

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 his
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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 he has 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:

25 ...

1 **FINDINGS OF FACT**

2 1. Respondent is the holder of License No. LPC-10660 for the practice of
3 counseling in Arizona.

4 2. From 10/12 to 03/13, Respondent provided approximately 10 family counseling
5 sessions with a minor client ("Son") and Son's mother ("Mother").

6 3. Son reported to Respondent that his father ("Father") was verbally, emotionally,
7 and physically abusive.

8 4. Respondent did not document Son's abusive disclosures in his clinical record.

9 5. Respondent spoke with Mother and verified that she had contacted the
10 Department of Child Safety ("DCS").

11 6. Pursuant to A.R.S. § 13-3620, Respondent is a mandated reporter and failed to
12 file a report with DCS and indicated he hadn't because Mother had already done so.

13 7. Respondent acknowledged being aware that Mother and Father shared joint
14 custody of Son.

15 8. In 2014, Father requested Son's clinical records.

16 9. Respondent indicated he felt releasing Son's records to Father may put Son at
17 risk, so he did not release them.

18 10. Pursuant to A.R.S. § 12-2293, if Respondent determined that releasing the
19 records would likely cause substantial harm, he was required to:

20 a. Document his determination in Son's clinical record

21 b. Provide Father a written explanation of the reason for the denial of access

22 11. Respondent failed to meet the requirements above.

23 12. Respondent's clinical documentation lacked required elements including:

24 a. A treatment plan

25 b. Dates, duration, counseling type, and Respondent's dated signature in

1 progress notes

2 c. The consent for treatment form did not clearly document roles of Mother
3 or Father

4 13. At its 11/05/15 meeting, the Board voted to offer Respondent a consent
5 agreement restricting Respondent's license until sanctions were completed.

6 14. On 12/12/15, Respondent signed the proposed consent agreement indicating his
7 acceptance, and the Board executed the consent agreement on 12/17/15.

8 15. On 03/22/16, Respondent contacted Board staff indicating that he was retiring
9 from the practice of behavioral health, ~~and would not be complying with the terms of the consent~~
10 ~~agreement.~~

11 16. Respondent agreed to discontinue practicing under his license as of the effective
12 date of this agreement and not to renew his license upon its expiration.

13 CONCLUSIONS OF LAW

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

17 2. The conduct and circumstances described in the Findings of Fact constitute a
18 violation of A.R.S. § 32-3251(15)(l), any conduct, practice or condition that impairs the ability of
19 the licensee to safely and competently practice the licensee's profession.

20 3. The conduct and circumstances described in the Findings of Fact constitute a
21 violation of A.R.S. § 32-3251(15)(ii), violating any federal or state law, rule or regulation
22 applicable to the practice of behavioral health, as it relates to A.R.S. § 13-3620: Duty to Report.

23 4. The conduct and circumstances described in the Findings of Fact constitute a
24 violation of A.R.S. § 32-3251(15)(kk), failing to make client records in the licensee's possession
25 promptly available to the client, a minor client's parent, the client's legal guardian or the client's

1 authorized representation on receipt of proper authorization to do so from the client, a minor
2 client's parent, the client's legal guardian or the client's authorized representative.

3 5. The conduct and circumstances described in the Findings of Fact constitute a
4 violation of A.R.S. § 32-3251(15)(p), failing to conform to minimum practice standards as
5 developed by the Board, as it relates to:

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

9 **ORDER**

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

- 12 1. As of the effective date of the Consent Agreement, Respondent shall not practice
13 under his license.
- 14 2. Respondent's license, LPC-10660, shall by rule, expire on 08/31/17.
- 15 3. Respondent agrees not to renew his license.
- 16 4. Respondent agrees not to submit any type of new license application to the
17 Board for a minimum of five (5) years.
- 18 5. This Consent Agreement is conclusive evidence of the matters described herein
19 and may be considered by the Board in determining appropriate sanctions in the event a
20 subsequent violation occurs.

21
22 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

23 
24 Loren H. Froehlich

03/26/2016
Date

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

2 Dated this 4th day of April, 2016.

3
4 By: M. Zavalala
5 TOBI ZAVALA, Executive Director
6 Arizona Board of Behavioral Health Examiners

7 **ORIGINAL** of the foregoing filed

8 This 4th day of April, 2016 with:

9 Arizona Board of Behavioral Health Examiners
10 3443 N. Central Ave., Suite 1700
11 Phoenix, AZ 85012

12 **COPY** of the foregoing mailed via Interagency Mail

13 This 4th day of April, 2016, to:

14 Marc Harris
15 Assistant Attorney General
16 1275 West Washington
17 Phoenix, Arizona 85007

18 **COPY** of the foregoing mailed via

19 Certified mail no. 70142870000189575747
20 This 4th day of April, 2016, to:

21 Loren H. Froehlich
22 Address of Record
23 Respondent
24
25

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2 Agreement and returning it to the Board's Executive Director, Respondent may not revoke his
3 acceptance of this Consent Agreement or make any modifications to it. Any modification of this
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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 he has 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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10 Department of Child Safety ("DCS").

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9 violation of A.R.S. § 32-3251(15)(l), any conduct, practice or condition that impairs the ability of
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21 developed by the Board, as it relates to:

22 a. A.A.C. R4-6-1101, Consent for Treatment

23 b. A.A.C. R4-6-1102, Treatment Plan

24 c. A.A.C. R4-6-1103, Client Record

25 ...

1 completion, Respondent shall submit to the Board an official transcript establishing completion
2 of the required course.

3 Audit

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

12 Practice Monitor

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

25 8. Within 30 days of the effective date of this Consent Agreement, Respondent shall

1 submit the name of a practice monitor for pre-approval by the Board Chair or designee. Also
2 within 30 days of the effective date of this Consent Agreement, the proposed Practice Monitor
3 shall submit a letter disclosing his/her prior relationship to Respondent. In that letter, the
4 practice monitor shall address why he/she should be approved, acknowledge that he/she has
5 reviewed the Consent Agreement and include the results of an initial assessment and a
6 monitoring plan regarding the proposed practice monitoring of Respondent. The letter from the
7 proposed Practice Monitor shall be submitted to the Board.

8 **Monitoring Quarterly Reports**

9 9. Once approved, the practice monitor shall submit quarterly reports for review and
10 approval by the Board Chair or designee. The quarterly reports shall include issues presented in
11 this consent agreement that need to be reported and the practice monitor shall notify the Board
12 if more frequent monitoring is needed. The practice monitor shall submit a final summary report
13 for review and approval by the Board Chair or designee. The final summary report submitted by
14 the practice monitor shall address Respondent's competency to engage in independent practice
15 in accordance with current standards of practice.

16 **Change of Practice Monitor During Probation**

17 10. If, during the period of Respondent's probation, the practice monitor determines
18 that he/she cannot continue as the practice monitor, he/she shall notify the Board within 10 days
19 of the end of monitoring and provide the Board with an interim final report. Respondent shall
20 advise the Board Chair or designee within 30 days of cessation of monitoring by the approved
21 practice monitor of the name of a new proposed practice monitor. The proposed practice
22 monitor shall provide the same documentation to the Board as was required of the initial
23 practice monitor.

24 ...

25 ...

1 16. If Respondent currently sees clients in their own private practice, and obtains any
2 other type of behavioral health position, either as an employee or independent contractor, where
3 he provides behavioral health services to clients of another individual or agency, he shall
4 comply with requirements set forth in Paragraphs 17 through 19 below.

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

13 18. If Respondent is not employed as of the effective date of this Order, within 10
14 days of accepting employment in a position where Respondent provides any type of behavioral
15 health related services or in a setting where any type of behavioral health, health care, or social
16 services are provided, Respondent shall provide the Board Chair or designee with a written
17 statement providing the contact information of his new employer and a signed statement from
18 Respondent's new employer confirming Respondent provided the employer with a copy of this
19 Consent Agreement. If Respondent does not provide the employer's statement to the Board
20 within 10 days, as required, Respondent's failure to provide the required statement to the Board
21 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
22 employer(s) with a copy of the Consent Agreement.

23 19. If, during the period of Respondent's probation, Respondent changes
24 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
25 extended leave of absence for whatever reason that may impact his ability to timely comply with

1 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
2 Board of his change of employment status. After the change and within 10 days of accepting
3 employment in a position where Respondent provides any type of behavioral health related
4 services or in a setting where any type of behavioral health, health care, or social services are
5 provided, Respondent shall provide the Board Chair or designee a written statement providing
6 the contact information of his new employer(s) and a signed statement from Respondent's new
7 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent
8 Agreement. If Respondent does not provide the employer's statement to the Board within 10
9 days, as required, Respondent's failure to provide the required statement to the Board shall be
10 deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
11 employer(s) with a copy of the Consent Agreement.

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

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

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

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

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

6 25. This Consent Agreement is conclusive evidence of the matters described herein
7 and may be considered by the Board in determining appropriate sanctions in the event a
8 subsequent violation occurs.

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

10 Loren H. Froehlich, Ph.D.
11 Loren H. Froehlich

12/12/15
Date

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

13 Dated this 17th day of December, 2015.

14 By:

15 M. Zavala
16 TOBI ZAVALA, Executive Director
17 Arizona Board of Behavioral Health Examiners

18 **ORIGINAL** of the foregoing filed
19 This 17th day of December, 2015 with:

20 Arizona Board of Behavioral Health Examiners
21 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

22 **COPY** of the foregoing mailed via Interagency Mail
23 This 17th day of December, 2015, to:

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

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COPY of the foregoing mailed via
Certified mail no. 70141200000066338625,
This 17th day of December, 2015, to:

Loren H. Froehlich
Address of Record
Respondent