BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: **Michael S. Latino, LASAC-15133, Licensed Associate Substance Abuse Counselor, In the State of Arizona.** **Respondent**	**CASE NO. 2016-0102** **INTERIM CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona State Board of Behavioral Health Examiners ("Board") and Michael S. Latino ("Respondent"), the parties enter into this Interim Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement") as an interim disposition of this matter.

RECITALS

Respondent understands and agrees that:

1. The Board may adopt this Interim Consent Agreement, or any part thereof, pursuant to A.R.S. § 32-3251 *et seq.* and A.R.S. § 41-1092.07(F)(5).

2. Respondent has read and understands this Interim Consent Agreement as set forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an attorney or has waived the opportunity to discuss this Interim Consent Agreement with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so agrees to abide by all of its terms and conditions.

3. By entering into this Interim Consent Agreement, Respondent freely and voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters related to the Interim Consent Agreement.

4. Respondent understands that this Interim Consent Agreement does not constitute a dismissal or resolution of this matter or any matters that may be currently pending before the Board and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigations, actions, or proceedings. Respondent also understands that acceptance of this Interim Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting civil or criminal proceedings with respect to the conduct that is the subject of this Interim Consent Agreement. Respondent does not intend their acceptance of this Interim Consent Agreement to constitute an admission of any fact or facts and they enter into this agreement as an interim compromise of a pending matter. Respondent further does not relinquish their rights to an administrative hearing, rehearing, review, reconsideration, judicial review or any other administrative and/or judicial action, concerning the matters related to a final disposition of this matter, unless they affirmatively does so as part of the final resolution of this matter.

5. Respondent acknowledges and agrees that upon signing this Interim Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke their acceptance of this Interim Consent Agreement or make any modifications to it. Any modification of this original document is ineffective and void unless mutually approved by the parties in writing.

6. Respondent understands that this Interim Consent Agreement shall not become effective unless and until it is adopted by the Board and signed by its Executive Director.

7. Respondent understands and agrees that if the Board does not adopt this Interim Consent Agreement, they will not assert in any future proceedings that the Board's consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or other similar defense.

8. Respondent understands that this Interim Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

9. Respondent understands that this Interim Consent Agreement does not alleviate their responsibility to comply with the applicable license-renewal statutes and rules. If this Interim Consent Agreement remains in effect at the time Respondent's behavioral health license(s) come up for renewal, they must renew their license(s) if Respondent wishes to retain their license(s). If Respondent elects not to renew their license(s) as prescribed by statute and rule, Respondent's license(s) will not expire but rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes final action in this matter. Once the Board takes final action, in order for Respondent to be licensed in the future, they must submit a new application for licensure and meet all of the requirements set forth in the statutes and rules at that time.

10. Respondent understands that any violation of this Interim Consent Agreement constitutes unprofessional conduct under A.R.S. § 32-3251(16)(n), violating a formal order, consent agreement, term of probation or stipulated agreement, and may result in disciplinary action under A.R.S.§ 32-3281.

Respondent understands and agrees that:

INTERIM FINDINGS OF FACT

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

2. Respondent is the holder of License No. LASAC-15133.

3. At its meeting on 06/03/16, the Board reviewed Complaint No. 2016-0102, filed against Respondent.

4. At the conclusion of their review, the Board ordered Respondent to undergo a substance abuse evaluation by an addictionologist.

5. Upon receipt of the results and recommendations from the addictionologist, Respondent was offered an Interim Consent Agreement, not to practice.

INTERIM CONCLUSIONS OF LAW

1. The Board possesses subject matter and personal jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.*

2. The Board is authorized to enter into an interim consent agreement with a licensed associate substance abuse counselor to limit or restrict the professional's practice in order to protect the public and ensure that the professional is able to safely engage in the practice of substance abuse counseling pursuant to A.R.S. § 32-3281.

INTERIM ORDER

Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to the authority granted to the Board under A.R.S. § 32-3281:

IT IS HEREBY ORDERED that Respondent shall not practice under their license until such time as they submit a written request for the reinstatement of their license to the Board and the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its discretion, require any combination of staff-approved physical, psychiatric, or psychological examinations, or other types of examinations, evaluations or interviews it believes are necessary to assist the Board in determining whether Respondent is able to safely and competently return to the practice of substance abuse counseling. The Board's affirmative approval to permit Respondent to return to practicing under their license shall not preclude the Board from taking any other action it deems appropriate based upon the conduct set forth in the Interim Findings of Fact.

Respondent's agreement not to practice under License No. LASAC-15133 will be considered an interim suspension of their license.

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PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Michael S. Latino

8/19/16
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 12th day of September, 2016.

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

ORIGINAL of the foregoing filed
This 12th day of September, 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 12th day of September, 2016, to:

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

COPY of the foregoing mailed via
Certified mail no. 70142700001895723 40,
This 12th day of September, 2016, to:

Michael S. Latino
Address of Record
Respondent