

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

3 **In the Matter of:**

4 **Kimberly J. Crooks, LISAC-15098,**
5 **Licensed Independent Substance Abuse**
6 **Counselor,**
7 **In the State of Arizona.**

8 **RESPONDENT**

CASE NO. 2023-0132
CONSENT AGREEMENT

9 In the interest of a prompt and speedy settlement of the above captioned matter,
10 consistent with the public interest, statutory requirements and responsibilities of the Arizona
11 State Board of Behavioral Health Examiners (“Board”), and pursuant to A.R.S. §§ 32-3281(F)
12 and 41-1092.07(F)(5), Kimberly J. Crooks (“Respondent”) and the Board enter into this Consent
13 Agreement, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final
14 disposition of this matter.

15 **RECITALS**

16 Respondent understands and agrees that:

17 1. Any record prepared in this matter, all investigative materials prepared or
18 received by the Board concerning the allegations, and all related materials and exhibits may be
19 retained in the Board’s file pertaining to this matter.

20 2. Respondent has the right to a formal administrative hearing at which Respondent
21 can present evidence and cross examine the State’s witnesses. Respondent hereby irrevocably
22 waives their right to such formal hearing concerning these allegations and irrevocably waives
23 their right to any rehearing or judicial review relating to the allegations contained in this Consent
24 Agreement.

25 ...

1 3. Respondent has the right to consult with an attorney prior to entering into this
2 Consent Agreement.

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

7 5. The findings contained in the Findings of Fact portion of this Consent Agreement
8 are conclusive evidence of the facts stated herein between only Respondent and the Board for
9 the final disposition of this matter and may be used for purposes of determining sanctions in any
10 future disciplinary matter.

11 6. This Consent Agreement is subject to the Board's approval, and will be effective
12 only when the Board accepts it. In the event the Board in its discretion does not approve this
13 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,
14 nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except
15 that Respondent agrees that should the Board reject this Consent Agreement and this case
16 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its
17 review and discussion of this document or of any records relating thereto.

18 7. Respondent acknowledges and agrees that the acceptance of this Consent
19 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
20 other proceedings as may be appropriate now or in the future. Furthermore, and
21 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
22 preclude in any way any other state agency or officer or political subdivision of this state from
23 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
24 in the future relating to this matter or other matters concerning Respondent, including but not

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1 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
2 than with respect to the Board, this Consent Agreement makes no representations, implied or
3 otherwise, about the views or intended actions of any other state agency or officer or political
4 subdivision of the state relating to this matter or other matters concerning Respondent.

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

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

11 10. The Board therefore retains jurisdiction over Respondent and may initiate
12 disciplinary action against Respondent if it determines that they have failed to comply with the
13 terms of this Consent Agreement or of the practice act.

14 **FINDINGS OF FACT**

15 1. Respondent is the holder of License No. LISAC-15098 for the practice of
16 substance abuse counseling in the state of Arizona.

17 2. From 10/21 – 01/22, Respondent provided behavioral health services to Client at
18 Agency.

19 3. Since 02/22, Respondent provided behavioral health services and
20 neurofeedback services to Client at Private Practice.

21 4. Client's goals at Agency were to maintain a program of recovery and reduce
22 anxiety.

23 5. Client's goals at Private Practice were to reduce anxiety, reduce fear that panic
24 symptoms will recur without the ability to manage them, and manage anxiety and panic
25 symptoms to alleviate the need for medication.

1 6. On 01/11/22, 02/24/22, and 10/14/22 Respondent wrote letters on behalf of
2 Client addressed to a judge which included various information including the following:

- 3 a. Client's involvement in treatment.
- 4 b. Client did not meet the criteria for a substance use disorder.
- 5 c. Client only meets criteria for PTSD, anxiety, and ADD.
- 6 d. Client and Minor would benefit from unsupervised visitations and a consistent
7 parenting plan.
- 8 e. According to the supervised visitation reports, Client and Minor have a
9 positive relationship and Respondent feels they would benefit from being
10 together more often.
- 11 f. Respondent recommends equal, unsupervised parenting time for both
12 parents.
- 13 g. Substance use disorder, borderline personality disorder, and antisocial
14 disorder have been ruled out.
- 15 h. According to the supervised visitation reports, Client and Minor have a
16 positive relationship and Respondent feels they would benefit from being
17 together more often.
- 18 i. Respondent recommends equal, unsupervised parenting time for both
19 parents.

20 7. On 11/18/22, Respondent testified in court and stated the following in part:

- 21 a. Respondent did not see any reason why Client should not be able to see
22 Minor and does not believe Client poses a danger whatsoever.
- 23 b. Respondent acknowledged making an opinion yet having zero experience in
24 any sort of parenting time or legal decision-making issues in court cases.

1 c. When asked how Respondent knew what Minor would benefit from, she
2 stated as a mother herself she knows what it means.

3 8. Nowhere within Client's goals for therapy was there mention of goals around
4 court proceedings or working towards unsupervised visits with Minor.

5 9. Respondent extended her boundaries of competence by writing at least three
6 letters for Client and testifying in court providing an opinion of Client's mental status and a
7 parenting plan.

8 10. Respondent provided an opinion that Minor would benefit from unsupervised
9 visits with Client and recommended equal, unsupervised parenting time for both parents when
10 Respondent never treated, diagnosed, or evaluated Minor or Father.

11 11. During the course of psychotherapy services, Respondent transitioned Client to
12 neurofeedback services when Respondent realized Client did not have an active substance use
13 issue.

14 12. Respondent believes neurofeedback is within the scope of her practice because
15 she completed her dissertation on neurofeedback and was deemed an expert after completing
16 extensive research on this topic; yet has no documentation to corroborate that she was deemed
17 an expert.

18 13. As a LISAC, Respondent has a limited scope of practice to treat only substance
19 use clients.

20 14. Respondent admitted that she transitioned Client to neurofeedback services
21 when it became apparent that Client was not longer dealing with substance use issues.

22 15. Respondent represents she only provides neurofeedback at Private Practice
23 when in fact she provided psychotherapy services to Client at Private Practice before
24 transitioning her to neurofeedback services.

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1 16. Based on concerns with Respondent practicing outside the scope of her license,
2 Board staff researched Respondent's Psychology Today profile which showed the following in
3 part:

4 a. Respondent advertises herself as a Psychologist and LISAC.

5 b. As a doctor in clinical psychology, Respondent is competent in many
6 modalities.

7 c. Respondent's specialties and expertise are in trauma, PTSD, anxiety, and
8 addiction.

9 d. Respondent's expertise includes Alzheimer's, behavioral issues, borderline
10 personality disorder, mood disorders, psychosis, depression, divorce, elderly
11 persons disorders, grief, sexual abuse, stress, family systems, and trauma
12 focused.

13 17. After Board staff began questioning Respondent about the services she provides,
14 she went and changed information within her Psychology Today profile removing a number of
15 areas of expertise and description of Private Practice, yet still advertised herself as a
16 Psychologist.

17 18. Board staff contacted the Deputy Director with the Board of Psychologist
18 Examiners who confirmed they contacted Respondent about advertising herself as a
19 Psychologist unlawfully.

20 19. The Deputy Director confirmed that Respondent had removed the Psychologist
21 credential from her Psychology Today profile, but when Board staff checked at a later time,
22 Respondent had again put the Psychologist credential after her name within her Psychology
23 Today profile meaning she deleted the credential then went back and added it after being
24 notified it was unlawful.

25 ...

1 20. Respondent is inappropriately misrepresenting herself as a psychologist when
2 she is not licensed as a psychologist in any way which was confirmed by Board staff's research
3 and confirmation from staff with the Arizona Board of Psychologist Examiners.

4 21. Upon review of Client's clinical record at Agency, the following deficiencies were
5 noted:

6 a. The informed consents failed to include the following minimum requirements.

- 7 • The purpose of treatment.
- 8 • General procedures to be used in treatment including benefits, limitations,
9 and potential risks.
- 10 • An explanation of the limitations on confidentiality.
- 11 • Notification of the licensee's supervision or involvement with a treatment
12 team of professionals.
- 13 • The client's right to participate in treatment decisions and in the
14 development and periodic review and revision of the client's treatment
15 plan.
- 16 • The client's right to refuse any recommended treatment or to withdraw
17 consent to treatment and to be advised of the consequences of refusal or
18 withdrawal.
- 19 • The dated signature from the client or the client's legal representative.

20 b. The treatment plan failed to include the following minimum requirements:

- 21 • The date when the client's treatment plan will be reviewed.
- 22 • The dated signature of the client or the client's legal representative.

23 c. The progress notes failed to include the time spent providing behavioral
24 health services.

1 22. Upon review of Client's clinical records at Private Practice, the following
2 deficiencies were noted:

3 a. The informed consents failed to include the following minimum requirements:

- 4 • The client's right to participate in treatment decisions and in the
5 development and periodic review and revision of the client's treatment
6 plan.
- 7 • The client's right to refuse any recommended treatment or to withdraw
8 consent to treatment and to be advised of the consequences of refusal or
9 withdrawal.
- 10 • The client's right to be informed of all fees that the client is required to pay
11 and the licensee's refund and collection policies and procedures.
- 12 • The dated signature from an authorized representative of the behavioral
13 health entity.

14 b. The treatment plan failed to include the following minimum requirements:

- 15 • The date when the client's treatment plan will be reviewed.
- 16 • The dated signature of the client or the client's legal representative.

17 c. The billing records included the following deficiencies:

- 18 • There were progress notes for three dates without any corroborating
19 billing records.
- 20 • There were billing records for 14 services without any corroborating
21 progress notes for these billed services.
- 22 • The fees Respondent charged range from \$60-\$250 even though all of
23 the sessions indicated they were 50-minute sessions.

24 23. Respondent has been independently licensed since 2018 and fails to implement
25 minimum practice standards to her clinical documentation.

1 24. Respondent renewed her LISAC license in 2020 and 2022 where she was
2 required to complete the Board's Statutes and Rules tutorial which covers minimum
3 documentation standards.

4 25. Since the filing of this complaint Respondent has provided updated informed
5 consents and treatment plan templates which appear to meet all minimum requirements.

6 26. During the course of Respondent providing treatment to Client, Respondent was
7 emailed a subpoena and signed release of information to release Client's clinical records.

8 27. On 11/01/22, Father emailed Respondent indicating he was attaching a
9 subpoena for records a HIPAA release signed by Client.

10 28. Upon receipt of this email, Respondent failed to respond in any capacity to this
11 email and request for records.

12 29. The subpoena clearly outlined a demand for Client's clinical records and was
13 signed by a Deputy Clerk with the Superior Court.

14 30. The HIPAA release that was attached to Father's email had Respondent's name
15 on it and it was signed and dated by Client.

16 31. Respondent represented she did not respond to Father's email or provide
17 Client's clinical records to Father since the subpoena was not appropriately served to
18 Respondent.

19 32. Respondent represents she in turn provided Client's records to Client in-person
20 and had a phone call with Client regarding the release of records, but there is no documentation
21 corroborating this occurred.

22 33. During Board staff's investigative interview, it was found Respondent has been
23 operating Private Practice since at least 02/23.

24 34. Upon review of Board records, Respondent only had Agency listed as her
25 employment with the Board.

1 35. As of 11/08/23, Respondent has failed to update her employment records with
2 the Board pursuant to Board rules reflecting her secondary employment at Private Practice.

3 36. Respondent has been operating Private Practice and failed to update her
4 employment as required by Board rules.

5 37. Respondent was properly notified of the 12/08/23 Board meeting where this
6 matter would be heard, and respondent failed to appear.

7 38. During the 12/08/23 Board meeting, the Board members decided to delay
8 hearing the case while Board staff attempted to contact Respondent regarding her participation
9 in the Board meeting.

10 39. Board staff subsequently called and emailed Respondent and as of 12/13/23,
11 have not heard from Respondent.

12 **CONCLUSIONS OF LAW**

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

16 2. The conduct and circumstances described in the Findings of Fact constitute a
17 violation of A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities
18 that are not congruent with the licensee's professional education, training or experience.

19 3. The conduct and circumstances described in the Findings of Fact constitute a
20 violation of A.R.S. § 32-3251(16)(c)(iii), making an oral or written misrepresentation of a fact
21 regarding the licensee's skills or the value of any treatment provided or to be provided.

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

25 A.A.C. R4-6-1101. Consent for Treatment

1 A.A.C. R4-6-1102. Treatment Plan

2 A.A.C. R4-6-1103. Client Record

3 A.A.C. R4-6-1104. Financial and Billing Records

4 5. The conduct and circumstances described in the Findings of Fact constitute a
5 violation of A.R.S. § 32-3251(16)(kk), failing to make a client records in the licensee's
6 possession promptly available to the client, a minor client's parent, the client's legal guardian or
7 the client's unauthorized representative on receipt of proper authorization to do so from the
8 client, minor client's parent, the client's legal guardian or the client's authorized representative.

9 6. The conduct and circumstances described in the Findings of Fact constitute a
10 violation of A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation
11 applicable to the practice of behavioral health, as it relates to:

12 A.A.C. R4-6-205. Change of Contact Information

13 **ORDER**

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

16 **ORDER NOT TO RENEW**

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

19 1. As of the effective date of the Consent Agreement, Respondent shall not practice
20 under their license.

21 2. Respondent's license, LISAC-15098, shall by rule, expire on 04/30/24.


22 3. Respondent agrees not to renew their license.

23 4. Respondent agrees not to submit any type of new license application to the
24 Board for a minimum of five (5) years.

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

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

5 
6 Kimberly J. Crooks

Mar 13, 2024

Date

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

8 By: 

Apr 14, 2024

9 TOBI ZAVALA, Executive Director
10 Arizona Board of Behavioral Health Examiners

Date

11 **ORIGINAL** of the foregoing filed Apr 14, 2024
12 with:

13 Arizona Board of Behavioral Health Examiners
14 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

15 **EXECUTED COPY** of the foregoing sent electronically Apr 14, 2024
16 to:

17 Mona Baskin
18 Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

19 Kimberly J. Crooks
20 Address of Record
Respondent