

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

2 **In the Matter of:**

3 **Erica T. Ayala, LPC-19410,**  
4 **Licensed Professional Counselor,**  
5 **In the State of Arizona.**

6 **RESPONDENT**

**CASE NO. 2022-0076**

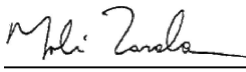
**RELEASE FROM  
NON-DISCIPLINARY CONSENT  
AGREEMENT AND ORDER**

7 The Board received a request from Respondent to release them from the terms and  
8 conditions of the Non-Disciplinary Consent Agreement and Order dated November 9<sup>th</sup>, 2021.  
9 After consideration, the Board voted to release Respondent from the terms and conditions of the  
10 Non-Disciplinary Consent Agreement and Order dated November 9<sup>th</sup>, 2021.

11 **ORDER**

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

13 Respondent is hereby released from all terms and conditions of the Non-Disciplinary  
14 Consent Agreement and Order dated November 9<sup>th</sup>, 2021.

15 By:   
16 **TOBI ZAVALA, Executive Director**  
**Arizona Board of Behavioral Health Examiners**

Dec 12, 2022  
Date

17  
18 **ORIGINAL** of the foregoing filed Dec 12, 2022  
with:

19 Arizona Board of Behavioral Health Examiners  
20 1740 West Adams Street, Suite 3600  
21 Phoenix, AZ 85007

22 **EXECUTED COPY** of the foregoing sent electronically Dec 12, 2022  
to:

23 Erica T. Ayala  
24 Address of Record  
Respondent

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

3 **In the Matter of:**

4 **Erica T. Ayala, LPC-19410,**  
5 **Licensed Professional Counselor,**  
6 **In the State of Arizona.**

7 **Respondent**

**CASE NO. 2022-0076**

**NON-DISCIPLINARY 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(D)(3)  
11 and 41-1092.07(F)(5), Erica T. Ayala (“Respondent”) and the Board enter into this Non-  
12 Disciplinary Consent Agreement, Findings of Fact, Conclusions of Law and Order (“Consent  
13 Agreement”) as 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           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 between only 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 acknowledges and agrees that the acceptance of this Consent  
17 Agreement is solely to settle this Board matter and does not preclude the Board from instituting  
18 other proceedings as may be appropriate now or in the future. Furthermore, and  
19 notwithstanding any language in this Consent Agreement, this Consent Agreement does not  
20 preclude in any way any other state agency or officer or political subdivision of this state from  
21 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or  
22 in the future relating to this matter or other matters concerning Respondent, including but not  
23 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other  
24 than with respect to the Board, this Consent Agreement makes no representations, implied or

25 ...

1 otherwise, about the views or intended actions of any other state agency or officer or political  
2 subdivision of the state relating to this matter or other matters concerning Respondent.

3 8. Respondent understands that once the Board approves and signs this Consent  
4 Agreement, it shall constitute a public record that may be disseminated as a formal action of the  
5 Board.

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

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

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

13 **FINDINGS OF FACT**

- 14 1. Respondent is the holder of License No. LPC-19410 for the practice of  
15 counseling in the state of Arizona
- 16 2. On 10/05/21, Respondent self-reported a DUI charge.
- 17 3. On 10/01/21, Respondent was arrested for driving under the influence.
- 18 4. Respondent's blood alcohol content was measured at .086% and .088% after  
19 submitting to breathalyzer testing.

20 **CONCLUSIONS OF LAW**

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

24 ...

25 ...

1           2. Pursuant to A.R.S. § 32-3281(D)(3), if the Board finds that Respondent's  
2 conduct is not of sufficient seriousness to merit direct action against them, it may issue a  
3 nondisciplinary order requiring Respondent to complete a prescribed number of hours of  
4 continuing education in an area or areas prescribed by the Board to provide them with the  
5 necessary understanding of current developments, skills, procedures or treatment.

6                                       **ORDER**

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

9                                       **Continuing Education**

10           1. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
11 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a  
12 three semester credit hour graduate level course in substance use disorders, pre-approved by  
13 the Board Chair or designee. Upon completion, Respondent shall submit to the Board an official  
14 transcript establishing completion of the required course.

15                                       **Early Release**

16           2. After completion of the required continuing education, Respondent may request  
17 early release from this Consent Agreement.

18                                       **Licensee Name**

19           3. 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                                       **General Provisions**

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

1 or telephonically. Respondent must provide evidence that they have successfully satisfied all  
2 terms and conditions in this Consent Agreement. The Board has the sole discretion to  
3 determine whether all terms and conditions of this Consent Agreement have been met and  
4 whether Respondent has adequately demonstrated that they have addressed the issues  
5 contained in this Consent Agreement. In the event that the Board determines that any or all  
6 terms and conditions of this Consent Agreement have not been met, the Board may open up a  
7 complaint which will be subject to the provisions of A.R.S. § 32-3281.

8 5. Respondent shall bear all costs relating to completion of all terms required in this  
9 Consent Agreement.

10 6. 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 7. This Consent Agreement shall be effective on the date of entry below.


13 8. This Consent Agreement is conclusive evidence of the matters described herein  
14 and may be considered by the Board in determining appropriate sanctions in future cases.

15  
16 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

17   
18 Erica Ayala (Oct 21, 2021 15:37 PDT)  
Erica T. Ayala

Oct 21, 2021  
Date

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

21 By:   
22 TOBI ZAVALA, Executive Director  
23 Arizona Board of Behavioral Health Examiners

Nov 9, 2021  
Date

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**ORIGINAL** of the foregoing filed Nov 9, 2021  
with:

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

**EXECUTED COPY** of the foregoing sent electronically Nov 9, 2021  
to:

Mona Baskin  
Assistant Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004

Erica T. Ayala  
Address of Record  
Respondent