

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

3 **In the Matter of:**

4 **Shelley S. Kaufman, LPC-0597,**  
5 **Licensed Professional Counselor,**  
6 **In the State of Arizona.**

7 **RESPONDENT**

**CASE NO. 2019-0144**  
**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(F)  
11 and 41-1092.07(F)(5), Shelley S. Kaufman (“Respondent”) and the Board enter into this  
12 Consent Agreement, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as  
13 a final 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 their right to such formal hearing concerning these allegations and irrevocably waives  
22 their 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           3.       In review of Client's clinical record, many of the progress notes appear to contain  
2 copy-and-paste information.

3           4.       The reoccurring information within the progress notes is not generic or  
4 insignificant.

5           5.       Rather, the reoccurring information is highly detailed and makes reference to  
6 specific comments that were purportedly given by Client.

7           6.       Throughout the duration of treatment, it does not appear that Respondent  
8 adequately addressed Client's suicidal ideation.

9           7.       At the onset of services, Respondent documented the following in Client's intake:  
10 Complainant presents with suicidal ideation and last suicidal feelings were last June, but feels  
11 resolved now and wants to live.

12          8.       In nearly each subsequent therapy session thereafter, Respondent documented:  
13 Complainant presents with suicidal ideation and last suicidal feelings were last June, but feels  
14 resolved now and wants to live.

15          9.       Given the fact that Client expressed suicidal ideation just 3 months prior to  
16 initiating services with Respondent, it appears that Respondent should have documented  
17 distinguished efforts to explore suicidal risk factors with Client.

18          10.      Respondent's clinical records are deficient in the following areas:

19           a.       None of the progress notes contain Licensee's dated signature.

20           b.       Although each of the progress notes contain a treatment plan section, the  
21 clinical record fails to include a valid and signed treatment plan that contains  
22 all the required elements.

23           c.       There are at least two instances where Licensee billed for behavioral health  
24 services, however the clinical record does not contain a corresponding  
25 progress note as required.

1 **CONCLUSIONS OF LAW**

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

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

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

- 11 a. A.A.C. R4-6-1101, Consent for Treatment.
- 12 b. A.A.C. R4-6-1102, Treatment Plan.
- 13 c. A.A.C. R4-6-1103, Client Record.
- 14 d. A.A.C. R4-6-1104, Financial and Billing Records.

15 **ORDER**

16 Based upon the foregoing Findings of Fact and Conclusion of Law, the parties agree to  
17 the provision and penalties imposed as follows:

- 18 1. As of the effective date of the Consent Agreement, Respondent shall not practice  
19 under their license.
- 20 2. Respondent's license, LPC-0597, shall by rule, expire on 10/31/20.
- 21 3. Respondent agrees not to renew their license.
- 22 4. Respondent agrees not to submit any type of new license application to the  
23 Board for a minimum of five (5) years.

24 ...

25 ...


1           5.       This Consent Agreement is conclusive evidence of the matters described herein  
2 and may be considered by the Board in determining appropriate sanctions in the event a  
3 subsequent violation occurs.

4  
5                   **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

6             
7 Shelley S. Kaufman

Dec 9, 2019  
Date

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

9 By:   
10 TOBI ZAVALA, Executive Director  
11 Arizona Board of Behavioral Health Examiners

Jan 16, 2020  
Date

12                   **ORIGINAL** of the foregoing filed Jan 16, 2020  
13 with:

14 Arizona Board of Behavioral Health Examiners  
15 1740 West Adams Street, Suite 3600  
Phoenix, AZ 85007

16                   **EXECUTED COPY** of the foregoing sent electronically Jan 16, 2020  
17 to:

18 Marc Harris  
19 Assistant Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004

21 Shelley S. Kaufman  
Address of Record  
Respondent

22 Charles A. Struble  
23 The Checkett Law Firm, PLLC  
4835 East Cactus Road, Suite 345  
24 Scottsdale, AZ 85254-3543  
Attorney for Respondent