BEFORE THE ARIZONA BOARD OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: **ROBERT W. HOLTSOI, LAC-15645,** **Licensed Associate Counselor,** **In the State of Arizona,** **Respondent**	**CASE NO. 2015-0071** **2017-0006** **ORDER OF REVOCATION**

On July 15, 2015, the Arizona Board of Behavioral Health Examiners ("Board") accepted a Consent Agreement placing Robert W. Holtsoi ("Respondent") on probation subject to terms and conditions set forth in the Consent Agreement. Respondent failed to remain in compliance with the terms set forth in the Consent Agreement. On July 8, 2016, the Board voted to open a complaint against Respondent and to offer Respondent a Consent Agreement which included the following provisions:

1. Respondent's license, LAC-15645, was revoked.
2. The revocation was stayed and Respondent's license was placed on probation.
3. If Respondent was noncompliant with the terms of the Consent Agreement in any way, the stay of the revocation would be lifted and Respondent's license would be automatically revoked.
4. Respondent had the right to contest the lifting of the stay by requesting in writing, within 10 days of being notified of the automatic revocation of licensure, that the matter be placed on a Board agenda for the Board to review and determine if the automatic revocation of Respondent's license was supported by substantial evidence.

On September 7, 2016, the Board notified Respondent they would be reviewing Respondent's compliance with his consent agreement at their upcoming meeting. Respondent appeared and addressed the Board on September 9, 2016. Following review, the Board unanimously voted to lift the stay of revocation and revoke Respondent's license based on his failure to comply with the terms of the Consent Agreement.

...

ORDER

Therefore, IT IS ORDERED that License No. LAC-15645 issued to Robert W. Holtsoi is hereby **REVOKED.**

Dated this 22nd day of September, 2016

Tobi Zavala, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed

The 22nd day of September, 2016, with:

Arizona Board of Behavioral Health Examiners
3443 North Central Avenue, Suite 1700
Phoenix, AZ 85012

COPY of the foregoing mailed via Interagency Mail
This 22nd day of September, 2016, to:

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

COPY of the foregoing mailed via
Certified mail no: 70142870000189574306,
This 22nd day of September, 2016, to:

Robert W. Holtsoi
Address of Record
Respondent

BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: **Robert W. Holtsoi, LAC-15645** **Licensed Associate Counselor** **In the State of Arizona.** **RESPONDENT**	**CASE NO. 2015-0071** **2017-0006** **CONSENT AGREEMENT**

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(H) and 41-1092.07(F)(5), Robert W. Holtsoi ("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 his right to such formal hearing concerning these allegations and irrevocably waives his 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.

4. Respondent acknowledges and agrees that upon signing this Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke his 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.

8. 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.

9. The Board therefore retains jurisdiction over Respondent and may initiate disciplinary action against Respondent if it determines that he has 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. LAC-15654 for the practice of counseling in Arizona.

2. On 02/24/12, Respondent was arrested for extreme DUI.

3. Respondent's blood alcohol content was .204% approximately 55 minutes after he was stopped.

4. From 05/13 – 07/13, Respondent voluntarily completed 3 individual counseling sessions addressing alcohol abuse.

5. From 06/14 – 08/14, Respondent voluntarily completed a 10-week intensive outpatient program addressing alcohol dependence.

6. In 2013, Respondent was demoted from a substance abuse counselor to an intake specialist as a result of his alcohol problem.

7. On his licensure application, Respondent failed to disclose his prior alcohol abuse counseling, intensive outpatient treatment for alcohol dependence, or his demotion.

8. On 07/15/15, the Board executed a consent agreement with Respondent which included:

   a. Respondent's licensure application was approved pending passage of the required examination.

   b. Respondent's license was placed on probation for 24 months.

   c. Respondent would receive clinical supervision four times monthly for 24 months.

   d. Respondent would attend a recovery support group a minimum of 2 times weekly and continue with his current sponsor.

9. Respondent failed to remain in compliance with the terms set forth in the consent agreement.

10. On 07/08/16, the Board opened a complaint against Respondent for non-compliance of a Board consent agreement.

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(15)(c)(i), any oral or written misrepresentation of a fact by an applicant or licensee 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(15)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

4. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting to violate or assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant to this chapter, any lawful order of the board, or any formal order, consent agreement, term of probation or stipulated agreement issued under this chapter.

ORDER

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

Stayed Revocation

1. As of the effective date of this Consent Agreement, Respondent's license, LAC-15645, shall be **REVOKED**. However, the revocation shall be stayed and Respondent's license shall be placed on probation.

***

2. During the stayed revocation portion of the Order, if Respondent is noncompliant with the terms of the Order in any way, the stay of the revocation shall be lifted and Respondent's license shall be automatically revoked 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 revocation of licensure, that the matter be placed on the Board agenda for the Board to review and determine if the automatic revocation of Respondent's license was supported by clear and convincing 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.

5. Pending the Board's review, Respondent's license shall be reported as revoked - under review. Respondent may not work in any capacity as a licensed behavioral health professional pending the Board's review. The Board's decision and Order shall not be subject to further review.

Probation

6. Respondent's license, LAC-15645, will be placed on probation, effective from the date of entry as signed below.

7. Respondent shall not practice under his license, LAC-15645, unless he is fully compliant with all terms and conditions in this Consent Agreement. If, for any reason, Respondent is unable to comply with the terms and conditions of this Consent Agreement, he shall immediately notify the Board in writing and shall not practice under his license until he submits a written request to the Board to re-commence compliance with this Consent Agreement. All such requests shall be pre-approved by the Board Chair or designee.

8. In the event that Respondent is unable to comply with the terms and conditions

of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until such time as he is granted approval to re-commence compliance with the Consent Agreement.

Clinical Supervision

9. While on probation, Respondent shall receive clinical supervision four times a month by a masters or higher level behavioral health professional licensed at the independent level. Respondent shall continue supervision with the clinical supervisor previously approved by the Board.

Reports

10. The clinical supervisor shall submit reports every sixty days for review and approval by the Board Chair or designee. The reports shall include issues presented in this Consent Agreement that need to be reported and the supervisor shall notify the Board if more frequent supervision is needed. The reports shall include the following:

a. Dates of each clinical supervision session

b. A comprehensive description of issues discussed during supervision sessions.

11. All supervision reports shall include a copy of clinical supervision documentation maintained for that period. All clinical supervision documentation maintained by the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(C).

12. After Respondent's probationary period, the supervisor shall submit a final summary report for review and approval by the Board Chair or designee. The final report shall also contain a recommendation as to whether the Respondent should be released from this Consent Agreement.

Change of Clinical Supervisor During Probation

13. If, during the period of Respondent's probation, the clinical supervisor determines that he/she cannot continue as the clinical supervisor, he/she shall notify the Board within 10

days of the end of supervision and provide the Board with an interim final report. Respondent shall advise the Board Chair or designee within 30 days of cessation of clinical supervision by the approved clinical supervisor and provide the name of a new proposed clinical supervisor. The proposed clinical supervisor shall provide the same documentation to the Board as was required of the initial clinical supervisor.

Recovery Program

14. While on probation, Respondent shall attend a recovery support group at a minimum of 2 times per week. Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a sponsor for pre-approval by the Board Chair or designee. The sponsor shall provide quarterly reports to the Board Chair or designee attesting to Respondent's attendance and participation.

Substance Use Reporting

15. While on probation, Respondent shall notify the Board immediately of any relapse.

Early Release

16. After 12 months and upon the clinical supervisor's recommendation, Respondent may request early release from the Consent Agreement if all other terms of the Consent Agreement have been met.

GENERAL PROVISIONS

Civil Penalty

17. Subject to the provisions set forth in paragraph 18, the Board imposes a civil penalty against the Respondent in the amount of $1,000.00.

18. Respondent's payment of the civil penalty shall be stayed so long as Respondent remains compliant with the terms of this Consent Agreement. If Board staff determines that Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the

exception of the tolling provision under Paragraph 8, the stay of the civil penalty payment shall be automatically lifted and payment of the civil penalty shall be made by certified check or money order payable to the Board within 30 days after being notified in writing of the lifting of the stay.

19. Within 10 days of being notified of the lifting of the stay, Respondent may request that the matter be reviewed by the Board for the limited purpose of determining whether the automatic lifting of the stay was supported by substantial evidence. If the Board receives the written request within 10 days or less of the next regularly scheduled Board meeting, the request will not be heard at that meeting, but will be heard at the next regularly scheduled Board meeting. The Board's decision on this matter shall not be subject to further review.

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

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

22. If Respondent is not employed as of the effective date of this Order, within 10 days of accepting employment in a position where Respondent provides any type of behavioral

health related services or in a setting where any type of behavioral health, health care, or social services are provided, Respondent shall provide the Board Chair or designee with a written statement providing the contact information of his new employer and a signed statement from Respondent's new employer confirming Respondent provided the employer with a copy of this Consent Agreement. If Respondent does not provide the employer's statement to the Board within 10 days, as required, Respondent's failure to provide the required statement to the Board shall be deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's employer(s) with a copy of the Consent Agreement.

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

24. Respondent shall practice counseling using the name under which he is licensed. If Respondent changes his name, he shall advise the Board of the name change as prescribed under the Board's regulations and rules.

21. Prior to the release of Respondent from probation, Respondent must submit a written request to the Board for release from the terms of this Consent Agreement at least 30 days prior to the date he would like to have this matter appear before the Board. Respondent may appear before the Board, either in person or telephonically. Respondent must provide evidence that he has successfully satisfied all terms and conditions in this Consent Agreement. The Board has the sole discretion to determine whether all terms and conditions of this Consent Agreement have been met and whether Respondent has adequately demonstrated that he has addressed the issues contained in this Consent Agreement. In the event that the Board determines that any or all terms and conditions of this Consent Agreement have not been met, the Board may conduct such further proceedings as it determines are appropriate to address those matters.

22. Respondent shall bear all costs relating to probation terms required in this Consent Agreement.

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

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

25. 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

Robert W. Holtsoi

8/1/16
Date

...

...

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 2nd day of August, 2016.

By: _____
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed
This 2nd day of August, 2016 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 2nd day of August, 2016, to:

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

COPY of the foregoing mailed via
Certified mail no. 70142870000189576287
This 2nd day of August, 2016, to:

Robert W. Holtsoi
Address of Record
Respondent

BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: **Robert W. Holtsoi,** **Licensed Associate Counselor** **Applicant,** #15645 **In the State of Arizona.** **RESPONDENT**	**CASE NO. 2015-0071** **CONSENT AGREEMENT** **FOR ISSUANCE OF LICENSE**

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(H) and 41-1092.07(F)(5), Robert W. Holtsoi ("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 his right to such formal hearing concerning these allegations and irrevocably waives his 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.

4. Respondent acknowledges and agrees that upon signing this Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke his 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.

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

9. The Board therefore retains jurisdiction over Respondent and may initiate disciplinary action against Respondent if it determines that he has 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 an applicant for licensure for the practice of counseling in Arizona.

2. On 02/24/12, Respondent was arrested for extreme DUI.

3. Respondent's blood alcohol content was .204% approximately 55 minutes after he was stopped.

4. From 05/13 – 07/13, Respondent voluntarily completed 3 individual counseling sessions addressing alcohol abuse.

5. From 06/14 – 08/14, Respondent voluntarily completed a 10-week intensive outpatient program addressing alcohol dependence.

6. In 2013, Respondent was demoted from a substance abuse counselor to an intake specialist as a result of his alcohol problem.

7. On his licensure application, Respondent failed to disclose his prior alcohol abuse counseling, intensive outpatient treatment for alcohol dependence, or his demotion.

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(15)(c)(i), any oral or written misrepresentation of a fact by an applicant or licensee 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(15)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

ORDER

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

1. Respondent's application to be a licensed associate counselor is approved pending Respondent's passage of the required examination.

2. The license issued to Respondent pursuant to paragraph 1 will be immediately placed on probation for 24 months.

3. Respondent shall not practice under his unless he is fully compliant with all terms and conditions in this Consent Agreement. If, for any reason, Respondent is unable to comply with the terms and conditions of this Consent Agreement, he shall immediately notify the Board in writing and shall not practice under his license until he submits a written request to the Board to re-commence compliance with this Consent Agreement. All such requests shall be pre-approved by the Board Chair or designee.

4. In the event that Respondent is unable to comply with the terms and conditions of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until such time as he is granted approval to re-commence compliance with the Consent Agreement.

Clinical Supervision

5. While on probation, Respondent shall receive clinical supervisor four times a month by a masters or higher level behavioral health professional licensed at the independent level. Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a clinical supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the date of this Consent Agreement, the clinical supervisor shall submit a letter disclosing his/her prior relationship to Respondent. In that letter, the clinical supervisor must address why he/she should be approved, acknowledge that he/she has reviewed the Consent Agreement and include the results of an initial assessment and a supervision plan regarding the proposed

supervision of Respondent. The letter from the supervisor shall be submitted to the Board.

Reports

6. Once approved, the supervisor shall submit quarterly reports for review and approval by the Board Chair or designee. The quarterly reports shall include issues presented in this Consent Agreement that need to be reported and the supervisor shall notify the Board if more frequent supervision is needed. Quarterly reports shall include the following:

a. Dates of each clinical supervision session

b. A comprehensive description of issues discussed during supervision sessions

7. All quarterly supervision reports shall include a copy of clinical supervision documentation maintained for that quarter. All clinical supervision documentation maintained by the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(F)(4).

8. After Respondent's probationary period, the supervisor shall submit a final summary report for review and approval by the Board Chair or designee. The final report shall also contain a recommendation as to whether the Respondent should be released from this Consent Agreement.

Change of Clinical Supervisor During Probation

9. If, during the period of Respondent's probation, the clinical supervisor determines that he/she cannot continue as the clinical supervisor, he/she shall notify the Board within 10 days of the end of supervision and provide the Board with an interim final report. Respondent shall advise the Board Chair or designee within 30 days of cessation of clinical supervision by the approved clinical supervisor and provide the name of a new proposed clinical supervisor. The proposed clinical supervisor shall provide the same documentation to the Board as was required of the initial clinical supervisor.

Recovery Program

10. While on probation, Respondent shall attend a recovery support group at a

minimum of 2 times per week. Respondent shall continue with current sponsor, and the sponsor shall provide quarterly reports to the Board Chair or designee attesting to Respondent's attendance and participation.

Substance Use Reporting

11. While on probation, Respondent shall notify the Board immediately of any relapse.

Early Release

12. After 12 months and upon the clinical supervisor's recommendation, Respondent may request early release from the Consent Agreement if all other terms of the Consent Agreement have been met.

GENERAL PROVISIONS

Civil Penalty

13. Subject to the provisions set forth in paragraph 14, the Board imposes a civil penalty against the Respondent in the amount of $1,000.00.

14. Respondent's payment of the civil penalty shall be stayed so long as Respondent remains compliant with the terms of this Consent Agreement. If Board staff determines that Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the exception of the tolling provision under Paragraph 4, the stay of the civil penalty payment shall be automatically lifted and payment of the civil penalty shall be made by certified check or money order payable to the Board within 30 days after being notified in writing of the lifting of the stay.

15. Within 10 days of being notified of the lifting of the stay, Respondent may request that the matter be reviewed by the Board for the limited purpose of determining whether the automatic lifting of the stay was supported by substantial evidence. If the Board receives the written request within 10 days or less of the next regularly scheduled Board meeting, the

request will not be heard at that meeting, but will be heard at the next regularly scheduled Board meeting. The Board's decision on this matter shall not be subject to further review.

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

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

18. If Respondent is not employed as of the effective date of this Order, within 10 days of accepting employment in a position where Respondent provides any type of behavioral health related services or in a setting where any type of behavioral health, health care, or social services are provided, Respondent shall provide the Board Chair or designee with a written statement providing the contact information of his new employer and a signed statement from Respondent's new employer confirming Respondent provided the employer with a copy of this Consent Agreement. If Respondent does not provide the employer's statement to the Board within 10 days, as required, Respondent's failure to provide the required statement to the Board shall be deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's employer(s) with a copy of the Consent Agreement.

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

20. Respondent shall practice counseling using the name under which he is licensed. If Respondent changes his name, he shall advise the Board of the name change as prescribed under the Board's regulations and rules.

21. Prior to the release of Respondent from probation, Respondent must submit a written request to the Board for release from the terms of this Consent Agreement at least 30 days prior to the date he would like to have this matter appear before the Board. Respondent may appear before the Board, either in person or telephonically. Respondent must provide evidence that he has successfully satisfied all terms and conditions in this Consent Agreement. The Board has the sole discretion to determine whether all terms and conditions of this Consent Agreement have been met and whether Respondent has adequately demonstrated that he has addressed the issues contained in this Consent Agreement. In the event that the Board

determines that any or all terms and conditions of this Consent Agreement have not been met, the Board may conduct such further proceedings as it determines are appropriate to address those matters.

22. Respondent shall bear all costs relating to probation terms required in this Consent Agreement.

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

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

25. 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

Robert W. Holtsoi

Robert W. Holtsoi

2/9/15

Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 15th day of July, 2015.

By: _____

TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed
This 15 day of July, 2015 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 15 day of July, 2015, to:

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

COPY of the foregoing mailed via
Certified mail no. 7014 2870 0001 8957 0797,
This 15 day of July, 2015, to:

Robert W. Holtsoi
Address of Record
Respondent