

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 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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 8. Respondent further understands that any violation of this Consent Agreement
19 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
20 disciplinary action pursuant to A.R.S. § 32-3281.

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

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

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1 FINDINGS OF FACT

2 1. Respondent is the holder of License No. LPC-12463 for the practice of
3 counseling in Arizona.

4 2. From 10/07 – 07/14, Respondent worked at a behavioral health agency (“Agency
5 1”).

6 3. Following his resignation from Agency 1, Respondent’s employer cleaned out his
7 workstation and found 4 copies of therapeutic progress notes that belonged to another
8 behavioral health agency that Respondent concurrently worked for (“Agency 2”).

9 4. The therapeutic progress notes belonging to Agency 2 were discovered in
10 Respondent’s unlocked, unsecured drawer at Agency 1.

11 5. The progress notes included client names, ID numbers, and clinical information.

12 6. Although it may not have been his intent, Respondent’s improper handling and
13 storage of Agency 2’s client information resulted in Agency 1 discovering the names and
14 treatment records of several Agency 2 clients.

15 7. In review of Respondent’s personnel records from Agency 2, he was previously
16 warned about issues pertaining to the separation of duties at Agency 1 and Agency 2.

17 8. From 07/14 – 02/16, Respondent was employed at another behavioral health
18 agency (“Agency 3”).

19 9. Upon ending his employment with Agency 3, Respondent failed to inform the
20 Board of his change of employment within 30 days, as required.

21 CONCLUSIONS OF LAW

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

25 2. The conduct and circumstances described in the Findings of Fact constitute a

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ORIGINAL of the foregoing filed
This 20th day of June, 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 20th day of June, 2016, to:

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

COPY of the foregoing mailed via
Certified mail no. 7015 0640 000506610034
This 20th day of June, 2016, to:

Todd W. Andre
Address of Record
Respondent