

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

3 **In the Matter of:**

4 **Kristopher E. Schlepp, LPC-16113,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2023-0201
DECREE OF CENSURE

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), Kristopher E. Schlepp (“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 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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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 is a public record that may be publicly disseminated as a formal action of the
5 Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

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 this 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-16113 for the practice of
15 counseling in Arizona.

16 2. Respondent works for a behavioral health agency ("Agency") where he provided
17 clinical supervision to a supervisee ("Supervisee") for mental health related services as a BHT.

18 3. Since 09/20, Supervisee has been licensed as a LASAC.

19 4. As a LASAC, Supervisee's scope of practice is codified A.R.S. § 32-3251(12),
20 which includes the following:

- 21 a. Practice of substance abuse counseling means the professional application of
22 general counseling theories, principles and techniques as specifically adapted,
23 based on research and clinical experience, to the specialized needs and
24 characteristics of persons who are experiencing substance abuse, chemical
25 dependency and related problems and to the families of those persons. The

1 practice of substance abuse counseling includes the following as they relate to
2 substance abuse and chemical dependency issues:

- 3 • Assessment, appraisal and diagnosis.
- 4 • The use of psychotherapy for the purpose of evaluation, diagnosis and
5 treatment of individual, couples, families, and groups.

6 5. Prior to being licensed, Supervisee worked at Agency for two years as a BHT
7 and intern, providing mental health and substance use services with oversight, as Agency was
8 licensed with the Department of Health Services.

9 6. After obtaining licensure, Supervisee continued providing mental health services,
10 meaning Supervisee was practicing outside the scope of her LASAC license.

11 7. Respondent represents the following:

- 12 a. Respondent oversaw Supervisee for mental health related services as a
13 BHT.
- 14 b. During that time, Supervisee had a separate clinical supervisor for substance
15 use treatment Supervisee provided under her LASAC license.
- 16 c. Respondent did not knowingly or intentionally allow Supervisee to practice
17 outside the scope of her license, but instead, believed she had complied with
18 A.R.S. § 32-3271, "Exceptions to licensure; jurisdiction."
- 19 d. Respondent has adjusted his practice and no longer oversees individuals
20 with a LASAC and LISAC licensure for providing services as a BHTMH.

21 8. Respondent was supervising her and her caseload, allowing Supervisee to
22 practice outside the scope of her license as a LASAC.

23 ...
24 ...
25 ...

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)(n), failing to comply with or violating, attempting to violate or
7 assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant
8 to this chapter, any lawful order of the board, or any formal order, consent agreement, term of
9 probation or stipulated agreement issued under this chapter.

10 **ORDER OF CENSURE**

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

13 1. Respondent is hereby censured, which is an official action against their license,
14 for their conduct as set forth in the Findings of Fact.

15 2. This Consent Agreement shall be effective on the date of entry below.

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

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


20 
21 Kristopher Schlepp (Jun 21, 2023 15:39 PDT)

Kristopher E. Schlepp

Jun 21, 2023

Date

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

23 By: 
24 _____
25 TOBÍ ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

Jul 25, 2023

Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORIGINAL of the foregoing filed Jul 25, 2023

with:

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

EXECUTED COPY of the foregoing sent electronically Jul 25, 2023

to:

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

Kristopher E. Schlepp
Address of Record
Respondent

Fatima Badreddine
Zelms Erlich & Mack
11811 N. Tatum Blvd., Ste. 3031
Phoenix, AZ 85028
Attorney for Respondent