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

In the Matter of:

**Kavita A. Hatten, LPC-0952,
Licensed Professional Counselor,
In the State of Arizona.**

RESPONDENT

**CASE NO. 2023-0226
DECREE OF CENSURE**

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), Kavita A. Hatten ("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 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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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-0952 for the practice of counseling
15 in Arizona.

16 2. Since 1999, Respondent has been in private practice.

17 3. From 02/23 – 05/23, Respondent provided behavioral health services to a client
18 (“Client”) at her private practice.

19 4. Client’s consent forms were missing the following required elements:

20 a. The client’s right to participate in the periodic review and revision of the
21 client’s treatment plan.

22 b. The manner of identifying the client when using electronic communication
23 that does not involve video.

24 5. Client’s treatment plan was missing the following required elements:

25 a. The client’s dated signature.

- 1 b. The date the treatment plan will be reviewed.
- 2 6. Client's progress notes were missing the following required elements:
- 3 a. The time spent providing services.
- 4 b. Although the notes contained Respondent's signature, the signature was not
- 5 dated.
- 6 7. Due to Respondent's consent forms, progress notes, and treatment plan
- 7 templates missing required elements, all of Respondent's client records thus far would be
- 8 deficient.

9 **CONCLUSIONS OF LAW**

10 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.*

11 and the rules promulgated by the Board relating to Respondent's professional practice as a

12 licensed behavioral health professional.

13 2. The conduct and circumstances described in the Findings of Fact constitute a

14 violation of A.R.S. § 32-3251(16)(p), failing to conform to minimum practice standards as

15 developed by the board as it relates to the following:

- 16 A.A.C. R4-6-1101, Consent for Treatment
- 17 A.A.C. R4-6-1102, Treatment Plan
- 18 A.A.C. R4-6-1103, Client Record
- 19 A.A.C. R4-6-1106, Telepractice

20 **ORDER OF CENSURE**

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 is hereby censured, which is an official action against their license,

24 for their conduct as set forth in the Findings of Fact.

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

