

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 her
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 and may be used for purposes of determining
7 sanctions in any future disciplinary matter.

8 6. This Consent Agreement is subject to the Board's approval, and will be effective
9 only when the Board accepts it. In the event the Board in its discretion does not approve this
10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,
11 nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except
12 that Respondent agrees that should the Board reject this Consent Agreement and this case
13 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its
14 review and discussion of this document or of any records relating thereto.

15 7. Respondent understands that once the Board approves and signs this Consent
16 Agreement, it is a public record that may be publicly disseminated as a formal action of the
17 Board, and that it shall be reported as required by law to the National Practitioner Data Bank
18 and the Healthcare Integrity and Protection Data Bank.

19 8. Respondent further understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(15)(n) and may result in
21 disciplinary action pursuant to A.R.S. § 32-3281.

22 9. The Board therefore retains jurisdiction over Respondent and may initiate
23 disciplinary action against Respondent if it determines that she has failed to comply with the
24 terms of this Consent Agreement or of the practice act.

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

FINDINGS OF FACT

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1. Respondent is the holder of License No. LPC-0105 for the practice of counseling in Arizona.
 2. From 10/12 – 02/13, Respondent provided 10 counseling sessions to a family.
 3. Father's consent for treatment lacked several required elements including:
 - a. Purpose of treatment
 - b. General procedures to be used in treatment, including benefits, limitations, and potential risks
 - c. Methods for a client to obtain information about the client's records
 - d. A client's right to refuse any recommended treatment or to withdraw informed consent to treatment and to be advised of the consequences of such refusal or withdrawal
 4. Respondent did not obtain consent for treatment forms for Mother or the two children.
 5. Respondent's treatment plans and progress notes also lacked required elements.
 6. During the course of treatment, Respondent was provided information that required her to immediately make a report to a peace officer or to child protective services, but Respondent failed to do either.

CONCLUSIONS OF LAW

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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(12)(p), failing to conform to minimum practice standards as developed by the Board, as it relates to:

- a. A.A.C. R-4-6-1101, Consent for Treatment.
- b. A.A.C. R4-6-1102, Treatment Plan.
- c. A.A.C. R4-6-1103, Client Record.

3. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(12)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health.

ORDER

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

Stayed Suspension

1. As of the effective date of this Consent Agreement, Respondent's license, LPC-0105, shall be **SUSPENDED** for 24 months. However, the suspension shall be stayed and Respondent's license shall be placed on probation.

2. During the stayed suspension portion of the Order, if Respondent is noncompliant with the terms of the Order in any way, the stay of the suspension shall be lifted and Respondent's license shall be automatically suspended as set forth above.

3. If Respondent contests the lifting of the stay as it relates to this paragraph, Respondent shall request in writing, within 10 days of being notified of the automatic suspension of licensure, that the matter be placed on the Board agenda for the Board to review and determine if the automatic suspension of Respondent's license was supported by substantial evidence.

4. If the written request is received within 10 days of a regularly scheduled Board meeting, the request will not be heard at that meeting, but will be heard at the next regularly scheduled Board meeting.

1 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course
2 addressing current behavioral health documentation standards in Arizona. Upon completion,
3 Respondent shall submit a certificate of completion of the required continuing education.

4 Audit

5 11. While on probation, Respondent shall submit to an audit of all of her private
6 practice records by a pre-approved auditor. Within 30 days of this consent agreement,
7 Respondent shall submit the name of an auditor and a plan for conducting the audit for pre-
8 approval by the Board Chair or designee. The audit shall be completed within 60 days of the
9 effective date of this consent agreement. Also within 60 days of the effective date of this
10 consent agreement, the auditor shall provide an audit report and a proposed audit plan
11 addressing any deficiencies found during the audit to the Board Chair or designee for review
12 and approval.

13 Practice Monitor

14 12. While on probation, Respondent shall establish and maintain a relationship with a
15 practice monitor who is a masters or higher level behavioral health professional licensed at the
16 independent level. The practice monitor shall provide training and assistance to Respondent
17 regarding setting up appropriate forms and formats for Respondent's clinical records,
18 implementing current behavioral health standards of practice related to behavioral health
19 assessment and treatment planning, providing treatment consistent with the documented
20 treatment plan, and documenting the treatment provided in accordance with current behavioral
21 health standards. Respondent and the practice monitor shall review the clinical documentation
22 produced for each and every active client Respondent sees at least once per month. The
23 practice monitor shall ensure that Respondent complies with the audit plan approved by the
24 Board Chair or designee.

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1 21. The Board reserves the right to take further disciplinary action against
2 Respondent for noncompliance with this Consent Agreement after affording Respondent notice
3 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
4 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
5 and the period of probation shall be extended until the matter is final.

6 22. If Respondent currently sees clients in their own private practice, and obtains any
7 other type of behavioral health position, either as an employee or independent contractor, where
8 she provides behavioral health services to clients of another individual or agency, she shall
9 comply with requirements set forth in Paragraphs 23 through 24 below.

10 23. Within 10 days of the effective date of this Order, if Respondent is working in a
11 position where Respondent provides any type of behavioral health related services or works in a
12 setting where any type of behavioral health, health care, or social services are provided,
13 Respondent shall provide the Board Chair or designee with a signed statement from
14 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this
15 Consent Agreement. If Respondent does not provide the employer's statement to the Board
16 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a
17 copy of the Consent Agreement.

18 24. If Respondent is not employed as of the effective date of this Order, within 10
19 days of accepting employment in a position where Respondent provides any type of behavioral
20 health related services or in a setting where any type of behavioral health, health care, or social
21 services are provided, Respondent shall provide the Board Chair or designee with a written
22 statement providing the contact information of her new employer and a signed statement from
23 Respondent's new employer confirming Respondent provided the employer with a copy of this
24 Consent Agreement. If Respondent does not provide the employer's statement to the Board
25 within 10 days, as required, Respondent's failure to provide the required statement to the Board

1 shall be deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's
2 employer(s) with a copy of the Consent Agreement.

3 25. If, during the period of Respondent's probation, Respondent changes
4 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
5 extended leave of absence for whatever reason that may impact her ability to timely comply with
6 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
7 Board of her change of employment status. After the change and within 10 days of accepting
8 employment in a position where Respondent provides any type of behavioral health related
9 services or in a setting where any type of behavioral health, health care, or social services are
10 provided, Respondent shall provide the Board Chair or designee a written statement providing
11 the contact information of her new employer(s) and a signed statement from Respondent's new
12 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent
13 Agreement. If Respondent does not provide the employer's statement to the Board within 10
14 days, as required, Respondent's failure to provide the required statement to the Board shall be
15 deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's
16 employer(s) with a copy of the Consent Agreement.

17 26. Respondent shall practice behavioral health the name under which she is
18 licensed. If Respondent changes her name, she shall advise the Board of the name change as
19 prescribed under the Board's regulations and rules.

20 27. Prior to the release of Respondent from probation, Respondent must submit a
21 written request to the Board for release from the terms of this Consent Agreement at least 30
22 days prior to the date she would like to have this matter appear before the Board. Respondent
23 may appear before the Board, either in person or telephonically. Respondent must provide
24 evidence that she has successfully satisfied all terms and conditions in this Consent Agreement.
25 The Board has the sole discretion to determine whether all terms and conditions of this Consent

1 Agreement have been met and whether Respondent has adequately demonstrated that she has
2 addressed the issues contained in this Consent Agreement. In the event that the Board
3 determines that any or all terms and conditions of this Consent Agreement have not been met,
4 the Board may conduct such further proceedings as it determines are appropriate to address
5 those matters.

6 28. Respondent shall bear all costs relating to probation terms required in this
7 Consent Agreement.

8 29. Respondent shall be responsible for ensuring that all documentation required in
9 this Consent Agreement is provided to the Board in a timely manner.

10 30. This Consent Agreement shall be effective on the date of entry below.

11 31. This Consent Agreement is conclusive evidence of the matters described herein
12 and may be considered by the Board in determining appropriate sanctions in the event a
13 subsequent violation occurs.

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

15 Patricia S. Krumwiede
16 Patricia S. Krumwiede

17 3/16/15
18 Date

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

20 Dated this 10th day of March, 2015.

21 By: Tobi Zavala
22 TOBI ZAVALA, Executive Director
23 Arizona Board of Behavioral Health Examiners

24 **ORIGINAL** of the foregoing filed
25 This 10th day of March, 2015 with:

Arizona Board of Behavioral Health Examiners
3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

