



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  
3 revoke her acceptance of this Consent Agreement or make any modifications to it.  
4 Any modification of this original document is ineffective and void unless mutually  
5 approved by the parties in writing.

6           5.       Although Respondent does not agree that all of the Findings of Fact set  
7 forth in the Consent Agreement supported by the evidence, Respondent does  
8 acknowledge that it is the Board's position that if this matter proceeded to formal  
9 hearing, the Board would be able to establish through the presentation of sufficient  
10 evidence that Respondent did engaged in conduct that constituted unprofessional  
11 conduct. Therefore, Respondent has agreed to enter into this Consent Agreement as  
12 a practical and economic way of resolving the issues associated with the Complaint  
13 No. 2015-0083. Further, Respondent acknowledges that the Board may use the  
14 evidence in its possession relating to the Consent Agreement for purposes of  
15 determining sanctions in any future disciplinary matter.

16           6.       Nothing in this Consent Agreement prohibits Respondent from applying  
17 for licensure in the future. Should Respondent do so, she will be required to meet all  
18 of the requirements for licensure set forth in statute and regulation at the time her  
19 application is submitted, including, but not limited, to A.R.S. § 32-3275.

20           7.       This Consent Agreement is subject to the Board's approval, and will be  
21 effective only when the Board accepts it. In the event the Board in its discretion does  
22 not approve this Consent Agreement, this Consent Agreement is withdrawn and shall  
23 be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary  
24 action by any party hereto, except that Respondent agrees that should the Board  
25 reject this Consent Agreement and this case proceeds to hearing, Respondent shall

1 assert no claim that the Board was prejudiced by its review and discussion of this  
2 document or of any records relating thereto.

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

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

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating  
12 the practice of counseling in the State of Arizona.

13 2. Respondent is the holder of License No. LPC-11859 for the practice of  
14 counseling in Arizona.

15 3. Respondent was employed at an agency ("Agency") from January 2010  
16 to August 2011.

17 4. In August 2011, Respondent was involuntarily terminated from Agency  
18 for a pattern of conduct that violated her employment contract and Agency personnel  
19 policies.

20 5. Respondent failed to report her involuntary termination from Agency on  
21 her November 2012 and 2014 renewal applications.

22 6. Since October 2011, Respondent has maintained a private practice.

23 7. In September and November 2011, Respondent was arrested for  
24 domestic violence.

25 8. Respondent failed to report either arrest to the Board within ten days as  
required by law.

1           9.     Respondent indicated that she was under the influence of alcohol during  
2 both domestic violence incidents.

3           10.    In October 2013, Respondent was arrested for DUI. Her BAC was  
4 measured at .163%.

5           11.    As a result of the DUI, Respondent completed 36 hours of alcohol  
6 education and treatment. During this time, it was noted that Respondent made little  
7 progress and had relapsed on three occasions.

8           12.    From January 2014 to June 2014, Respondent had an Ignition Interlock  
9 device installed on her vehicle through a vendor ("Vendor 1"). Reports from Vendor 1  
10 indicated Respondent:

- 11           a.     Had 15 occasions where her BAC was at or above .02%.
- 12           b.     Had 24 occasions where her BAC was at or above .03%.
- 13           c.     Refused 3 rolling retests.
- 14           d.     Failed the rolling retest 8 times.
- 15           e.     Reported the head unit stolen on May 23, 2014.
- 16           f.     Went to Vendor 1 for calibration, but was refused service because  
17 Respondent was driving someone else's car.
- 18           g.     Had Vendor 1 remove the ignition interlock on June 27, 2014.

19           13.    On June 30, 2014, Respondent had an ignition interlock device installed  
20 on her vehicle through a second vendor ("Vendor 2").

21           14.    Vendor 2's monitoring reports indicated that Respondent failed a  
22 breathalyzer test on July 25, 2014 with a BAC of .076%.

23           15.    In March 2015, Respondent informed the Board that should was  
24 entering into a 30 day Intensive Outpatient Program ("IOP").

25           16.    In April, 2015, Respondent was discharged from the IOP.

1 17. Respondent failed to implement the recommendations from her IOP  
2 treatment providers for her post discharge care.

3 18. At the May 7, 2015 Board meeting, members expressed concerns about  
4 Respondent's post discharge conduct including her failure to provide corroborating  
5 confirmation that she is following the activities referenced in her IOP records. As a  
6 result of these concerns, the Board summarily suspended Respondent's license.

7 19. The hearing in this matter was scheduled for July 9, 2015.

8 20. The day before the hearing, Respondent's husband, on Respondent's  
9 behalf, submitted documentation indicating that Respondent had recently sustained  
10 an ankle injury. The documentation indicated that Respondent had a medical  
11 appointment on July 9, 2015, the day of the hearing.

12 21. Based in part upon the aforementioned representation, the Board voted  
13 to grant Respondent's request for the continuance.

14 22. In granting the continuance, the Board requested, among other things,  
15 Respondent provide it with the following information, within 10 days:

- 16 a. Documentation/verification of her upcoming appointments with  
17 her orthopedic surgeon; and
- 18 b. Respondent's transition plan for her clients.

19 23. On July 13, 2015, the Board sent Respondent a letter detailing its  
20 request for information. Because Respondent initially failed to supply all of the  
21 requested information, the Board had to send Respondent a follow-up letter.

22 24. Contrary to what Respondent represented to the Board both in writing  
23 and verbally, she was never scheduled or seen on July 9, 2015, by her orthopedic  
24 surgeon.

25 25. As stated in the Recitals, Respondent does not agree that all of the  
Findings of Fact set forth above are supported by evidence and that if this matter

1 proceeded to hearing she would introduce evidence that would give these facts a  
2 different contextual meaning.

### 3 CONCLUSIONS OF LAW<sup>1</sup>

4 26. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-  
5 3251 et seq. and the rules promulgated by the Board relating to Respondent's  
6 professional practice as a licensed behavioral health professional.

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

11 28. The conduct and circumstances described in the Findings of Fact  
12 constitute a violation of A.R.S. § 32-3251(12)(c)(i), any oral or written  
13 misrepresentation of a fact by an applicant or licensee to secure or attempt to secure  
14 the issuance or renewal of a license.

15 29. The conduct and circumstances described in the Findings of Fact  
16 constitute a violation of A.R.S. § 32-3251(15)(f), active habitual intemperance in the  
17 use of alcohol or active habitual substance abuse.

18 30. The conduct and circumstances described in the Findings of Fact  
19 constitute a violation of A.R.S. § 32-3251(16)(o), failing to furnish information within a  
20 specified time to the Board or its investigators or representatives if legally requested  
21 by the Board.

22 31. The conduct and circumstances described in the Findings of Fact  
23 constitute a violation of A.R.S. § 32-3251(16)(c)(ii), any oral or written  
24 misrepresentation of a fact by an applicant or licensee in any statements providing  
25 during an investigation or disciplinary proceeding by the Board.

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<sup>1</sup> The Conclusions of Law cite the statutes that was in effect at the time the conduct occurred.

1 **ORDER**

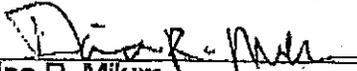
2 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties  
3 agree to the provisions and penalties imposed as follows:

4 **SURRENDER ORDER**

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

- 7 1. Respondent's license, LPC-11859, shall be surrendered to the Board,  
8 effective from the date of entry as signed below.
- 9 2. The surrender shall be considered a revocation of Respondent's license.
- 10 3. This Consent Agreement is conclusive evidence of the matters  
11 described herein and may be considered by the Board in determining appropriate  
12 sanctions in the event a subsequent violation occurs.

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

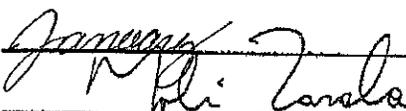
14   
Dina R. Milum

1/12/2016  
Date

15  
16 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

17 Dated this 19th day of January, 2016.

18 By:

  
TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

19  
20  
21  
22  
23  
24 **ORIGINAL** of the foregoing filed  
this 19th day of January 2016 with:

25 Arizona Board of Behavioral Health Examiners

1 3443 N. Central Ave., Suite 1700  
2 Phoenix, AZ 85012

3 **COPY** of the foregoing mailed via Interagency Mail  
this 19<sup>th</sup> day of January, 2016 to:

4 Marc Harris  
5 Assistant Attorney General  
6 1275 West Washington  
7 Phoenix, Arizona 85007

8 **COPY** of the foregoing mailed via

9 Certified mail no: 7014287000199572661  
10 this 19<sup>th</sup> day of January, 2016 to:

11 Dina R. Milum  
12 Address of Record  
13 Respondent

14 **COPY** of the foregoing mailed via Mail  
15 this 19<sup>th</sup> day of January, 2016 to:

16 Gregory A. Robinson  
17 Farley Robinson & Larsen  
18 8040 N. 7<sup>th</sup> Street Ste. 300  
19 Phoenix, AZ 85014  
20 Attorney for Respondent

21 By: \_\_\_\_\_  
22 DJC#4851198

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**BEFORE THE ARIZONA BOARD  
OF BEHAVIORAL HEALTH EXAMINERS**

**In the Matter of:**

**Dina R. Milum, LPC-11859,  
Licensed Professional Counselor  
In the State of Arizona.**

**RESPONDENT**

**Case No. 2015-0083**

**AMENDED  
PRELIMINARY FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER  
OF SUMMARY SUSPENSION**

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The above-captioned matter came before the Arizona State Board of Behavioral Health Examiners ("Board") on May 7<sup>th</sup>, 2015, for the purposes of determining whether grounds existed to summarily suspend Dina R. Milum's ("Respondent") license to practice professional counseling in the State of Arizona.

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After having considered all of the information presented and in accordance with A.R.S. § 32-3281(C), the Board issues the following Preliminary Findings of Fact, Preliminary Conclusions of Law, Findings of Emergency and Order for Summary Suspension, pending formal hearing or other Board action.

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**PRELIMINARY FINDINGS OF FACT**

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19

1. The Board is the duly constituted authority for licensing and regulating the practice of counseling in the State of Arizona.

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2. Respondent is the holder of License No. LPC-11859 for the practice of counseling in Arizona.

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3. Respondent was employed at an agency ("Agency") from 01/10 to 08/11.

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4. In 08/11, Respondent was involuntarily terminated from Agency for a pattern of conduct that violated her employment contract and Agency personnel policies including:

- 25
- a. Repeated offenses of reporting for duty while smelling of alcohol.
  - b. Attendance issues.

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- c. A lack of respect and professionalism.
- 5. Respondent failed to report her 08/11 involuntary termination from Agency on her 11/12 or 11/14 renewal applications.
- 6. In 09/11 and 11/11, Respondent was arrested for domestic violence.
- 7. Respondent failed to report the following to the Board within ten days as required:
  - a. 09/11 arrest for domestic violence.
  - b. 11/11 arrest for domestic violence.
- 8. Respondent indicated that she was under the influence of alcohol during both domestic violence incidents.
- 9. Since 10/11, Respondent has maintained a private practice.
- 10. In 10/13, Respondent was arrested for DUI. Her BAC was measured at .163%.
- 11. As a result of the DUI, Respondent completed 36 hours of alcohol education and treatment.
- 12. Respondent's treatment records indicated the following:
  - a. From ages 22-46, Respondent drank a ½ pint of vodka per day, 5 times per week.
  - b. A 08/27/14 progress note indicated Respondent was intoxicated during group.
  - c. A 11/11/14 progress note indicated Respondent revealed that she:
    - Continues to drink occasionally.
    - Is not interested in help.
    - Only wants to satisfy the court.
  - d. A 12/03/14 summary of progress indicated:

- 1 • Respondent made little to no progress toward maintaining her
- 2 sobriety.
- 3 • Respondent revealed at least 3 relapses during treatment.

4 13. From 01/14 to 06/14, Respondent had an ignition interlock device installed on  
5 her vehicle through a vendor ("Vendor 1"). Reports from Vendor 1 indicated Respondent:

- 6 a. Had 15 occasions where her BAC was at or above .02%.
- 7 b. Had 24 occasions where her BAC was at or above .03%.
- 8 c. Refused 3 rolling retests.
- 9 d. Failed the rolling retest 8 times.
- 10 e. Reported the head unit stolen on 05/23/14.
- 11 f. Went to Vendor 1 for calibration, but was refused service because
- 12 Respondent was driving someone else's car.
- 13 g. Had Vendor 1 remove the ignition interlock on 06/27/14.

14 14. On 06/30/14, Respondent had an ignition interlock device installed on her  
15 vehicle through a second vendor ("Vendor 2").

16 15. Vendor 2's monitoring reports indicated that Respondent failed a breathalyzer  
17 test on 07/25/14 with a BAC of .076%.

18 16. Respondent failed to report the following to the Board within ten days as  
19 required:

- 20 a. 09/11 arrest for domestic violence.
- 21 b. 11/11 arrest for domestic violence.

22 17. At the 03/05/15 Board meeting, Respondent acknowledged that she is an  
23 alcoholic.

24 18. During the 03/05/15 Board meeting, the Board voted to accept a consent  
25 agreement for the voluntary surrender of her license.

1 19. On 03/27/15, Respondent submitted a letter indicating the following:

2 a. She was not willing to sign a consent agreement for the voluntary  
3 surrender of her license.

4 b. She will be attending a 30 day Intensive Outpatient Program ("IOP") at  
5 Chandler Valley Hope facility.

6 20. On 03/30/15, Respondent confirmed that she is currently attending Chandler  
7 Valley Hope's 30 day IOP.

8 21. On 04/03/15, Board staff drafted an Interim Consent Agreement for  
9 Respondent's consideration.

10 22. On 04/14/15, Respondent submitted a letter to the Board indicating she was  
11 unwilling to sign the proposed Interim Consent Agreement.

12 23. On 04/22/15, Respondent was discharged from IOP.

13 24. Board staff obtained the treatment records from the IOP, which indicated the  
14 following:

15 a. Her participation in the treatment program was conscientious and erratic.

16 b. Her interactions with fellow patients were appropriate.

17 c. Family treatment included Husband.

18 d. Respondent made fair progress in pursuing her treatment goals.

19 e. She had difficulties with her cognition and memory the 1st few weeks,  
20 limiting the amount of work she was able to complete.

21 f. Respondent worked on integrating herself into the 12 step program and  
22 she worked on some of her grief issues.

23 g. "She appeared to be somewhat committed to follow through with her  
24 continuing care plans."

25 h. Licensee's prognosis is fair.

- 1 i. Her discharge diagnostic impression is 303.90 Alcohol Use Disorder  
2 Severe, with a current GAF score of GAF=50.
- 3 j. Recommendations for continuing care included the following:
- 4 • Referral to 12 step meetings and online IOP through Tempe Valley  
5 Hope.
  - 6 • 05/01/15 psychiatrist appointment.
  - 7 • Individual counseling and sober living, which was refused by  
8 Respondent.
  - 9 • A sponsor, which Respondent states she has.
  - 10 • 12 step meetings approximately 7 times per week.

11 25. During a 04/29/15 telephonic interview, Respondent indicated the following:

- 12 a. Respondent's experience at Chandler Valley Hope's IOP facility was  
13 great.
- 14 b. She learned a lot during treatment and implemented what she has  
15 already learned in the past.
- 16 c. She is enrolled in a 6 week online IOP.
- 17 d. As part of the online IOP, Licensee is required to complete 9 hours per  
18 week doing the following:
- 19 • Reading information and writing essays.
  - 20 • Conversing with other patients in the IOP.
  - 21 • Completing modules.
  - 22 • Working the 12 steps.
- 23 e. Respondent is also required to participate in 1 hour of individual  
24 counseling per week, which can be done via Skype.
- 25 f. Respondent is scheduled to see her psychiatrist on 05/01/15.

1 g. Respondent did not follow up with the recommendation of seeing a PCP  
2 because her psychiatrist is able to prescribe her medications and she  
3 already had her bloodwork completed.

4 h. When asked what her sobriety date is, Licensee stated "a few days  
5 before [she] entered treatment. I really didn't write it down."

6 i. Since her discharge from treatment on 04/22/15, Respondent reported  
7 she has attended 2 AA meetings.

8 26. During the 04/29/15 interview Board staff informed Respondent that her case  
9 would be heard at the 05/07/15 Board meeting and that she would be receiving notice.

10 27. On 05/04/15, Board staff interviewed Respondent's sponsor who indicated that  
11 she had not spoken to Respondent since the 1<sup>st</sup> week she was in the IOP.

12 28. On 05/06/15, Board staff made several failed attempts to reach Respondent via  
13 telephone and email to get an update on her status.

14 29. Board staff was unable to confirm what post discharge recommendations were  
15 implemented.

16 30. On 05/07/15, the morning of the Board meeting, Respondent's husband  
17 contacted Board staff and indicated that both he and his wife would be participating  
18 telephonically for the meeting. Soon after that conversation, Respondent sent an email to  
19 Board staff indicating that she no longer wanted to communicate with the Board, except  
20 through legal representation.

21 31. At the 05/07/15 Board meeting, members expressed concerns about  
22 Respondent's post discharge conduct including her failure to provide corroborating  
23 confirmation that she is following the activities referenced in her IOP records.

24 32. Based upon the Board's finding that the information contained in the  
25 ...

1 investigative report imperatively requires emergency action in order to protect the public health,  
2 safety or welfare, Board members voted to summarily suspend Respondent's license.

3  
4 **PRELIMINARY CONCLUSIONS OF LAW**

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

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

11 3. The conduct and circumstances described in the Findings of Fact constitute a  
12 violation of A.R.S. § 32-3251(12)(c)(i), any oral or written misrepresentation of a fact by an  
13 applicant or licensee to secure or attempt to secure the issuance or renewal of a license.

14 **FINDINGS OF EMERGENCY AND ORDER**

15 Based on the Preliminary Findings of Fact and Preliminary Conclusions of Law as set  
16 forth above, and consistent with its authority under A.R.S. § 32-3281(C), the Board finds that  
17 the public health, welfare and safety require emergency action.

18 **IT IS THEREFORE ORDERED THAT:**

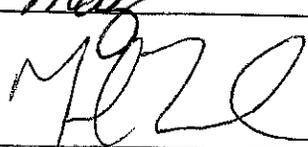
19 1. License No. LPC-11859 issued to Respondent is hereby summarily suspended.  
20 Respondent shall immediately surrender License No. LPC-11859 to the Board or its duly  
21 authorized agent.

22 2. The Preliminary Findings of Fact and Preliminary Conclusions of Law constitute  
23 written notice to Respondent of the charges of unprofessional conduct made by the Board  
24 against her. Respondent is entitled to a formal administrative hearing to defend these charges  
25 ...

1 as expeditiously as possible after the issuance of this Order. The suspension of Respondent's  
2 license shall remain in effect until the conclusion of the hearing.

3 3. The Board's Executive Director is instructed to schedule this matter before the  
4 Board for the purposes of holding a formal administrative hearing which shall be commenced  
5 as expeditiously as possible from the date of the issuance of this Order, unless stipulated and  
6 agreed otherwise by Respondent.

7 Dated this 20th day of May, 2015.

8  
9 By:   
10 TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

11 ORIGINAL of the foregoing filed  
12 This 20th day of May, 2015 with:

13 Arizona Board of Behavioral Health Examiners  
14 3443 N. Central Ave., Suite 1700  
Phoenix, AZ 85012

15 COPY of the foregoing mailed via Interagency Mail  
16 This 20th day of May, 2015, to:

17 Marc H. Harris  
Assistant Attorney General  
1275 West Washington  
18 Phoenix, Arizona 85007

19 Christopher Munns  
Assistant Attorney General, Solicitor General's Office  
20 1275 W. Washington  
Phoenix, Arizona 85007

21 COPY of the foregoing mailed via  
22 Certified mail no. 7014217000189570308  
23 This 20th day of May, 2015, to:

24 Dina R. Milum  
Address of Record  
Respondent  
25

1 Gregory Robinson  
2 6040 N. 7th St. Ste 300  
3 Phoenix, AZ 85014  
4 Attorney for Respondent  
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