

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

3 **In the Matter of:**

4 **Kimberly Heaton, LMSW-13790,**
5 **Licensed Master Social Worker,**
6 **In the State of Arizona.**

CASE NO. 2017-0009

INTERIM CONSENT AGREEMENT

7 **Respondent**

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

12 **RECITALS**

13 Respondent understands and agrees that:

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

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

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

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

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

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

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

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

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

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

17 Respondent understands and agrees that:

18 **INTERIM FINDINGS OF FACT**

19 1. The Board is the duly constituted authority for licensing and regulating the
20 practice of social work in the State of Arizona.


21 2. Respondent is the holder of License No. LMSW-13790.

22 3. In 10/15, Respondent self-reported that she was arrested for DUI.

23 4. At its meeting on 07/08/16, the Board reviewed Respondent's self-report.

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

1 PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT


2 
3 Kimberly Heaton

10/18/16
Date

4 BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

5
6 Dated this 24th day of October, 2016.

7 By:


8 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

9 ORIGINAL of the foregoing filed

10 This 24th day of October, 2016, with:

11 Arizona Board of Behavioral Health Examiners
12 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

13 COPY of the foregoing mailed via Interagency Mail

14 This 24th day of October, 2016, to:

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

17 COPY of the foregoing mailed via

18 Certified mail no. 1012292000177947521
This 24th day of October, 2016, to:

19 Kimberly Heaton
20 Address of Record
Respondent

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