

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

3 **In the Matter of:**

4 **Karina A. Chandler- Ziegler, LAMFT**
5 **Applicant,**
6 **Licensed Associate Marriage Family**
7 **Therapist,**
8 **In the State of Arizona.**

9 **RESPONDENT**

CASE NO. 2023-0205
CONSENT AGREEMENT
FOR ISSUANCE OF LICENSE

9 In the interest of a prompt and speedy settlement of the above captioned matter,
10 consistent with the public interest, statutory requirements and responsibilities of the Arizona
11 State Board of Behavioral Health Examiners (“Board”), and pursuant to A.R.S. §§ 32-3281(F)
12 and 41-1092.07(F)(5), Karina A. Chandler-Ziegler (“Respondent”) and the Board enter into this
13 Consent Agreement, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as
14 a final disposition of this matter.

15 **RECITALS**

16 Respondent understands and agrees that:

17 1. Any record prepared in this matter, all investigative materials prepared or
18 received by the Board concerning the allegations, and all related materials and exhibits may be
19 retained in the Board’s file pertaining to this matter.

20 2. Respondent has the right to a formal administrative hearing at which Respondent
21 can present evidence and cross examine the State’s witnesses. Respondent hereby irrevocably
22 waives their right to such formal hearing concerning these allegations and irrevocably waives
23 their right to any rehearing or judicial review relating to the allegations contained in this Consent
24 Agreement.

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

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13 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

18 7. Respondent acknowledges and agrees that the acceptance of this Consent
19 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
20 other proceedings as may be appropriate now or in the future. Furthermore, and
21 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
22 preclude in any way any other state agency or officer or political subdivision of this state from
23 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
24 in the future relating to this matter or other matters concerning Respondent, including but not

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1 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
2 than with respect to the Board, this Consent Agreement makes no representations, implied or
3 otherwise, about the views or intended actions of any other state agency or officer or political
4 subdivision of the state relating to this matter or other matters concerning Respondent.

5 8. Respondent understands that once the Board approves and signs this Consent
6 Agreement, it is a public record that may be publicly disseminated as a formal action of the
7 Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

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

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

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

15 **FINDINGS OF FACT**

16 1. From 08/01/16 – 10/29/20, Respondent held an LAMFT license with the Board
17 until it expired after Respondent failed to renew.

18 2. On 10/04/20, while licensed with the Board, Applicant was arrested for a DUI and
19 failed to report it to the Board within 10 days at that time.

20 3. On 04/05/22, Respondent submitted an LAMFT application with the Board where
21 she disclosed the 10/20 DUI arrest as well as a 05/21 DUI arrest.

22 4. Within Respondent's application she answered yes to the background question
23 regarding previous arrests and provided the following explanation:

24 a. Prior to the 10/20 arrest, Respondent was experiencing personal health
25 issues, was not working, and was staying home due to COVID-19.

- 1 b. On 10/04/20, Respondent was supposed to pick up Father and felt she was
2 having a panic attack, so she subsided this with alcohol.
- 3 c. Respondent then drove and was pulled over for swerving and arrested for a
4 DUI.
- 5 d. Following this, Respondent was addressing health concerns for the next
6 couple months.
- 7 e. In 05/21, Respondent moved into her own apartment and drove to a local
8 establishment where she consumed 2-3 alcoholic beverages and was pulled
9 over on her way home.
- 10 f. Respondent has been in an employment position that does not involve a
11 license to help ensure ethical practice.

12 5. In a 05/18/22 statement to the Board, Respondent indicated the following in part:

- 13 a. Leading up to the 10/20 arrest, Respondent was struggling in her marriage
14 and had a friend ("Friend") living in her home who was a methamphetamine
15 user.
- 16 b. Respondent would engage in methamphetamine use by smoking it from a
17 pipe around two times daily which was the first time she used illicit
18 substances.
- 19 c. Respondent then dealt with a number of psychical health issues and was
20 going to the hospital for several months.
- 21 d. After this, Respondent went home to recover on her own and Friend gave her
22 several methamphetamine pipes which had remnants in them, and
23 Respondent held onto them.
- 24 e. Respondent left the house after taking two shots of alcohol and took the
25 methamphetamine pipes with her, and was pulled over for a DUI.

1 f. In 05/21, Respondent called a friend regarding a landscaping job and they
2 met at a bar where she had several alcoholic beverages and was
3 subsequently pulled over and charged with a DUI.

4 g. 03/21 is an approximate sobriety date since she did not engage in rehab or
5 detox services, or any substance use or alcohol treatment.

6 6. Applicant marked 'no' to the background question regarding whether she has
7 ever surrendered a license or allowed a license to lapse.

8 7. In 09/14, the California Board issued Respondent a license under the terms of a
9 Stipulated Settlement and Disciplinary Order.

10 8. A 02/08/17 Stipulated Settlement and Disciplinary Order with California Board
11 Indicated Respondent surrendered her license.

12 9. In a 03/22/23 supplement statement to the Board, Respondent indicated the
13 following in part:

14 a. In 08/22, Respondent began seeing Therapist after going through her EAP
15 which took a while.

16 b. Respondent began attending substance use services with Prodigy Health and
17 attends weekly for 34 classes.

18 c. Respondent engaged in a fitness-based recovery group but had to stop since
19 losing her driver's license.

20 d. Respondent runs, rides her bike, and has made several new friends that is
21 supportive of her sobriety.

22 e. Respondent is currently being randomly tested for all substances as part of
23 her two years of probation.

24 f. 05/22/22 is Respondent's sobriety date from alcohol.
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1 10. 10/04/20 Mesa police records indicated Respondent's BAC was measured at
2 0.131%.

3 11. 05/13/21 Mesa police records indicated Respondent's BAC was measured at
4 0.100%.

5 12. Respondent was sentenced to 30 days incarceration and two years of probation
6 to include drug and alcohol testing, participation in a counseling program, and abstinence from
7 any substances containing alcohol.

8 13. Since 09/22, Respondent has been engaged in therapy voluntarily and Therapist
9 provided a letter attesting to her compliance, engagement, and that Respondent does not
10 appear to pose any risk or concern for the safety of the profession.

11 14. Since 06/07/22, Respondent has been engaged in group therapy with Prodigy
12 Health.

13 15. A 06/07/22 intake with Prodigy Health indicated Respondent reported her
14 sobriety date from alcohol was 05/20/22 and her sobriety date from methamphetamine was
15 01/03/22 or 01/04/22.

16 16. On 05/26/22, Respondent completed a 10-panel hair follicle test which did not
17 test for alcohol but was negative for various drugs including methamphetamine.

18 17. Since 01/12/23, Respondent has been submitting to random drug screens as
19 part of her probation which have all been negative for alcohol and drugs.

20 18. During an investigative interview with Board staff, Probation Officer indicated
21 they had no concerns about Respondent since she has remained compliant.

22 19. Respondent represented the following during an investigative interview:

- 23 a. Respondent knew she was supposed to report the 10/20 arrest to the Board
24 but it was not on her mind at that time.

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- 1 b. In 10/20, Respondent was not sure if she would be going back to the
2 behavioral health field due to medical conditions and she did not intentionally
3 not renew her license.
- 4 c. Respondent was originally not honest about her methamphetamine use and
5 in 01/22 she knowingly used methamphetamine.
- 6 d. Respondent's triggers are not as strong anymore but when she feels
7 triggered she calls a friend, plays the piano, or takes preventative measures.
- 8 e. When Respondent reapplied with the Board in 2022, she realizes she tried to
9 convince Board staff that she could drink on occasions but now realizes how
10 stupid that sounds.
- 11 f. Respondent has had periods of sobriety such as when she was pregnant and
12 when she was under review by the California Board.
- 13 g. Respondent acknowledges she has always tried to rationalize her drinking
14 and has only sought substance use treatment when it was ordered by the
15 courts or the California Board.
- 16 h. Respondent has realized she needs to stop drinking and it is different this
17 time because she has built her own support system and plans to continue to
18 remain sober.

19 20. Following the investigative interview, Board staff asked Respondent additional
20 questions and she responded as follows:

- 21 a. Respondent marked no regarding the question whether she has ever
22 surrendered a license or allowed a license to lapse because she did not
23 surrender her California license to avoid disciplinary action.
- 24 b. She surrendered her license because she moving to Arizona and resigned
25 from her California employment.

1 c. Respondent did not intentionally allow her Arizona license to expire and it
2 was just something that did not cross her mind.

3 d. Respondent does not believe she misrepresented on her LAMFT application
4 by marking no to this question.

5 21. Respondent has remained sober from all substances since 05/22.

6 22. Within Respondent's LAMFT application, she marked no the question regarding
7 whether he has surrendered a license or allowed a license to lapse.

8 23. Respondent misrepresented by marking no since she in fact surrendered her
9 California license in 2017 and allowed her Arizona license to lapse in 2020.

10 **CONCLUSIONS OF LAW**

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

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

17 3. The conduct and circumstances described in the Findings of Fact constitute a
18 violation of A.R.S. § 32-3251(16)(c)(i), making any oral or written misrepresentation of a fact
19 to secure or attempt to secure the issuance or renewal of a license.

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 application to be a licensed associate marriage family therapist is
24 approved.

1 **Therapy**

2 7. During the period of probation, Respondent shall attend therapy for 24 months
3 with a masters or higher-level behavioral health professional licensed at the independent level.
4 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of
5 their therapist and the therapist's curriculum vitae for pre-approval by the Board Chair or
6 designee. Also, within 30 days of the date of this Consent Agreement, the therapist shall submit
7 a letter addressing why they should be approved, acknowledging that they have reviewed the
8 Consent Agreement and include the results of an initial assessment and a treatment plan
9 regarding the proposed treatment of Respondent

10 8. Upon approval, the Board will provide the therapist with copies of any required
11 evaluations completed at the request of the Board prior to this Consent Agreement and the
12 Board's investigative report.

13 **Focus and Frequency of Therapy**

14 9. The focus of the therapy shall relate to relapse prevention plan, internal and
15 external triggers, accountability, self-care, and assessing readiness to provide psychotherapy.
16 Respondent shall meet in person with the therapist twice monthly for the first 12 months. The
17 frequency for the remaining 12 months shall be at the recommendation of the therapist, but not
18 less than once monthly.

19 **Reports**

20 10. Once approved, the therapist shall submit quarterly reports and a final summary
21 report to the Board for review and approval. The quarterly reports shall include issues presented
22 in this Consent Agreement that need to be reported and the therapist shall notify the Board if
23 more frequent therapy is needed. The reports shall address Respondent's current mental health
24 status, medications prescribed, if any, treatment recommendation, and shall report if, in their

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1 professional opinion, Respondent becomes unable to practice psychotherapy safely and
2 competently. The final report shall also contain a recommendation as to whether the
3 Respondent should be released from this Consent Agreement.

4 **Change of Therapist**

5 11. In the event that, during the period of Respondent's probation, Respondent's
6 Board-approved therapist discontinues treatment, Respondent shall submit the name of a new
7 therapist and the therapist's 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
9 discontinued treatment, the proposed therapist shall submit a letter addressing why they should
10 be 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 **Recovery Program**

14 12. While on probation, Respondent shall attend recovery support meetings at a
15 minimum of once per week. The recovery program shall focus on the relapse prevention plan
16 and identifying a mentor. Respondent shall obtain a sponsor, mentor, or group leader and that
17 individual shall provide quarterly reports to the Board Chair or designee attesting to
18 Respondent's attendance and participation.

19 **Biological Fluid Testing**

20 13. Within 10 days of the effective date of this Order, Respondent shall enroll in a
21 program that meets Board criteria for observed random biological fluid testing. The chemicals
22 tested shall be determined by the Board Chair or designee. Random testing shall be done at a
23 minimum of twice monthly and may be required more frequently as requested by the Board or
24 its designee. Respondent's testing for her existing probation can be accepted. Respondent shall

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1 direct the Board-approved testing laboratory to provide a copy of each test result to the Board.
2 Respondent shall direct the Board-approved testing laboratory to advise the Board or its
3 designee within 7 days regarding any issue of noncompliance by Respondent. Respondent shall
4 notify the biological fluid testing laboratory and the Board, in writing, of unavailability to test prior
5 to an anticipated absence or if unable to provide a sample due to illness. Respondent must
6 submit in writing within 7 days of the missed specimen, documentation from a treating physician
7 who has personally evaluated Respondent on the day of the requested screen that Respondent
8 was not physically able to report to the laboratory for biological fluid testing.

9 ***Failure to show for a random biological fluid test or failure to provide a random***
10 ***biological fluid sample on a day when a sample is requested by the Board, its designee***
11 ***or the laboratory will be considered an admission of a positive urine screening.*** The
12 following situations will also constitute ***an admission of a positive urine screen***: submission of
13 a specimen where the integrity has been compromised as indicated by the presence of
14 adulterants, with determination made by laboratory personnel; submission of a sample that is
15 below acceptable volume or temperature to be tested; failure to provide written advance notice
16 of anticipated absence; and failure to provide written verification of illness from a physician
17 within 7 days of the missed specimen.

18 ***Failure to show for the random biological fluid test, failure to provide a random***
19 ***biological fluid sample*** or a positive drug screen showing evidence of any drug other than an
20 authorized medication ***will constitute a violation of this Order. A violation of this Order for***
21 ***those reasons will be deemed to be a threat to the public's health, safety and welfare.***
22 ***The Board may then summarily suspend Respondent's license and may impose***
23 ***disciplinary action including but not limited to suspension or revocation of Respondent's***
24 ***license, after notice and opportunity for a hearing. The issue at such hearing will be***

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1 **limited to whether Respondent violated this Order by failing to show for a random**
2 **biological fluid test, failing to provide a random biological fluid sample or for having**
3 **tested positive for any drug other than an authorized medication.**

4 14. Respondent shall abstain completely from the personal use of the following
5 substances: opiates, foodstuffs containing poppy seeds, foodstuffs containing hemp products,
6 and herbal or health preparations containing derivatives of controlled substances. Respondent
7 is fully responsible for any and all ingested materials and their contents.

8 15. Respondent shall abstain completely from the personal use of alcohol or
9 controlled substances or possession of controlled substances, as defined in the State Controlled
10 Substances Act and Dangerous Drugs and Narcotics as defined by law or any drugs requiring a
11 prescription. Respondent shall abstain from the use of alcohol and all over-the-counter
12 medications except plain aspirin, acetaminophen, or ibuprofen.

13 16. Orders prohibiting Respondent from personal use or possession of controlled
14 substances, dangerous drugs, narcotics, or medications do not apply to medications lawfully
15 prescribed to Respondent for a bona fide illness or condition by a medical care provider. During
16 the duration of this Consent Agreement, Respondent shall select one (1) medical care provider
17 to coordinate their health care needs and to be aware of all prescriptions utilized by
18 Respondent. Respondent shall immediately submit to that provider a copy of this Consent
19 Agreement and shall execute all release of information forms as required by the Board or its
20 designee. The medical care provider shall, within 14 days of the effective date of this Consent
21 Agreement, inform the Board, in writing, of knowledge of Respondent's Consent Agreement and
22 provide a list of medications prescribed for Respondent. During the duration of this Consent
23 Agreement, Respondent shall cause all providers to notify the Board of any additional
24 medications ordered by the provider. The notification shall be made in writing within 7 days of
25 the provider's issuance of the prescription.

1 automatic lifting of the stay was supported by clear and convincing evidence. If the Board
2 receives the written request within 10 days or less of the next regularly scheduled Board
3 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
4 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
5 review.

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

11 23. If Respondent currently sees clients in their own private practice, and obtains any
12 other type of behavioral health position, either as an employee or independent contractor, where
13 they provide behavioral health services to clients of another individual or agency, they shall
14 comply with requirements set forth in paragraphs 24 through 26 below.

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

23 25. If Respondent is not employed as of the effective date of this Order, within 10
24 days of accepting employment in a position where Respondent provides any type of behavioral

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1 health related services or in a setting where any type of behavioral health, health care, or social
2 services are provided, Respondent shall provide the Board Chair or designee with a written
3 statement providing the contact information of their new employer and a signed statement from
4 Respondent's new employer confirming Respondent provided the employer with a copy of this
5 Consent Agreement. If Respondent does not provide the employer's statement to the Board
6 within 10 days, as required, Respondent's failure to provide the required statement to the Board
7 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
8 employer(s) with a copy of the Consent Agreement.

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

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

1 28. Prior to the release of Respondent from probation, Respondent must submit a
2 written request to the Board for release from the terms of this Consent Agreement at least 30
3 days prior to the date they would like to have this matter appear before the Board. Respondent
4 may appear before the Board, either in person or telephonically. Respondent must provide
5 evidence that they have successfully satisfied all terms and conditions in this Consent
6 Agreement. The Board has the sole discretion to determine whether all terms and conditions of
7 this Consent Agreement have been met and whether Respondent has adequately demonstrated
8 that they have addressed the issues contained in this Consent Agreement. In the event that the
9 Board determines that any or all terms and conditions of this Consent Agreement have not been
10 met, the Board may conduct such further proceedings as it determines are appropriate to
11 address those matters.

12 29. Respondent shall bear all costs relating to probation terms required in this
13 Consent Agreement.

14 30. Respondent shall be responsible for ensuring that all documentation required in
15 this Consent Agreement is provided to the Board in a timely manner.

16 31. This Consent Agreement shall be effective on the date of entry below.

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

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

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22 Karina A. Chandler-Ziegler (May 10, 2023 22:57 PDT)
Karina A. Chandler-Ziegler

May 10, 2023
Date

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BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

By:  May 24, 2023
TOBI ZAVALA, Executive Director Date
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed May 24, 2023
with:

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

EXECUTED COPY of the foregoing sent electronically May 24, 2023
to:

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

Karina A. Chandler-Ziegler
Address of Record
Respondent