

1 BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

2 In the Matter of:

3 Keith M. Allen, LCSW-12291
4 Licensed Clinical Social Worker,
5 In the State of Arizona.

CASE NO. 2015-0020

RELEASE FROM
CONSENT AGREEMENT AND ORDER

6 RESPONDENT

7 The Board received a request from Respondent to release him from the terms and
8 conditions of the Consent Agreement and Order dated September 18, 2014. After consideration,
9 the Board voted to release Respondent from the terms and conditions of the Consent
10 Agreement and Order dated September 18, 2014.

11 ORDER

12 GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:

13 Respondent is hereby released from all terms and conditions of the Consent Agreement
14 and Order dated September 18, 2014.

15 Dated this 7th day of December, 2015.

16
17 By:



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

19 ORIGINAL of the foregoing filed
20 This 7th day of December, 2015, with:

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

23 COPY of the foregoing mailed via
24 Certified mail no. 70149870000189571756
This 7th day of December, 2015, to:

25 Keith M. Allen
Address of Record
Respondent

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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(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. LCSW-12291 for the practice of social
3 work in Arizona.

4 2. On 04/12/14, Respondent was arrested for DUI.

5 3. The results of his BAC measured .13%.

6 4. Respondent subsequently pled guilty to DUI.

7 5. Respondent's 06/14 alcohol screening assessment recommended 36 hours of
8 alcohol education.

9 6. During his Board interview, Respondent indicated the following:

10 a. Around 12/13, Respondent began regularly drinking 2-3 beers after work and
11 4-5 beers on the weekends.

12 b. The screening assessor told Respondent that he was a "problem drinker" and
13 that he was "misusing" alcohol.

14 c. Respondent has not consumed alcohol since his 04/14 DUI arrest.

15 **CONCLUSIONS OF LAW**

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

19 2. The conduct and circumstances described in the Findings of Fact constitute a
20 violation of A.R.S. § 32-3251(15(l)), any conduct, practice or condition that impairs the ability of
21 the licensee to safely and completely practice.

22 **ORDER**

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

25 ...

1 Early Release

2 10. After 12 months and upon the therapist's recommendation, Respondent may
3 request early release from the Consent Agreement if all other terms of the Consent Agreement
4 have been met.

5 GENERAL PROVISIONS

6 Provision of Clinical Supervision

7 11. Respondent shall not provide clinical supervision while subject to this Consent
8 Agreement.

9 Civil Penalty

10 12. Subject to the provisions set forth in paragraph 13, the Board imposes a civil
11 penalty against the Respondent in the amount of \$1,000.00.

12 13. Respondent's payment of the civil penalty shall be stayed so long as Respondent
13 remains compliant with the terms of this Consent Agreement. If Board staff determines that
14 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
15 exception of the tolling provision under Paragraph 3, the stay of the civil penalty payment shall
16 be automatically lifted and payment of the civil penalty shall be made by certified check or
17 money order payable to the Board within 30 days after being notified in writing of the lifting of
18 the stay.

19 14. Within 10 days of being notified of the lifting of the stay, Respondent may request
20 that the matter be reviewed by the Board for the limited purpose of determining whether the
21 automatic lifting of the stay was supported by substantial evidence. If the Board receives the
22 written request within 10 days or less of the next regularly scheduled Board meeting, the
23 request will not be heard at that meeting, but will be heard at the next regularly scheduled Board
24 meeting. The Board's decision on this matter shall not be subject to further review.

25 ...

1 15. The Board reserves the right to take further disciplinary action against
2 Respondent for noncompliance with this Consent Agreement after affording Respondent notice
3 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
4 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
5 and the period of probation shall be extended until the matter is final.

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

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

24 18. If, during the period of Respondent's probation, Respondent changes
25 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on

1 extended leave of absence for whatever reason that may impact his ability to timely comply with
2 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
3 Board of his change of employment status. After the change and within 10 days of accepting
4 employment in a position where Respondent provides any type of behavioral health related
5 services or in a setting where any type of behavioral health, health care, or social services are
6 provided, Respondent shall provide the Board Chair or designee a written statement providing
7 the contact information of his new employer(s) and a signed statement from Respondent's new
8 employer(s) confirming Respondent provided the employer(s) with a copy of this Consent
9 Agreement. If Respondent does not provide the employer's statement to the Board within 10
10 days, as required, Respondent's failure to provide the required statement to the Board shall be
11 deemed a violation of A.R.S. § 32-3251(12)(n) and the Board will provide Respondent's
12 employer(s) with a copy of the Consent Agreement.

13 19. Respondent shall practice social work using the name under which he is
14 licensed. If Respondent changes his name, he shall advise the Board of the name change as
15 prescribed under the Board's regulations and rules.

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

25 ...

1 the Board may conduct such further proceedings as it determines are appropriate to address
2 those matters.

3 21. Respondent shall bear all costs relating to probation terms required in this
4 Consent Agreement.

5 22. Respondent shall be responsible for ensuring that all documentation required in
6 this Consent Agreement is provided to the Board in a timely manner.

7 23. This Consent Agreement shall be effective on the date of entry below.

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

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

12 Keith Allen, LCSW
13 Keith Allen

9/10/2014
Date

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

15 Dated this 18th day of September, 2014.

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

19
20
21 **ORIGINAL** of the foregoing filed
This 18th day of September, 2014 with:


22 Arizona Board of Behavioral Health Examiners
23 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

24 **COPY** of the foregoing mailed via Interagency Mail
25 This 18th day of September, 2014, to:

1 Marc Harris
Assistant Attorney General
2 1275 West Washington
Phoenix, Arizona 85007
3

4 **COPY** of the foregoing mailed via
Certified mail no. 701229200001 77945718
5 This 18th day of September, 2014, to:

6 Keith Allen
Address of Record
Respondent
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9 Tobi Zavala, Executive Director
602-542-1617

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