

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. Although Respondent does not agree that all the Findings of Fact set forth in this
20 Consent Agreement are supported by the evidence, Respondent acknowledges that it is the
21 Board's position that, if this matter proceeded to formal hearing, the Board could establish
22 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted
23 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent
24 Agreement as an economical and practical means of resolving the issues associated with the
25 complaint(s) filed against her. Further, Respondent acknowledges that the Board may use the

1 evidence in its possession relating to this Consent Agreement for purposes of determining
2 sanctions in any further disciplinary matter.

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

4 **FINDINGS OF FACT**

5 1. Respondent is the holder of License No. LCSW-13415 for the practice of social
6 work in Arizona.

7 2. From 02/12 – 07/12, Respondent provided 10 individual sessions with a minor
8 client.

9 3. During the treatment period, Respondent failed to generate a treatment plan or
10 obtain written consent for treatment from minor client's parents.

11 4. In her 09/14 investigative interview, Respondent indicated that she was unaware
12 that a therapist cannot treat a client without a signed consent for treatment.

13 5. A review of the progress notes for minor client's file found the following key
14 elements were missing:

- 15 a. The duration of time spent providing the behavioral health service.
- 16 b. Whether the counseling was individual counseling, family counseling or group
17 counseling.
- 18 c. The signature and date signed by the professional who provided the
19 behavioral health service.
- 20 d. The file did not include progress notes for 2 of the 10 sessions.

21 6. Respondent's billing records failed to contain any financial arrangements with
22 parents.

23 7. Financial records indicate Respondent collected payment for ten sessions,
24 however progress notes only document 8 sessions.

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

- A.A.C. R4-6-1101 Consent for Treatment
- A.A.C. R4-6-1102 Treatment Plan
- A.A.C. R4-6-1103 Client Record
- A.A.C. R4-6-1104 Financial and Billing Records

ORDER

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

Practice Termination Plan

1. Within 14 days of the effective date of the consent agreement, Respondent shall submit a written plan for terminating her private practice for pre-approval by the Board Chair or designee. At a minimum, the proposed termination plan must include each of the following:

- a. A written protocol for the secure storage, transfer and access of the clinical records of Respondent's clients and former clients.
- b. The procedure by which Respondent shall notify each client and former client in a timely manner regarding the future location of the clinical records of Respondent's clients and former clients and how those records can be accessed after the termination of Respondent's practice.

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c. A written protocol for developing an appropriate referral for continuation of care for Respondent's current clients.

d. A list of Respondent's current client's initials and the timeframe for terminating services to each client. The timeframe for terminating services shall not exceed 30 days.

2. Respondent's license, LCSW-13415, by rule, expires on 10/31/15.

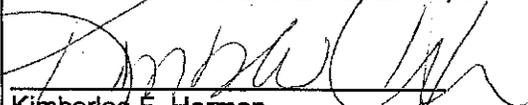
3. Respondent agrees not to practice under her license after the termination of her practice.

4. Respondent agrees not to renew her license.

5. Respondent agrees not to submit any type of new license application to the Board for a minimum of five (5) years.

6. 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


Kimberlee F. Herman

11.21.14
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 8th day of December, 2014.

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

ORIGINAL of the foregoing filed
This 8th day of December, 2014 with:

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

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Phoenix, AZ 85012

COPY of the foregoing mailed via Interagency Mail
This 8th day of December, 2014, to:

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

COPY of the foregoing mailed via
Certified mail no. 70141200000066335729
This 8th day of December, 2014, to:

Kimberlee F. Herman
Address of Record
Respondent

COPY of the foregoing mailed via Mail
This 8th day of December, 2014 to:

Faren R. Akins
7702 E. Doubletree Ranch Road, Suite 300
Scottsdale, AZ 85258
Attorney for Respondent

Donna Dalton, Assistant Director
602-542-1811