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

In the Matter of:

**Tricia A. Siegel, LPC-2133,
Licensed Professional Counselor,
In the State of Arizona.**

**CASE NO. 2016-0025
CONSENT AGREEMENT**

RESPONDENT

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(F) and 41-1092.07(F)(5), Tricia A. Siegel ("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 their right to such formal hearing concerning these allegations and irrevocably waives their 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.

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

25 ...

1 FINDINGS OF FACT

2 1. Respondent is the holder of License No. LPC-2133 for the practice of counseling
3 in Arizona.

4 2. In 04/10, Respondent began providing individual counseling to an adult male
5 client ("Client") through her private practice.

6 3. Around 07/11, Respondent acknowledges that she briefly accepted Client's
7 Facebook friend request, but deleted the Facebook friendship after approximately 3 days.

8 4. In review of Client's clinical records, Respondent maintained the following
9 photocopied items, given to her by Client:

- 10 a. 5 Christmas cards
- 11 b. 5 Postcards
- 12 c. 3 Birthday cards
- 13 d. 1 Thank you card
- 14 e. 1 Starbucks gift card holder for \$20
- 15 f. 2 Valentine's Day cards

16 5. One of the Valentine's Day cards given to Respondent by Client indicated:

- 17 a. "When I saw the spatter of color, I thought of my life before I met you."
- 18 b. "P.S. I still have a bit of crush on you. But that's okay, I have accept [sic] the
19 relationship we have."

20 6. The other Valentine's Day card given to Respondent by Client indicated:

- 21 a. "Valentine's day is a time when we share our feelings for the special people
22 in our lives."
- 23 b. Respondent is very special to Client.

24 7. Aside from maintaining photocopies of the aforementioned items, Respondent
25 did not document the dates that she received the items.

1 8. In addition, there is no documentation to reflect that Respondent had any type of
2 discussion with Client regarding the inappropriateness of his gifts.

3 9. Considering the consistency of the gifts and the flirtatious nature of the
4 Valentine's Day cards, at a minimum, Respondent should have informed Client of the
5 inappropriateness of his gestures, and documented her actions.

6 10. When asked by Board staff if Respondent spoke with Client after receiving the
7 Valentine's Day cards, Respondent indicated the following:

- 8 a. Respondent did not talk to Client after the cards. *But I did*
9 b. Respondent does not know why she did not talk to him about it. *in presence of daughter*
REC

10 11. When questioned by Board staff about the issue of receiving gifts from clients,
11 Respondent indicated the following:

- 12 a. Respondent did not know it was something she needed to document, but now
13 she is aware of the need for documentation.
14 b. In past years, Respondent has not documented receiving gifts from clients as
15 it was not about their progress in treatment.

16 12. In review of the clinical record that Respondent maintained for Client, the
17 following documentation deficiencies were identified:

- 18 a. Client's consent for treatment form fails to include various required elements.
19 b. Client's treatment plans fail to include various required elements.
20 c. Client's progress notes fail to include various required elements.
21 d. In review of several progress notes, it is difficult to understand the nature of
22 the client's treatment, as only a series of words are documented.

23 **CONCLUSIONS OF LAW**

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

1 licensed behavioral health professional.

2 2. The conduct and circumstances described in the Findings of Fact constitute a
3 violation of A.R.S. § 32-3251(12)(l), any conduct, practice or condition that impairs the ability of
4 the licensee to safely and competently practice the licensee's profession.

5 3. The conduct and circumstances described in the Findings of Fact constitute a
6 violation of A.R.S. § 32-3251(12)(p), failing to conform to minimum practice standards as
7 developed by the Board as it relates to:

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

11 **ORDER**

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

14 **Practice Restriction**

15 1. Respondent agrees not to practice under her license or engage in the practice of
16 behavioral health, as of 11/01/16.

17 **Practice Termination Plan**

18 2. Respondent shall submit a written plan for terminating her private practice. At a
19 minimum, the proposed termination plan must include each of the following:

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

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

3 d. A list of Respondent's current clients and the timeframe for terminating
4 services to each client, which shall not surpass 11/01/16.

5 3. As of 11/01/16, Respondent agrees not to practice under her license, LPC-2133.

6 4. Respondent's license, LPC-2133, shall by rule, expire on 01/31/17.

7 5. Respondent agrees not to renew her license.

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

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

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

14
15 
16 Tricia A. Siegel

15 9-23-16
16 Date

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

18 Dated this 24th day of October, 2016.

19
20 By:

20 
21 TOBÍ ZAVALA, Executive Director
22 Arizona Board of Behavioral Health Examiners

23 **ORIGINAL** of the foregoing filed

23 This 24th day of October, 2016 with:

24 Arizona Board of Behavioral Health Examiners
25 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

1 COPY of the foregoing mailed via Interagency Mail
This 24th day of October, 2016, to:

2
3 Marc Harris
4 Assistant Attorney General
5 1275 West Washington
6 Phoenix, Arizona 85007

7 COPY of the foregoing mailed via
8 Certified mail no. 7012292000177948585
9 This 24th day of October, 2016, to:

10 Tricia A. Siegel
11 Address of Record
12 Respondent

13 COPY of the foregoing mailed via Mail
14 This 24th day of October, 2016 to:

15 Charles S. Hover, III
16 Renaud Cook Drury Mesaros, PA
17 One North Central, # 900
18 Phoenix, AZ 85004
19 Attorney for Respondent
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