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

In the Matter of:

**Karen M. Morse, LPC-10271,  
Licensed Professional Counselor,  
In the State of Arizona.**

**CASE NO. 2019-0031  
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(F) and 41-1092.07(F)(5), Karen M. Morse ("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 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.

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 their  
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 only between Respondent and the Board for  
7 the final disposition of this matter and may be used for purposes of determining sanctions in any  
8 future disciplinary matter.

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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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

16          7.     Respondent understands that once the Board approves and signs this Consent  
17 Agreement, it is a public record that may be publicly disseminated as a formal action of the  
18 Board, and that it shall be reported as required by law to the National Practitioner 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(16)(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 they have failed to comply with the  
24 terms of this Consent Agreement or of the practice act.

25 ...

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

2 **FINDINGS OF FACT**

3 1. 1. Respondent is the holder of License No. LPC-10271 for the practice of  
4 counseling in Arizona.

5 2. From 05/18 – 08/18, Respondent provided behavioral health services to two  
6 minor children (“Daughter 1 and Daughter 2”).

7 3. From the onset of services, Respondent was fully aware that Daughters’ parents  
8 (“Mother and Father”) were involved in custody disputes.

9 4. Without ever meeting Father or making any effort to engage with him,  
10 Respondent authored 2 letters to the court at the request of Mother and Mother’s attorney,  
11 which included information such as:

- 12 a. Daughter 1 told Respondent about Father’s history of corporal physical  
13 discipline with her and Daughter 2.
- 14 b. Daughter 1 made it consistently clear that she did not want an increase of  
15 parenting time with Father.
- 16 c. Daughter 2 was very outspoken with her frustrations with Father and his  
17 family.
- 18 d. Daughter 2 reported that she is always angry and Father.
- 19 e. Daughter 2 felt much more strongly that Father should not receive an  
20 additional amount of parenting time.
- 21 f. Father’s parenting strategies continue to affect Daughter 2’s mental health.

22 5. In addition to her letters, Respondent provided court testimony, also at the  
23 request of Mother and Mother’s attorney.

24 ...

25 ...

1           6.     Following Respondent's testimony, the court issued a 10/05/18 Order indicating  
2 the following:

3           a.     On 09/04/18, Respondent testified that she diagnosed Daughter 1 with  
4                PTSD, generalized anxiety disorder, and panic attacks.

5           b.     Also in this testimony, Respondent claimed that she diagnosed Daughter 2  
6                with moderate depression and PTSD.

7           c.     Father's expert witness testified and argued against Respondent's testimony.

8           d.     "In light of [The Expert Witness's] testimony as to the deficiencies of  
9                [Respondent's] progress notes, the lack of criteria underlying the relevant  
10              diagnoses, [Respondent's] possible conflict, and [Respondent's] failure to  
11              follow best practices, the court finds [Respondent's] diagnoses suspect, at  
12              the very least."

13          e.     Respondent's testimony was not reliable.

14          f.     Respondent admittedly never met with Father prior to making a  
15              recommendation about parenting time.

16          g.     Mother and Father will need to decide on a new therapist.

17           7.     During the course of treatment, Respondent acknowledges consulting with  
18 colleagues about Daughters' treatment.

19           8.     Daughters' Consent for Treatment form fails to include notification of the  
20 professional's supervision or involvement with a treatment team, as required.

21           9.     Daughters' Treatment Plans fail to include:

22              a.    The date when the Treatment Plan shall be reviewed.

23              b.    The dated signature of the client or the client's legal representative.

24           10.    During the course of treatment, Respondent billed for several services including  
25 communications and preparation regarding her role as Daughters' therapist.

1 11. Respondent failed to document the content of those communications in the  
2 clinical record.

3 12. Respondent's records fail to include any information regarding the financial  
4 arrangements for Respondent's court related services.

5 13. Since the filing of this complaint, Respondent has updated her clinical forms,  
6 which now appear to meet the Board's minimum documentation standards.

7 **CONCLUSIONS OF LAW**

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

11 2. The conduct and circumstances described in the Findings of Fact constitute a  
12 violation of A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs  
13 the ability of the licensee to safely and competently practice the licensee's profession.

14 3. The conduct and circumstances described in the Findings of Fact constitute a  
15 violation of A.R.S. § 32-3251(16)(p), failing to conform to minimum practice standards as  
16 developed by the Board as it relates to:

- 17 a. A.A.C. R4-6-1101, Consent for Treatment
- 18 b. A.A.C. R4-6-1102, Treatment Plan
- 19 c. A.A.C. R4-6-1103, Client Record

20 **ORDER**

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

23 1. Respondent's license, LPC-10271, will be placed on probation, effective from the  
24 date of entry as signed below.

1           2.       Respondent shall not practice under their license, LPC-10271, unless they are  
2 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,  
3 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they  
4 shall immediately notify the Board in writing and shall not practice under their license until they  
5 submit a written request to the Board to re-commence compliance with this Consent  
6 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

7           3.       In the event that Respondent is unable to comply with the terms and conditions  
8 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until  
9 such time as they are granted approval to re-commence compliance with the Consent  
10 Agreement.

11                               **Continuing Education**

12           4.       In addition to the continuing education requirements of A.R.S. § 32-3273, within  
13 12 months of the effective date of this Consent Agreement, Respondent shall complete 12 clock  
14 hours of continuing education addressing high conflict cases. All required continuing education  
15 shall be pre-approved by the Board Chair or designee. Upon completion, Respondent shall  
16 submit a certificate of completion of the required continuing education.

17                               **Clinical Supervision**

18           5.       While on probation, Respondent shall submit to clinical supervision for 12 months  
19 by a masters or higher level behavioral health professional licensed at the independent level.  
20 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a  
21 clinical supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the  
22 date of this Consent Agreement, the clinical supervisor shall submit a letter disclosing their prior  
23 relationship to Respondent. In that letter, the clinical supervisor must address why they should  
24 be approved, acknowledge that they have reviewed the Consent Agreement and include the

25     ...

1 results of an initial assessment and a supervision plan regarding the proposed supervision of  
2 Respondent. The letter from the supervisor shall be submitted to the Board.

### 3 Focus and Frequency of Clinical Supervision

4 6. The focus of the supervision shall relate to high conflict cases, boundaries, and  
5 documentation. Respondent shall meet individually in person with the supervisor for a minimum  
6 of one hour at least monthly if working fulltime or at the determination of the Board Chair or  
7 designee if working less than 20 hours per week.

### 8 Reports

9 7. Once approved, the supervisor shall submit quarterly reports for review and  
10 approval by the Board Chair or designee. The quarterly reports shall include issues presented in  
11 this Consent Agreement that need to be reported and the supervisor shall notify the Board if  
12 more frequent supervision is needed. Quarterly reports shall include the following:

- 13 a. Dates of each clinical supervision session.
- 14 b. A comprehensive description of issues discussed during supervision  
15 sessions.

16 8. All quarterly supervision reports shall include a copy of clinical supervision  
17 documentation maintained for that quarter. All clinical supervision documentation maintained by  
18 the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(C).

19 9. After Respondent's probationary period, the supervisor shall submit a final  
20 summary report for review and approval by the Board Chair or designee. The final report shall  
21 also contain a recommendation as to whether the Respondent should be released from this  
22 Consent Agreement.

### 23 Change of Clinical Supervisor During Probation

24 10. If, during the period of Respondent's probation, the clinical supervisor determines  
25 that they cannot continue as the clinical supervisor, they shall notify the Board within 10 days of

1 the end of supervision and provide the Board with an interim final report. Respondent shall  
2 advise the Board Chair or designee within 30 days of cessation of clinical supervision by the  
3 approved clinical supervisor and provide the name of a new proposed clinical supervisor. The  
4 proposed clinical supervisor shall provide the same documentation to the Board as was required  
5 of the initial clinical supervisor.

6 **GENERAL PROVISIONS**

7 **Provision of Clinical Supervision**

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

10 **Civil Penalty**

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

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

20 14. Within 10 days of being notified of the lifting of the stay, Respondent may request  
21 that the matter be reviewed by the Board for the limited purpose of determining whether the  
22 automatic lifting of the stay was supported by clear and convincing evidence. If the Board  
23 receives the written request within 10 days or less of the next regularly scheduled Board  
24 meeting, the request will not be heard at that meeting, but will be heard at the next regularly  
25 ...



1 scheduled Board meeting. The Board's decision on this matter shall not be subject to further  
2 review.

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

8 16. If Respondent currently sees clients in their own private practice, and obtains any  
9 other type of behavioral health position, either as an employee or independent contractor, where  
10 they provide behavioral health services to clients of another individual or agency, they shall  
11 comply with requirements set forth in paragraphs 17 through 19 below.

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

20 18. If Respondent is not employed as of the effective date of this Order, within 10  
21 days of accepting employment in a position where Respondent provides any type of behavioral  
22 health related services or in a setting where any type of behavioral health, health care, or social  
23 services are provided, Respondent shall provide the Board Chair or designee with a written  
24 statement providing the contact information of their new employer and a signed statement from  
25 Respondent's new employer confirming Respondent provided the employer with a copy of this

1 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
2 within 10 days, as required, Respondent's failure to provide the required statement to the Board  
3 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's  
4 employer(s) with a copy of the Consent Agreement.

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

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

22 21. Prior to the release of Respondent from probation, Respondent must submit a  
23 written request to the Board for release from the terms of this Consent Agreement at least 30  
24 days prior to the date they would like to have this matter appear before the Board. Respondent  
25 may appear before the Board, either in person or telephonically. Respondent must provide

1 evidence that they have successfully satisfied all terms and conditions in this Consent  
2 Agreement. The Board has the sole discretion to determine whether all terms and conditions of  
3 this Consent Agreement have been met and whether Respondent has adequately demonstrated  
4 that they have addressed the issues contained in this Consent Agreement. In the event that the  
5 Board determines that any or all terms and conditions of this Consent Agreement have not been  
6 met, the Board may conduct such further proceedings as it determines are appropriate to  
7 address those matters.

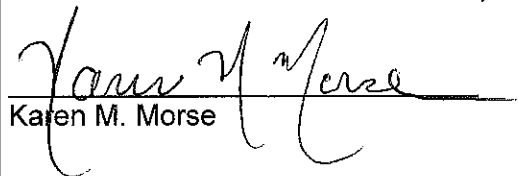
8 22. Respondent shall bear all costs relating to probation terms required in this  
9 Consent Agreement.

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

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

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


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

18   
19 Karen M. Morse

2-18-2019  
Date

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

21 Dated this 01 day of March, 2019.

22  
23 By:   
24 TOBIN ZAVALA, Executive Director  
25 Arizona Board of Behavioral Health Examiners

1 ORIGINAL of the foregoing filed  
This 01 day of March, 2019 with:

2 Arizona Board of Behavioral Health Examiners  
3 1740 West Adams Street, Suite 3600  
4 Phoenix, AZ 85007

5 COPY of the foregoing mailed via Interagency Mail  
This 01 day of March, 2019, to:

6 Marc Harris  
7 Assistant Attorney General  
8 2005 North Central Avenue  
9 Phoenix, AZ 85004

10 COPY of the foregoing mailed via  
11 Certified mail no. 9489009000276044096249  
12 This 01 day of March, 2019, to:

13 Karen M. Morse  
14 Address of Record  
15 Respondent

16 COPY of the foregoing mailed via Mail  
17 This 01 day of March, 2019 to:

18 Faren R. Akins  
19 Akins Law Firm  
20 7702 E. Doubletree Ranch Rd., Ste. 300  
21 Scottsdale, AZ 85258-2132  
22 Attorney for Respondent  
23  
24  
25