

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 communication except as may otherwise be required by law or permitted by a valid written
2 release.

3 3. The conduct and circumstances described in the Findings of Fact constitute a
4 violation of A.R.S. § 32-3251(16)(p), failing to conform to minimum practice standards as
5 developed by the Board, as it relates to:

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

9 **ORDER**

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

12 1. Respondent's license, LPC-13370, will be placed on probation, effective from the
13 date of entry as signed below.

14 2. Respondent shall not practice under their license, LPC-13370, unless they are
15 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,
16 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they
17 shall immediately notify the Board in writing and shall not practice under their license until they
18 submit a written request to the Board to re-commence compliance with this Consent
19 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

20 3. In the event that Respondent is unable to comply with the terms and conditions
21 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
22 such time as they are granted approval to re-commence compliance with the Consent
23 Agreement.

24 **Continuing Education**

25 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within

1 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
2 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course
3 addressing current behavioral health documentation standards in Arizona. All required
4 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,
5 Respondent shall submit a certificate of completion of the required continuing education.

6 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within
7 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
8 hours of continuing education addressing HIPAA compliance and confidentiality. All required
9 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,
10 Respondent shall submit a certificate of completion of the required continuing education.

11 6. In addition to the continuing education requirements of A.R.S. § 32-3273, within
12 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
13 three semester credit hour graduate level behavioral health ethics course from a regionally
14 accredited college or university, pre-approved by the Board Chair or designee. Upon
15 completion, Respondent shall submit to the Board an official transcript establishing completion
16 of the required course.

17 Early Release

18 7. After completion of the continuing education requirements set forth in this
19 Consent Agreement, Respondent may request early release from the Consent Agreement if all
20 other terms of the Consent Agreement have been met.

21 GENERAL PROVISIONS

22 Provision of Clinical Supervision

23 8. Respondent shall not provide clinical supervision while subject to this Consent
24 Agreement.

25 ...

1 comply with requirements set forth in paragraphs 14 through 16 below.

2 14. Within 10 days of the effective date of this Order, if Respondent is working in a
3 position where Respondent provides any type of behavioral health related services or works in a
4 setting where any type of behavioral health, health care, or social services are provided,
5 Respondent shall provide the Board Chair or designee with a signed statement from
6 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this
7 Consent Agreement. If Respondent does not provide the employer's statement to the Board
8 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a
9 copy of the Consent Agreement.

10 15. If Respondent is not employed as of the effective date of this Order, within 10
11 days of accepting employment in a position where Respondent provides any type of behavioral
12 health related services or in a setting where any type of behavioral health, health care, or social
13 services are provided, Respondent shall provide the Board Chair or designee with a written
14 statement providing the contact information of their new employer and a signed statement from
15 Respondent's new employer confirming Respondent provided the employer with a copy of this
16 Consent Agreement. If Respondent does not provide the employer's statement to the Board
17 within 10 days, as required, Respondent's failure to provide the required statement to the Board
18 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
19 employer(s) with a copy of the Consent Agreement.

20 16. If, during the period of Respondent's probation, Respondent changes
21 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
22 extended leave of absence for whatever reason that may impact their ability to timely comply
23 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform
24 the Board of their change of employment status. After the change and within 10 days of
25 accepting employment in a position where Respondent provides any type of behavioral health

1 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 a written
3 statement providing the contact information of their new employer(s) and a signed statement
4 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a
5 copy of this Consent Agreement. If Respondent does not provide the employer's statement to
6 the Board within 10 days, as required, Respondent's failure to provide the required statement to
7 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide
8 Respondent's employer(s) with a copy of the Consent Agreement.

9 17. Respondent shall practice behavioral health using the name under which they
10 are licensed. If Respondent changes their name, they shall advise the Board of the name
11 change as prescribed under the Board's regulations and rules.

12 18. Prior to the release of Respondent from probation, Respondent must submit a
13 written request to the Board for release from the terms of this Consent Agreement at least 30
14 days prior to the date they would like to have this matter appear before the Board. Respondent
15 may appear before the Board, either in person or telephonically. Respondent must provide
16 evidence that they have successfully satisfied all terms and conditions in this Consent
17 Agreement. The Board has the sole discretion to determine whether all terms and conditions of
18 this Consent Agreement have been met and whether Respondent has adequately demonstrated
19 that they have addressed the issues contained in this Consent Agreement. In the event that the
20 Board determines that any or all terms and conditions of this Consent Agreement have not been
21 met, the Board may conduct such further proceedings as it determines are appropriate to
22 address those matters.

23 19. Respondent shall bear all costs relating to probation terms required in this
24 Consent Agreement.

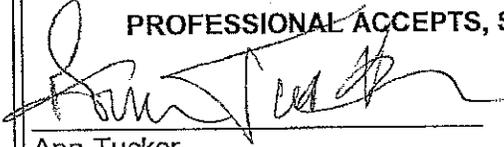
25 20. Respondent shall be responsible for ensuring that all documentation required in

1 this Consent Agreement is provided to the Board in a timely manner.

2 21. This Consent Agreement shall be effective on the date of entry below.

3 22. This Consent Agreement is conclusive evidence of the matters described herein
4 and may be considered by the Board in determining appropriate sanctions in the event a
5 subsequent violation occurs.

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

7 
8 Ann Tucker

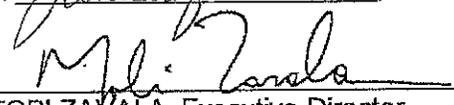
9 Date

10 12-28-16

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

12 Dated this 3rd day of January, 2016.

13 By:

14 
15 TOBÍ ZAVALA, Executive Director
16 Arizona Board of Behavioral Health Examiners

17 **ORIGINAL** of the foregoing filed

18 This 3rd day of January, 2016 with:

19 Arizona Board of Behavioral Health Examiners
20 3443 N. Central Ave., Suite 1700
21 Phoenix, AZ 85012

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

23 This 3rd day of January, 2016, to:

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

COPY of the foregoing mailed via

Certified mail no. 701412000000106238984

This 3rd day of January, 2016, to:

Ann Tucker
Address of Record
Respondent