

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

2 **In the Matter of:**

3 **Stacie Barkin, LISAC-11684, LPC-13171**  
4 **Licensed Independent Substance Abuse**  
5 **Counselor, Licensed Professional**  
6 **Counselor**  
7 **In the State of Arizona.**

**CASE NO. 2016-0020**

**RELEASE FROM**  
**CONSENT AGREEMENT AND ORDER**

8 **RESPONDENT**

9 The Board received a request from Respondent to release them from the terms and  
10 conditions of the Consent Agreement and Order dated May 31<sup>st</sup>, 2017. After consideration, the  
11 Board voted to release Respondent from the terms and conditions of the Consent Agreement  
12 and Order dated May 31<sup>st</sup>, 2017.

13 **ORDER**

14 **GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:**

15 Respondent is hereby released from all terms and conditions of the Consent Agreement  
16 and Order dated May 31<sup>st</sup>, 2017.

17 Dated this 17 day of June, 2019.

18 By: 

19 **TOBI ZAVALA, Executive Director**  
20 **Arizona Board of Behavioral Health Examiners**

21 **ORIGINAL** of the foregoing filed

22 This 17 day of June, 2019, with:

23 Arizona Board of Behavioral Health Examiners  
24 1740 W. Adams St., Suite 3600  
25 Phoenix, AZ 85007

**COPY** of the foregoing mailed via

Certified mail no. 9489109000276043640636

This 17 day of June, 2019, to:

Stacie Barkin  
Address of Record  
Respondent



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12 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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 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.

18

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

20

21 Dr. Stacie Barkin  
Stacie Barkin

MAY 24, 2017  
Date

22

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

24

Dated this 31<sup>st</sup> day of May, 2017.

25

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

1 ORIGINAL of the foregoing filed  
This 31<sup>st</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> day of May, 2017, to:

11 Stacie Barkin  
12 Address of Record  
Respondent

13 COPY of the foregoing mailed via Mail  
This 31<sup>st</sup> 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 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 **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

18 July 31, 2015  
Date

19  
20 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

21 Dated this 31 day of JULY, 2015.

22  
23 By:

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



1 ORIGINAL of the foregoing filed  
This 10<sup>th</sup> 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 10<sup>th</sup> day of August, 2015, to:

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

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

10 Stacie Barkin  
Address of Record  
11 Respondent

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