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

In the Matter of:

**Stacie Barkin, LPC-13173,
Licensed Professional Counselor;
LISAC-11684, Licensed Independent
Substance Abuse Counselor,
In the State of Arizona.**

**CASE NO. 2016-0020
CONSENT AGREEMENT**

RESPONDENT

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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(F) and 41-1092.07(F)(5), Stacie Barkin ("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

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Respondent understands and agrees that:

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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 their right to such formal hearing concerning these allegations and irrevocably waives their right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.

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 and may be used for purposes of determining
9 sanctions in any future disciplinary matter.

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12 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

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

1 The Board issues the following Findings of Fact, Conclusions of Law and Order:

2 **FINDINGS OF FACT**

3 1. Respondent is the holder of License Nos. LPC-13173 and LISAC-11684 for the
4 practice of counseling and substance abuse counseling in Arizona.

5 2. In 11/12, Respondent was arrested for possession of drug paraphernalia for
6 carrying prescription medication outside of the original pharmacy containers.

7 3. In 10/14, Respondent was arrested for failure to comply with a police officer.

8 4. In both instances, Respondent failed to timely notify the Board, as required.

9 5. During the Board's investigation into Respondent's 2 criminal arrests, which the
10 judgments of guilt were legally set aside in 2016, Board staff became aware that Respondent
11 was receiving treatment for behavioral health issues.

12 6. When reviewing her previous LPC and LISAC renewal applications from 2014,
13 Board staff learned that Respondent inappropriately omitted her behavioral health treatment
14 history, which was a clear misrepresentation of facts.

15 7. In 08/15, based on behavioral health and medical concerns, Respondent
16 volunteered to enter into an Interim Consent Agreement, requiring that Respondent not practice
17 under her licenses.

18 8. In 02/17, Respondent submitted a request to the Board for consideration of
19 release from the Interim Consent Agreement.

20 9. In 05/17, the Board reviewed Respondent's request and voted to release her
21 under certain terms and conditions as documented in this Consent Agreement.

22 **CONCLUSIONS OF LAW**

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

1 2. The conduct and circumstances described in the Findings of Fact constitute a
2 violation of A.R.S. § 32-3251(12)(ii), violating any federal or state law, rule or regulation
3 applicable to the practice of behavioral health as it relates to A.R.S. § 32-3208: Mandatory
4 Reporting Requirements.

5 3. The conduct and circumstances described in the Findings of Fact constitute a
6 violation of A.R.S. § 32-3251(15)(c)(i), any oral or written misrepresentation of a fact by an
7 applicant or licensee to secure or attempt to secure the issuance or renewal of a license.

8 **ORDER**

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

11 1. Respondent's licenses, LPC-13173 and LISAC-11684, will be placed on
12 probation for 24 months, effective from the date of entry as signed below.

13 2. Respondent shall not practice under their licenses, LPC-13173 and LISAC-
14 11684, unless they are fully compliant with all terms and conditions in this Consent Agreement.
15 If, for any reason, Respondent is unable to comply with the terms and conditions of this
16 Consent Agreement, they shall immediately notify the Board in writing and shall not practice
17 under their license until they submit a written request to the Board to re-commence compliance
18 with this Consent Agreement. All such requests shall be pre-approved by the Board Chair or
19 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 **Practice Restriction**

25 4. While on probation, if Respondent engages in the practice of behavioral health,

1 they shall do so only while working at a behavioral health agency licensed by the state of
2 Arizona, under direct supervision for no more than 20 hours weekly. Respondent may request
3 increased work hours after 6 months with the Board Chair or designee's approval.

4 **Medication Management / Therapy**

5 5. During the period of probation, Respondent shall receive medication
6 management and therapy for 24 months. Respondent shall continue medication management
7 and therapy with her current psychiatrist.

8 **Focus and Frequency**

9 6. The focus of the treatment shall relate to the relevant concerns identified in this
10 Consent Agreement, the evaluations completed at the Board's direction, and/or the Board's
11 investigative report. Respondent shall meet in person with the psychiatrist in accordance with
12 the psychiatrist's recommendation.

13 **Treatment Reports**

14 7. The psychiatrist shall submit quarterly reports for review and approval by the
15 Board Chair or designee.

16 8. The reports shall include issues presented in this Consent Agreement and/or the
17 Board's investigative report that need to be reported. The reports shall also address
18 Respondent's current medical status, medications prescribed, if any, treatment
19 recommendations, and shall report if, in their professional opinion, Respondent is unable to
20 practice psychotherapy safely and competently.

21 9. Within 30 days prior to Respondent's written request for release from probation,
22 Respondent's psychiatrist shall submit a final report for review and approval by the Board Chair
23 or designee. In addition to the issues addressed in previous reports, the final report shall also
24 contain a recommendation as to whether Respondent should be released from this Consent
25 Agreement.

1 10. If, during the period of Respondent's probation, Respondent's medical
2 practitioner determines that they cannot continue treatment, they shall notify the Board within 10
3 days of the end of Respondent's treatment and provide the Board with an interim final report.

4 Change of Psychiatrist

5 11. In the event that, during the period of Respondent's probation, Respondent's
6 Board-approved psychiatrist discontinues treatment, Respondent shall submit the name of a
7 new psychiatrist and their curriculum vitae for pre-approval by the Board Chair or designee
8 within 30 days of the discontinued treatment. Also within 30 days of the date of the discontinued
9 treatment, the proposed psychiatrist shall submit a letter addressing why they should be
10 approved, acknowledging that they have reviewed the Consent Agreement, and include the
11 results of an initial assessment and a treatment plan regarding the proposed treatment of
12 Respondent.

13 GENERAL PROVISIONS

14 Provision of Clinical Supervision

15 12. Respondent shall not provide clinical supervision while subject to this Consent
16 Agreement.

17 Civil Penalty

18 13. Subject to the provisions set forth in paragraph 14, the Board imposes a civil
19 penalty against the Respondent in the amount of \$1,000.00.

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

1 the stay.

2 15. Within 10 days of being notified of the lifting of the stay, Respondent may request
3 that the matter be reviewed by the Board for the limited purpose of determining whether the
4 automatic lifting of the stay was supported by clear and convincing evidence. If the Board
5 receives the written request within 10 days or less of the next regularly scheduled Board
6 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
7 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
8 review.

9 16. The Board reserves the right to take further disciplinary action against
10 Respondent for noncompliance with this Consent Agreement after affording Respondent notice
11 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
12 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
13 and the period of probation shall be extended until the matter is final.

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

22 18. If Respondent is not employed as of the effective date of this Order, within 10
23 days of accepting employment in a position where Respondent provides any type of behavioral
24 health related services or in a setting where any type of behavioral health, health care, or social
25 services are provided, Respondent shall provide the Board Chair or designee with a written

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

7 19. If, during the period of Respondent's probation, Respondent changes
8 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
9 extended leave of absence for whatever reason that may impact their ability to timely comply
10 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform
11 the Board of their change of employment status. After the change and within 10 days of
12 accepting employment in a position where Respondent provides any type of behavioral health
13 related services or in a setting where any type of behavioral health, health care, or social
14 services are provided, Respondent shall provide the Board Chair or designee a written
15 statement providing the contact information of their new employer(s) and a signed statement
16 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a
17 copy of this Consent Agreement. If Respondent does not provide the employer's statement to
18 the Board within 10 days, as required, Respondent's failure to provide the required statement to
19 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide
20 Respondent's employer(s) with a copy of the Consent Agreement.

21 20. Respondent shall practice behavioral health using the name under which they
22 are licensed. If Respondent changes their name, they shall advise the Board of the name
23 change as prescribed under the Board's regulations and rules.

24 21. Prior to the release of Respondent from probation, Respondent must submit a
25 written request to the Board for release from the terms of this Consent Agreement at least 30

1 days prior to the date they would like to have this matter appear before the Board. Respondent
2 may appear before the Board, either in person or telephonically. Respondent must provide
3 evidence that they have successfully satisfied all terms and conditions in this Consent
4 Agreement. The Board has the sole discretion to determine whether all terms and conditions of
5 this Consent Agreement have been met and whether Respondent has adequately demonstrated
6 that they have addressed the issues contained in this Consent Agreement. In the event that the
7 Board determines that any or all terms and conditions of this Consent Agreement have not been
8 met, the Board may conduct such further proceedings as it determines are appropriate to
9 address those matters.

10 22. Respondent shall bear all costs relating to probation terms required in this
11 Consent Agreement.

12 23. Respondent shall be responsible for ensuring that all documentation required in
13 this Consent Agreement is provided to the Board in a timely manner.

14 24. This Consent Agreement shall be effective on the date of entry below.

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

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

20 Dr. Stacie Barkin
21 Stacie Barkin

MAY 24, 2017
Date

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

23 Dated this 31st day of May, 2017.

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

1 ORIGINAL of the foregoing filed
This 31st day of May, 2017 with:

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

5 COPY of the foregoing mailed via Interagency Mail
This 31st day of May, 2017, to:

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

9 COPY of the foregoing mailed via
Certified mail no. 70162140000018041065
10 This 31st day of May, 2017, to:

11 Stacie Barkin
12 Address of Record
Respondent

13 COPY of the foregoing mailed via Mail
This 31st day of May, 2017, to:

14 Faren R. Akins
15 Akins Law Firm
7702 E. Doubletree Ranch Rd., #300
16 Scottsdale, AZ 85258-2132
Attorney for Respondent

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

3 **In the Matter of:**

4 **Stacie Barkin, LPC-13173,**
5 **Licensed Professional Counselor;**
6 **LISAC-11684, Licensed Independent**
7 **Substance Abuse Counselor,**
8 **In the State of Arizona.**

INTERIM CONSENT AGREEMENT

7 **Respondent**

9 By mutual agreement and understanding, between the Arizona State Board of
10 Behavioral Health Examiners (“Board”) and Stacie Barkin (“Respondent”), the parties enter into
11 this Interim Consent Agreement, Findings of Fact, Conclusions of Law and Order (“Interim
12 Consent Agreement”) as an interim disposition of this matter.

13 **RECITALS**

14 Respondent understands and agrees that:

15 1. The Board may adopt this Interim Consent Agreement, or any part thereof,
16 pursuant to A.R.S. § 32-3251 *et seq.* and A.R.S. § 41-1092.07(F)(5).

17 2. Respondent has read and understands this Interim Consent Agreement as set
18 forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an
19 attorney or has waived the opportunity to discuss this Interim Consent Agreement with an
20 attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so
21 agrees to abide by all of its terms and conditions.

22 3. By entering into this Interim Consent Agreement, Respondent freely and
23 voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as
24 well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other
25 administrative and/or judicial action, concerning the matters related to the Interim Consent

1 Agreement.

2 4. Respondent understands that this Interim Consent Agreement does not
3 constitute a dismissal or resolution of this matter or any matters that may be currently pending
4 before the Board and does not constitute any waiver, express or implied, of the Board's
5 statutory authority or jurisdiction regarding any other pending or future investigations, actions,
6 or proceedings. Respondent also understands that acceptance of this Interim Consent
7 Agreement does not preclude any other agency, subdivision, or officer of this State from
8 instituting civil or criminal proceedings with respect to the conduct that is the subject of this
9 Interim Consent Agreement. Respondent does not intend her acceptance of this Interim
10 Consent Agreement to constitute an admission of any fact or facts and she enters into this
11 agreement as an interim compromise of a pending matter. Respondent further does not
12 relinquish her rights to an administrative hearing, rehearing, review, reconsideration, judicial
13 review or any other administrative and/or judicial action, concerning the matters related to a
14 final disposition of this matter, unless she affirmatively does so as part of the final resolution of
15 this matter.

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

21 6. Respondent understands that this Interim Consent Agreement shall not become
22 effective unless and until it is adopted by the Board and signed by its Executive Director.

23 7. Respondent understands and agrees that if the Board does not adopt this
24 Interim Consent Agreement, she will not assert in any future proceedings that the Board's
25 consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or
other similar defense.

1 8. Respondent understands that this Interim Consent Agreement is a public record
2 that may be publicly disseminated as a formal action of the Board, and that it shall be reported
3 as required by law to the National Practitioner Data Bank.

4 9. Respondent understands that this Interim Consent Agreement does not alleviate
5 her responsibility to comply with the applicable license-renewal statutes and rules. If this
6 Interim Consent Agreement remains in effect at the time Respondent's behavioral health
7 licenses come up for renewal, she must renew her licenses if Respondent wishes to retain her
8 licenses. If Respondent elects not to renew her licenses as prescribed by statute and rule,
9 Respondent's licenses will not expire but rather, by operation of law (A.R.S. § 32-3202),
10 become suspended until the Board takes final action in this matter. Once the Board takes final
11 action, in order for Respondent to be licensed in the future, she must submit a new application
12 for licensure and meet all of the requirements set forth in the statutes and rules at that time.

13 10. Respondent understands that any violation of this Interim Consent Agreement
14 constitutes unprofessional conduct under A.R.S. § 32-3251(16)(n), violating a formal order,
15 consent agreement, term of probation or stipulated agreement, and may result in disciplinary
16 action under A.R.S. § 32-3281.

17 Respondent understands and agrees that:

18 **INTERIM FINDINGS OF FACT**

19 1. The Board is the duly constituted authority for licensing and regulating the
20 practice of behavioral health in the State of Arizona.

21 2. Respondent is the holder of License Nos. LPC-13173 and LISAC-11684 for the
22 practice of counseling and substance abuse counseling in Arizona.

23 3. In 11/12, Respondent was arrested and ultimately charged with possession of
24 drug paraphernalia.

25 4. Respondent failed to report the arrest to the Board within ten days as required.

1 5. Respondent reported the charges to the Board approximately 11 months later on
2 10/03/13.

3 6. In 10/14, Respondent was arrested for DUI and failure to comply with a police
4 officer.

5 7. Respondent failed to report the arrest to the Board within ten days as required.

6 8. In 11/12 and 08/14, Respondent was involuntarily hospitalized for a psychiatric
7 evaluation.

8 9. In 12/14, Respondent voluntarily checked into a hospital for a psychiatric
9 evaluation on the recommendation of her Psychiatrist.

10 10. Respondent failed to disclose her 11/12 hospitalization on her 2014 renewal
11 applications as required.

12 11. Respondent represents that she has not provided behavioral health services
13 since 02/14.

14 12. Because there has not been sufficient time to assess what would be an
15 appropriate final disposition in this matter, the parties agreed to enter into this Interim Consent
16 Agreement. The Interim Consent Agreement is intended to protect the public and ensure that
17 Respondent is able to safely engage in the practice of behavioral health in Arizona.

18 **INTERIM CONCLUSIONS OF LAW**

19 1. The Board possesses subject matter and personal jurisdiction over Respondent
20 pursuant to A.R.S. § 32-3251 *et seq.*

21 2. The Board is authorized to enter into an interim consent agreement with a
22 behavioral health professional to limit or restrict the professional's practice in order to protect the
23 public and ensure that the professional is able to safely engage in the practice of behavioral
24 health pursuant to A.R.S. § 32-3281.

25 ...

1 **INTERIM ORDER**

2 Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to
3 the authority granted to the Board under A.R.S. § 32-3281:

4 **IT IS HEREBY ORDERED** that Respondent shall not practice under her license until
5 such time as she submits a written request for the reinstatement of her license to the Board and
6 the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its
7 discretion, require any combination of staff-approved physical, psychiatric, or psychological
8 examinations, or other types of examinations, evaluations or interviews it believes are
9 necessary to assist the Board in determining whether Respondent is able to safely and
10 competently return to the practice of behavioral health. The Board's affirmative approval to
11 permit Respondent to return to practicing under her license shall not preclude the Board from
12 taking any other action it deems appropriate based upon the conduct set forth in the Interim
13 Findings of Fact.

14 Respondent's agreement not to practice under License Nos. LPC-13173 and LISAC-
15 11684 will be considered an interim suspension of her licenses.

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

17 Stacie Barkin
18 Stacie Barkin

17 July 31, 2015
18 Date

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

21 Dated this 31 day of JULY, 2015.

22 By: Tobi Zavala
23 TOBI ZAVALA, Executive Director
24 Arizona Board of Behavioral Health Examiners
25 ...

1 ORIGINAL of the foregoing filed
This 10th day of August, 2015, with:
2 Arizona Board of Behavioral Health Examiners
3443 N. Central Ave., Suite 1700
3 Phoenix, AZ 85012

4 COPY of the foregoing mailed via Interagency Mail
This 10th day of August, 2015, to:

5
6 Marc Harris
7 Assistant Attorney General
1275 West Washington
8 Phoenix, Arizona 85007

8 COPY of the foregoing mailed via
Certified mail no. 70142870 0001 8957 0315
9 This 10th day of August, 2015, to:

10 Stacie Barkin
11 Address of Record
12 Respondent

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