

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 and may be used for purposes of determining
9 sanctions in any future disciplinary matter.

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12 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

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

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

2 **FINDINGS OF FACT**

3 1. Respondent is the holder of License No. LISAC-10112 for the practice of
4 substance abuse counseling in Arizona.

5 2. In 02/17, the Board received a complaint alleging that Respondent does not
6 maintain clinical records for any of his behavioral health clients.

7 3. During conversations with Board staff regarding this matter, Respondent
8 acknowledged that he has not maintained clinical records for his behavioral health clients.

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)(q), failing or refusing to maintain adequate records of
15 behavioral health services provided to a client.

16 **ORDER**

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

19 1. As of the effective date of the Consent Agreement, Respondent shall not practice
20 under their license.

21 2. Respondent's license, LISAC-10112, shall by rule, expire on 01/31/19.

22 3. Respondent agrees not to renew their license.

23 4. Respondent agrees not to submit any type of new license application to the
24 Board for a minimum of five (5) years.

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 Patrick K. Middleton

3/17/2017
Date

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

9
10 Dated this 12th day of April, 2017.

11 By: 
12 TOBIN ZAVALA, Executive Director
13 Arizona Board of Behavioral Health Examiners

14 **ORIGINAL** of the foregoing filed
15 This 12th day of April, 2017 with:

16 Arizona Board of Behavioral Health Examiners
17 3443 N. Central Ave., Suite 1700
18 Phoenix, AZ 85012

19 **COPY** of the foregoing mailed via Interagency Mail
20 This 12th day of April, 2017, to:

21 Marc Harris
22 Assistant Attorney General
23 1275 West Washington
24 Phoenix, Arizona 85007

25 **COPY** of the foregoing mailed via
26 Certified mail no. 7016714000018040580
27 This 12th day of April, 2017, to:

28 Patrick K. Middleton
29 Address of Record
30 Respondent

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

3 **In the Matter of:**

4 **Patrick K. Middleton, LISAC-10112,**
5 **Licensed Independent Substance Abuse**
6 **Counselor,**
7 **In the State of Arizona.**

CASE NO. 2017-0093
CONSENT AGREEMENT

8 **RESPONDENT**

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), Patrick K. Middleton ("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.

1 3. Respondent has the right to consult with an attorney prior to entering into this
2 Consent Agreement.

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

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7 Patrick K. Middleton

3/17/2017
Date

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

9 Dated this 12th day of April, 2017.

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12 TOBI ZAVALA, Executive Director
13 Arizona Board of Behavioral Health Examiners

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