

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

**In the Matter of:**

**Mary Ellen Passaro, LMSW-19166,  
Licensed Master Social Worker,  
In the State of Arizona.**

**RESPONDENT**

**CASE NO. 2022-0039**

**DECREE OF CENSURE**

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), Mary Ellen Passaro ("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.

3. Respondent has the right to consult with an attorney prior to entering into this 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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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 ...

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. LMSW-19166 for the practice of social work in the State of Arizona.

2. On 08/21/19, the Board received Respondent's application for licensure.

3. On 01/14/21, Respondent was issued her LMSW license with the Board.

4. On 06/26/21, Respondent submitted a request for approval for the Board's Supervised Practice Program ("SPP") and during a review of the SPP application, Board staff became aware Respondent had been providing psychotherapy services prior to licensure.

5. During a 08/03/21 conversation between Board staff and Respondent, Respondent reported treating clients at a rented office who were clients of Supervisor's agency ("Agency") and denied treating any clients through her proposed SPP setting.

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1           6.       Thereafter, Respondent reported to Board staff that, since 2019, she had been  
2 providing psychotherapy services under a licensed psychologist's ("Psychologist") license at  
3 Psychologist's agency.

4           7.       Respondent listed the address of Psychologist's agency on her SPP application  
5 as the address for her proposed Private Practice, but failed to disclose she had been providing  
6 psychotherapy services to clients at Psychologist's agency.

7           8.       Respondent represented that she believed, prior to this investigation, it was  
8 appropriate to provide psychotherapy services under the supervision of a licensed psychologist,  
9 but now understands Psychologist was not qualified to supervise Respondent.

10          9.       Board staff subsequently collected records from Psychologist's agency for clients  
11 Respondent provided psychotherapy services to which showed the following:

12               a.     From 03/19 – 10/21, Respondent provided psychotherapy services to at least  
13                       15 different clients at Psychologist's agency.

14               b.     Respondent provided at least 10 separate psychotherapy services to at least  
15                       6 of these 15 clients.

16          10.      Respondent was providing psychotherapy services while not being licensed to do  
17 so.

18          11.      Respondent did not become licensed with the Board until 01/21, meaning  
19 Respondent was unlawfully providing behavioral health services from 03/19 – 12/20 without a  
20 license.

21          12.      Respondent misrepresented on her initial application with the Board by not listing  
22 her employment with Psychologist who she had been working under for at least 5 months at the  
23 time of application.

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13. It was not until 08/21, two years after Respondent submitted her initial application for licensure with the Board, that Board staff became aware Respondent had been providing psychotherapy services or employed at Psychologist's agency.

14. Since the filing of this Board complaint and obtaining counsel, Respondent has discontinued providing psychotherapy services through Psychologist's agency.

15. Respondent has never seen any clients at Private Practice for which she submitted the SPP application, and she will not do so unless and until the Board approves her SPP application.

## 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)(c)(i), making any oral or written misrepresentation of a fact to secure or attempt to secure the issuance or renewal of a license.

3. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health, as it relates to:

A.R.S. § 32-3286. Unlawful practice; unlawful use of title; violation; classification;  
civil penalty; exception

## ORDER

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

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**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.

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

  
Mary Ellen Passaro (Mar 4, 2022 13:45 MST)

Mary Ellen Passaro

Mar 4, 2022

Date

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

By: 

TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

Mar 14, 2022

Date

**ORIGINAL** of the foregoing filed Mar 14, 2022  
with:

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

**EXECUTED COPY** of the foregoing sent electronically Mar 14, 2022  
to:

Mona Baskin  
Assistant Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004

1 Mary Ellen Passaro  
2 Address of Record  
3 Respondent  
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5 Anne E. McClellan  
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8 Phoenix, AZ 85004  
9 Attorney for Respondent  
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