

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

2
3 **In the Matter of:**

**CASE NO. 2015-0071
2017-0006**

4 **ROBERT W. HOLTSOI, LAC-15645,**
5 **Licensed Associate Counselor,**
6 **In the State of Arizona,**

ORDER OF REVOCATION

7 **Respondent**

8 On July 15, 2015, the Arizona Board of Behavioral Health Examiners ("Board") accepted
9 a Consent Agreement placing Robert W. Holtsoi ("Respondent") on probation subject to terms
10 and conditions set forth in the Consent Agreement. Respondent failed to remain in compliance
11 with the terms set forth in the Consent Agreement. On July 8, 2016, the Board voted to open a
12 complaint against Respondent and to offer Respondent a Consent Agreement which included
13 the following provisions:

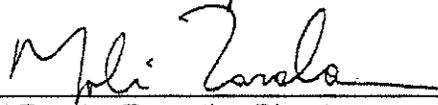
- 14 1. Respondent's license, LAC-15645, was revoked.
- 15 2. The revocation was stayed and Respondent's license was placed on probation.
- 16 3. If Respondent was noncompliant with the terms of the Consent Agreement in any
17 way, the stay of the revocation would be lifted and Respondent's license would be
18 automatically revoked.
- 19 4. Respondent had the right to contest the lifting of the stay by requesting in writing,
20 within 10 days of being notified of the automatic revocation of licensure, that the
21 matter be placed on a Board agenda for the Board to review and determine if the
22 automatic revocation of Respondent's license was supported by substantial
23 evidence.

24 On September 7, 2016, the Board notified Respondent they would be reviewing
25 Respondent's compliance with his consent agreement at their upcoming meeting. Respondent
26 appeared and addressed the Board on September 9, 2016. Following review, the Board
27 unanimously voted to lift the stay of revocation and revoke Respondent's license based on his
28 failure to comply with the terms of the Consent Agreement.

1 ORDER

2 Therefore, IT IS ORDERED that License No. LAC-15645 issued to Robert W. Holtsoi is
3 hereby REVOKED.

4 Dated this 22nd day of September, 2016

5 
6 _____
7 Tobi Zavala, Executive Director
8 Arizona Board of Behavioral Health Examiners

8 ORIGINAL of the foregoing filed

9 The 22nd day of September, 2016, with:

10 Arizona Board of Behavioral Health Examiners
11 3443 North Central Avenue, Suite 1700
12 Phoenix, AZ 85012

12 COPY of the foregoing, mailed via Interagency Mail
13 This 22nd day of September, 2016, to:

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

16 COPY of the foregoing mailed via
17 Certified mail no: 70142870000189574306
18 This 22nd day of September, 2016, to:

19 Robert W. Holtsoi
20 Address of Record
21 Respondent

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 and the Healthcare Integrity and Protection Data Bank.

19 8. Respondent further understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
21 disciplinary action pursuant to A.R.S. § 32-3281.

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

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

1 FINDINGS OF FACT

2 1. Respondent is the holder of License No. LAC-15654 for the practice of
3 counseling in Arizona.

4 2. On 02/24/12, Respondent was arrested for extreme DUI.

5 3. Respondent's blood alcohol content was .204% approximately 55 minutes after
6 he was stopped.

7 4. From 05/13 – 07/13, Respondent voluntarily completed 3 individual counseling
8 sessions addressing alcohol abuse.

9 5. From 06/14 – 08/14, Respondent voluntarily completed a 10-week intensive
10 outpatient program addressing alcohol dependence.

11 6. In 2013, Respondent was demoted from a substance abuse counselor to an
12 intake specialist as a result of his alcohol problem.

13 7. On his licensure application, Respondent failed to disclose his prior alcohol
14 abuse counseling, intensive outpatient treatment for alcohol dependence, or his demotion.

15 8. On 07/15/15, the Board executed a consent agreement with Respondent which
16 included:

17 a. Respondent's licensure application was approved pending passage of the
18 required examination.

19 b. Respondent's license was placed on probation for 24 months.

20 c. Respondent would receive clinical supervision four times monthly for 24
21 months.

22 d. Respondent would attend a recovery support group a minimum of 2 times
23 weekly and continue with his current sponsor.

24 9. Respondent failed to remain in compliance with the terms set forth in the consent
25 agreement.

1 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
2 such time as he is granted approval to re-commence compliance with the Consent Agreement.

3 Clinical Supervision

4 9. While on probation, Respondent shall receive clinical supervision four times a
5 month by a masters or higher level behavioral health professional licensed at the independent
6 level. Respondent shall continue supervision with the clinical supervisor previously approved by
7 the Board.

8 Reports

9 10. The clinical supervisor shall submit reports every sixty days for review and
10 approval by the Board Chair or designee. The reports shall include issues presented in this
11 Consent Agreement that need to be reported and the supervisor shall notify the Board if more
12 frequent supervision is needed. The reports shall include the following:

- 13 a. Dates of each clinical supervision session
- 14 b. A comprehensive description of issues discussed during supervision
15 sessions.

16 11. All supervision reports shall include a copy of clinical supervision documentation
17 maintained for that period. All clinical supervision documentation maintained by the supervisor
18 shall comply with requirements set forth in A.A.C. R4-6-212(C).

19 12. After Respondent's probationary period, the supervisor shall submit a final
20 summary report for review and approval by the Board Chair or designee. The final report shall
21 also contain a recommendation as to whether the Respondent should be released from this
22 Consent Agreement.

23 Change of Clinical Supervisor During Probation

24 13. If, during the period of Respondent's probation, the clinical supervisor determines
25 that he/she cannot continue as the clinical supervisor, he/she shall notify the Board within 10

1 days of the end of supervision and provide the Board with an interim final report. Respondent
2 shall advise the Board Chair or designee within 30 days of cessation of clinical supervision by
3 the approved clinical supervisor and provide the name of a new proposed clinical supervisor.
4 The proposed clinical supervisor shall provide the same documentation to the Board as was
5 required of the initial clinical supervisor.

6 Recovery Program

7 14. While on probation, Respondent shall attend a recovery support group at a
8 minimum of 2 times per week. Within 30 days of the date of this Consent Agreement,
9 Respondent shall submit the name of a sponsor for pre-approval by the Board Chair or
10 designee. The sponsor shall provide quarterly reports to the Board Chair or designee attesting
11 to Respondent's attendance and participation.

12 Substance Use Reporting

13 15. While on probation, Respondent shall notify the Board immediately of any
14 relapse.

15 Early Release

16 16. After 12 months and upon the clinical supervisor's recommendation, Respondent
17 may request early release from the Consent Agreement if all other terms of the Consent
18 Agreement have been met.

19 GENERAL PROVISIONS

20 Civil Penalty

21 17. Subject to the provisions set forth in paragraph 18, the Board imposes a civil
22 penalty against the Respondent in the amount of \$1,000.00.

23 18. Respondent's payment of the civil penalty shall be stayed so long as Respondent
24 remains compliant with the terms of this Consent Agreement. If Board staff determines that
25 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the

1 ~~exception of the tolling provision under Paragraph 8, the stay of the civil penalty payment shall~~
2 be automatically lifted and payment of the civil penalty shall be made by certified check or
3 money order payable to the Board within 30 days after being notified in writing of the lifting of
4 the stay.

5 19. Within 10 days of being notified of the lifting of the stay, Respondent may request
6 that the matter be reviewed by the Board for the limited purpose of determining whether the
7 automatic lifting of the stay was supported by substantial evidence. If the Board receives the
8 written request within 10 days or less of the next regularly scheduled Board meeting, the
9 request will not be heard at that meeting, but will be heard at the next regularly scheduled Board
10 meeting. The Board's decision on this matter shall not be subject to further review.

11 20. The Board reserves the right to take further disciplinary action against
12 Respondent for noncompliance with this Consent Agreement after affording Respondent notice
13 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
14 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
15 and the period of probation shall be extended until the matter is final.

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

24 22. If Respondent is not employed as of the effective date of this Order, within 10
25 days of accepting employment in a position where Respondent provides any type of behavioral

1 health related services or in a setting where any type of behavioral health, health care, or social
2 services are provided, Respondent shall provide the Board Chair or designee with a written
3 statement providing the contact information of his new employer and a signed statement from
4 Respondent's new employer confirming Respondent provided the employer with a copy of this
5 Consent Agreement. If Respondent does not provide the employer's statement to the Board
6 within 10 days, as required, Respondent's failure to provide the required statement to the Board
7 shall be deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's
8 employer(s) with a copy of the Consent Agreement.

9 23. If, during the period of Respondent's probation, Respondent changes
10 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
11 extended leave of absence for whatever reason that may impact his ability to timely comply with
12 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
13 Board of his change of employment status. After the change and within 10 days of accepting
14 employment in a position where Respondent provides any type of behavioral health related
15 services or in a setting where any type of behavioral health, health care, or social services are
16 provided, Respondent shall provide the Board Chair or designee a written statement providing
17 the contact information of his new employer(s) and a signed statement from Respondent's new
18 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent
19 Agreement. If Respondent does not provide the employer's statement to the Board within 10
20 days, as required, Respondent's failure to provide the required statement to the Board shall be
21 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 24. Respondent shall practice counseling using the name under which he is licensed.
24 If Respondent changes his name, he shall advise the Board of the name change as prescribed
25 under the Board's regulations and rules.

1 21. Prior to the release of Respondent from probation, Respondent must submit a
2 written request to the Board for release from the terms of this Consent Agreement at least 30
3 days prior to the date he would like to have this matter appear before the Board. Respondent
4 may appear before the Board, either in person or telephonically. Respondent must provide
5 evidence that he has successfully satisfied all terms and conditions in this Consent Agreement.
6 The Board has the sole discretion to determine whether all terms and conditions of this Consent
7 Agreement have been met and whether Respondent has adequately demonstrated that he has
8 addressed the issues contained in this Consent Agreement. In the event that the Board
9 determines that any or all terms and conditions of this Consent Agreement have not been met,
10 the Board may conduct such further proceedings as it determines are appropriate to address
11 those matters.

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

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

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

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

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

21 *Robert W. Holtsoi*
22 Robert W. Holtsoi

21 8/1/16
22 Date

23 ...
24 ...
25 ...

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

2 Dated this 2nd day of August, 2016.

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

6 **ORIGINAL** of the foregoing filed

7 This 2nd day of August, 2016 with:

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

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

11 This 2nd day of August, 2016, to:

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

14 **COPY** of the foregoing mailed via

15 Certified mail no. 7014287000019576287
This 2nd day of August, 2016, to:

16 Robert W. Holtsoi
17 Address of Record
Respondent