

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BEFORE THE ARIZONA BOARD  
OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:  
Hugh R. Baird, LPC-10107,  
Licensed Professional Counselor,  
In the State of Arizona.

CASE NO. 2014-0059  
CONSENT AGREEMENT

RESPONDENT

In the interest of a prompt and speedy settlement of the above captioned matter, consistent with the public interest, statutory requirements and responsibilities of the Arizona State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(H) and 41-1092.07(F)(5), Hugh R. Baird ("Respondent") and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

Respondent understands and agrees that:

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

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

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

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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 The Board issues the following Findings of Fact, Conclusions of Law and Order:

20 **FINDINGS OF FACT**

- 21 1. Respondent is the holder of License No. LPC-10107 for the practice of  
22 counseling in Arizona.  
23 2. Respondent is in private practice.  
24 3. From 08/09 – 04/13, Respondent provided behavioral health services to Child 1  
25 and Child 2 ("Children").

1           4.     Respondent acknowledges beginning a social relationship with Mother in 03/13  
2 prior to Children's transfer to another therapist.

3           5.     Respondent dated Mother off and on for approximately one year.

4           6.     Respondent acknowledges continuing to help Children in their daily lives as a  
5 "father figure".

6           7.     Respondent recognizes that he should have avoided a romantic relationship with  
7 Mother due to the potential adverse impact it could have on Children.

8           8.     In 09/11, Child 2 discussed disclosing suicidal ideation with his math teacher and  
9 was subsequently taken to the hospital for evaluation.

10          9.     Respondent's failure to complete any type of suicide risk assessment appears  
11 inappropriate.

12          10.    Upon review of Respondent's client records for Children, deficiencies were found  
13 in his consents for treatment, treatment plans, and progress notes.

14                                       **CONCLUSIONS OF LAW**

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

18          2.     The conduct and circumstances described in the Findings of Fact constitute a  
19 violation of A.R.S. § 32-3251(12)(y), engaging in a dual relationship with a client that could  
20 impair the licensee's objectivity or professional judgment or create a risk of harm to the client.  
21 For the purposes of this subdivision, "dual relationship" means a licensee simultaneously  
22 engages in both a professional and nonprofessional relationship with a client that is avoidable  
23 and not incidental.

24     ...

25     ...



- 1 b. The procedure by which Respondent shall notify each client and former client  
2 in a timely manner regarding the future location of the clinical records of  
3 Respondent's clients and former clients and how those records can be  
4 accessed after the termination of Respondent's practice.  
5 c. A written protocol for developing an appropriate referral for continuation of  
6 care for Respondent's current clients.  
7 d. A list of Respondent's current clients and the timeframe for terminating  
8 services to each client. The timeframe for terminating services shall not  
9 exceed 30 days.

10 2. Respondent's license, LPC-10107, shall by rule, expire on 01/31/15.

11 3. Respondent agrees not to practice under his license after the termination of his  
12 practice.

13 4. Respondent agrees not to renew his license.

14 5. Respondent agrees not to reapply for licensure in Arizona for a minimum of five  
15 (5) years.

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

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

20 Hugh Robert Baird  
Hugh R. Baird

20 01/02/2015  
Date

21  
22 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

23 Dated this 12<sup>th</sup> day of January, 2015.

24 By:

24 Tobi Zavala  
25 TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

1 ORIGINAL of the foregoing filed  
This 12<sup>th</sup> day of January, 2014<sup>15</sup> with:

2 Arizona Board of Behavioral Health Examiners  
3 3443 N. Central Ave., Suite 1700  
4 Phoenix, AZ 85012

5 COPY of the foregoing mailed via Interagency Mail  
This 12<sup>th</sup> day of January, 2014<sup>15</sup>, to:

6 Marc Harris  
7 Assistant Attorney General  
8 1275 West Washington  
9 Phoenix, Arizona 85007

10 COPY of the foregoing mailed via  
11 Certified mail no. 10141200000066335419  
This 12<sup>th</sup> day of January, 2014<sup>15</sup>, to:

12 Hugh R. Baird  
13 Address of Record  
14 Respondent

15 COPY of the foregoing mailed via Mail  
This 12<sup>th</sup> day of January, 2014<sup>15</sup> to:

16 Michele Thompson  
17 4801 East Broadway Blvd. #400  
18 Tucson, AZ 85711  
19 Attorney for Respondent  
20  
21  
22  
23  
24  
25