

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

2
3 **In the Matter of:**

CASE NO. 2015-0006

4 **LEROY JIM, LPC-11841,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona,**

ORDER OF REVOCATION

7 **Respondent**

8 On March 26, 2015, the Arizona Board of Behavioral Health Examiners ("Board")
9 accepted a Consent Agreement placing Leroy Jim ("Respondent") on probation subject to terms
10 and conditions set forth in the Consent Agreement. The Consent Agreement included the
11 following provisions:

- 12 1. Respondent's license, LPC-11841, was revoked.
- 13 2. The revocation was stayed and Respondent's license was placed on probation.
- 14 3. If Respondent was noncompliant with the terms of the Consent Agreement in any
15 way, the stay of the revocation would be lifted and Respondent's license would be
16 automatically revoked.
- 17 4. Respondent had the right to contest the lifting of the stay by requesting in writing,
18 within 10 days of being notified of the automatic revocation of licensure, that the
19 matter be placed on a Board agenda for the Board to review and determine if the
20 automatic revocation of Respondent's license was supported by substantial
21 evidence.

22 On July 15, 2015, the Board mailed Respondent written notice that, because he failed to
23 comply with the terms of the Consent Agreement, the stay of the revocation of his license was
24 lifted and his license was revoked. Respondent was further advised that he had the right to
25 contest the lifting of the stay by submitting a written request for Board review within 10 days of
the date of the letter. Respondent did not submit such a request.


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1 **ORDER**

2 Therefore, IT IS ORDERED that License No. LPC-11841 issued to Leroy Jim is hereby
3 **REVOKED.**

4 Dated this 21st day of December, 2015

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

8 **ORIGINAL** of the foregoing filed

9 The 21st day of December, 2015, with:

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

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

13 This 21st day of December, 2015, to:

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

16 **COPY** of the foregoing mailed via

17 Certified mail no. 70141200000006633868
This 21st day of December, 2015, to:

18 Leroy Jim
19 Address of Record
Respondent

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

3 **In the Matter of:**

4 **Leroy Jim, LPC-11841,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2015-0006
 CONSENT AGREEMENT

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

14 **RECITALS**

15 Respondent understands and agrees that:

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

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

24 3. Respondent has the right to consult with an attorney prior to entering into this
25 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 8. Respondent further understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(15)(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. LPC-11841 for the practice of
3 professional counseling in Arizona.

4 2. In 05/04, Respondent submitted his LPC application to the Board.

5 3. Despite the Board's application containing a specific question regarding arrest
6 history, Respondent failed to disclose previous charges including:

- 7 a. An 11/93 DUI in New Mexico.
- 8 b. A 12/95 Aggravated DWI in New Mexico.
- 9 c. An 08/99 DUI in Arizona.
- 10 d. A 05/00 DUI in Arizona.

11 4. Since the issuance of his license in 2004, Respondent failed to disclose the
12 arrests on 5 renewal applications.

13 5. In 06/10, Respondent was arrested for Battery of a Household Member.

14 6. He failed to report the arrest to the Board within ten days as required, or disclose
15 it on two subsequent renewal applications.

16 7. During an investigative interview in 09/14, Respondent indicated that he had one
17 DUI around 1995, in addition to the arrest in 07/14.

18 8. Despite Board staff specifically asking if he had any other charges or arrests,
19 Respondent failed to disclose his 11/93, 08/99, 05/00, or 06/10 arrests.

20 9. In 07/14, Respondent self-reported his 07/04/14 arrest for Breaking and Entering
21 and Child Abuse.

22 10. In 07/14, Respondent's Supervisor filed a complaint indicating she had become
23 aware of his arrest.

24 11. Respondent represented the following regarding the 07/14 arrest:

- 25 a. He picked up two hitchhikers as he was driving to Gallup, New Mexico.

- b. Once at their destination, he was invited to join them for food and drinks at their hotel.
- c. After 1-2 hours and consuming approximately 4 drinks, Respondent chose to drive to a nearby gas station.
- d. Upon arrival at the gas station, he realized his credit cards were missing and returned to the hotel.
- e. When he asked the occupants of the room about his missing items, they became angry and assaulted him.
- f. When the police arrived, Respondent was arrested.
- g. On 7/16/14, the court dismissed all charges against Respondent.

12. Over the last 21 years, Respondent has been arrested six times, all involving alcohol.

13. The history of alcohol related arrests indicates his judgment is impaired when consuming alcohol.

14. In 10/14, the Board ordered Respondent to be evaluated by an addictionologist.

15. The addictionologist's recommendations for Respondent included:

- a. Continued participation in AA meetings and/or individual substance abuse counseling.
- b. Treatment for behavioral health issues.
- c. Continue current medication.
- d. No contraindications for Respondent to remain as a counselor.

CONCLUSIONS OF LAW

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

1 4. If the written request is received within 10 days of a regularly scheduled Board
2 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
3 scheduled Board meeting.

4 5. Pending the Board's review, Respondent's license shall be reported as revoked -
5 under review. Respondent may not work in any capacity as a licensed behavioral health
6 professional pending the Board's review. The Board's decision and Order shall not be subject
7 to further review.

8 **Probation**

9 6. Respondent's license, LPC-11841 will be placed on probation, effective from the
10 date of entry as signed below.

11 7. Respondent shall not practice under his license, LPC-11841, unless he is fully
12 compliant with all terms and conditions in this Consent Agreement. If, for any reason,
13 Respondent is unable to comply with the terms and conditions of this Consent Agreement, he
14 shall immediately notify the Board in writing and shall not practice under his license until he
15 submits a written request to the Board to re-commence compliance with this Consent
16 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

17 8. In the event that Respondent is unable to comply with the terms and conditions
18 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
19 such time as he is granted approval to re-commence compliance with the Consent Agreement.

20 **Continuing Education**

21 9. In addition to the continuing education requirements of A.R.S. § 32-3273, within
22 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
23 three semester credit hour graduate level behavioral health ethics course from an accredited
24 college or university, pre-approved by the Board Chair or designee. Upon completion,

25 ...

1 Respondent shall submit to the Board an official transcript establishing completion of the
2 required course.

3 10. In addition to the continuing education requirements of A.R.S. § 32-3273, within
4 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
5 three semester credit hour graduate level behavioral health substance abuse course from an
6 accredited college or university, pre-approved by the Board Chair or designee. Upon
7 completion, Respondent shall submit to the Board an official transcript establishing completion
8 of the required course.

9 **Therapy**

10 11. During the period of probation, Respondent shall attend therapy for 24 months
11 with a masters or higher level behavioral health professional licensed at the independent level
12 with expertise in PTSD. Within 30 days of the date of this Consent Agreement, Respondent
13 shall submit the name of his therapist and the therapist's curriculum vitae for pre-approval by
14 the Board Chair or designee. Also within 30 days of the date of this Consent Agreement, the
15 therapist shall submit a letter addressing why he/she should be approved, acknowledging that
16 he/she has reviewed the Consent Agreement and include the results of an initial assessment
17 and a treatment plan regarding the proposed treatment of Respondent.

18 12. Upon approval, the Board will provide the therapist with copies of any required
19 evaluations completed at the request of the Board prior to this Consent Agreement and the
20 Board's investigative report.

21 **Focus and Frequency of Therapy**

22 13. The focus of the therapy shall relate to PTSD. Respondent shall meet in person
23 with the therapist every other week.

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1 **Reports**

2 14. Once approved, the therapist shall submit quarterly reports and a final summary
3 report to the Board for review and approval. The quarterly reports shall include issues presented
4 in this Consent Agreement that need to be reported and the therapist shall notify the Board if
5 more frequent therapy is needed. The reports shall address Respondent's current mental health
6 status, medications prescribed, if any, treatment recommendation, and shall report if, in his/her
7 professional opinion, Respondent becomes unable to practice psychotherapy safely and
8 competently. The final report shall also contain a recommendation as to whether the
9 Respondent should be released from this Consent Agreement.

10 **Change of Therapist**

11 15. In the event that, during the period of Respondent's probation, Respondent's
12 Board-approved therapist discontinues treatment, Respondent shall submit the name of a new
13 therapist and the therapist's curriculum vitae for pre-approval by the Board Chair or designee
14 within 30 days of the discontinued treatment. Also within 30 days of the date of the discontinued
15 treatment, the proposed therapist shall submit a letter addressing why he/she should be
16 approved, acknowledging that he/she has reviewed the Consent Agreement, and include the
17 results of an initial assessment and a treatment plan regarding the proposed treatment of
18 Respondent.

19 **Recovery Program**

20 16. While on probation, Respondent shall attend recovery support meetings twice a
21 week, in person at a minimum of 1 time per week. Respondent shall obtain a sponsor, mentor,
22 or group leader and that individual shall provide quarterly reports to the Board Chair or designee
23 attesting to Respondent's attendance and participation.

24 ...

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1 22. If Respondent currently sees clients in their own private practice, and obtains any
2 other type of behavioral health position, either as an employee or independent contractor, where
3 he provides behavioral health services to clients of another individual or agency, he shall
4 comply with requirements set forth in Paragraphs 23 through 25 below.

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

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

23 25. If, during the period of Respondent's probation, Respondent changes
24 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
25 extended leave of absence for whatever reason that may impact his ability to timely comply with

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

12 26. Respondent shall practice behavioral health using the name under which he is
13 licensed. If Respondent changes his name, he shall advise the Board of the name change as
14 prescribed under the Board's regulations and rules.

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

1 28. Respondent shall bear all costs relating to probation terms required in this
2 Consent Agreement.

3 29. Respondent shall be responsible for ensuring that all documentation required in
4 this Consent Agreement is provided to the Board in a timely manner.

5 30. This Consent Agreement shall be effective on the date of entry below.

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


9
10 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

11 
12 _____
Leroy Jim

11 3/23/2015
12 _____
Date

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

14 Dated this 20th day of March, 2015.

15 By: 
16 _____
17 TOBI ZAVALA, Executive Director
18 Arizona Board of Behavioral Health Examiners

19 **ORIGINAL** of the foregoing filed
This 20th day of March, 2015 with:

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

23 **COPY** of the foregoing mailed via Interagency Mail
This 20th day of March, 2015, to:

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

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COPY of the foregoing mailed via
Certified mail no. 70142470 000189570278
This 26th day of March, 2015, to:

Leroy Jim
Address of Record
Respondent