st day of June, 2011 to:

Debra Delos-Santos
Address of Record
Respondent

MEZO

Tobi Zavala, Compliance Officer
602-542-1617