

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

3 **In the Matter of:**

4 **Kelly A. Hughes-Halpin, LMSW-14038,**
5 **Licensed Master Social Worker,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2018-0078

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(F)
11 and 41-1092.07(F)(5), Kelly A. Hughes-Halpin ("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 and may be used for purposes of determining
7 sanctions in any future disciplinary matter.

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

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

24 ...

25 ...

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

2 **FINDINGS OF FACT**

3 1. 1. Respondent is the holder of License No. LMSW-14038 for the practice of
4 social work in Arizona.

5 2. From 03/16 – 01/18, Respondent was employed at a hospital ("Hospital") as an
6 Emergency Room Social Worker.

7 3. According to Respondent, her role, amongst other things, included helping clients
8 and their families find shelter, additional medical care, food, transportation, etc.

9 4. On 01/21/18, Respondent was the on-duty emergency room social worker.

10 5. On that day, around 10:00 p.m., an adult female ("Client") arrived to Hospital's
11 emergency room after being involved in a serious head-on collision.

12 6. Client's adult son ("Adult Son") was also transported to Hospital by a DPS official.

13 7. According to Respondent:

14 a. Client and Adult Son traveled to Arizona from Sweden.

15 b. Respondent provided Adult Son information related to Client, gathered
16 registration information for him, and offered support while Client was in
17 surgery.

18 c. Respondent helped Adult Son look for hotels around Hospital but they were
19 all outside of the budget he could afford at that time.

20 d. Respondent contacted the Swedish Consulate for Adult Son, but was only
21 able to leave a voicemail.

22 e. Respondent's house has a separate casita in the backyard that is unused by
23 her family.

24 f. Respondent called her husband and gave him a brief explanation as to why
25 she wanted to let Adult Son stay there.

1 g. This seemed like a good, quiet and free solution for Adult Son, who was in
2 crisis.

3 8. According to the Associate Vice President of Hospital:

4 a. Respondent did not utilize hospital resources of leadership to assist in finding
5 temporary lodging for Adult Son.

6 b. Instead of accessing appropriate and available resources, Respondent
7 invited Adult Son to stay at her personal residence.

8 c. Respondent placed Hospital and herself at risk.

9 9. In response to the allegations, Respondent appears to indicate that her actions
10 were appropriate, as evidenced by statements such as:

11 a. "I believe what I did was completely appropriate especially since [Adult Son]
12 had not become a patient of [Hospital] or a client of mine."

13 b. "Basically, I saw an individual in need and after speaking with him for several
14 hours, determined that I wanted to help him in my individual capacity."

15 10. Given the above statements, it appears that Respondent dismisses the following
16 facts:

17 a. Respondent is a licensed master social worker.

18 b. At all times, Respondent is bound by the rules and regulations of her
19 professional license.

20 c. Respondent was not present at Hospital in a personal or individual capacity.

21 d. Rather, she was employed by Hospital as a licensed social worker, whose
22 professional duties and responsibilities required that she provide services
23 strictly in the context of professional relationships.

24 e. Respondent unilaterally made the determination to transport Adult Son, who
25 was in crisis, to her personal residential property.

1 f. Prior to doing so, Respondent made no effort to disclose or consult the matter
2 with appropriate Hospital personnel such as a supervisor, manager, or HR.

3 g. Respondent's actions, regardless of intent, placed herself, her family, Adult
4 Son, and Hospital at potential risk of harm and liability.

5 **CONCLUSIONS OF LAW**

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

9 2. The conduct and circumstances described in the Findings of Fact constitute a
10 violation of A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities
11 that are not congruent with the licensee's professional education, training or experience.

12 **ORDER of CENSURE**


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

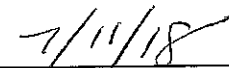
15 1. Respondent is hereby censured, which is an official action against their license,
16 for their conduct as set forth in the Findings of Fact.

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

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

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


22 
23 Kelly A. Hughes-Halpin

22 
23 Date

24 ...
25 ...

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

2 Dated this 8th day of August, 2018.

3
4 By: 
5 TOBI ZAVALA, Executive Director
6 Arizona Board of Behavioral Health Examiners

7
8 **ORIGINAL** of the foregoing filed
9 This 8th day of August, 2018 with:

10 Arizona Board of Behavioral Health Examiners
11 1740 West Adams Street, Suite 3600
12 Phoenix, AZ 85007

13 **COPY** of the foregoing mailed via Interagency Mail
14 This 8th day of August, 2018, to:

15 Marc Harris
16 Assistant Attorney General
17 2005 North Central Avenue
18 Phoenix, AZ 85004

19 **COPY** of the foregoing mailed via
20 Certified mail no. 9489009000276060230346
21 This 8th day of August, 2018, to:

22 Kelly A. Hughes-Halpin
23 Address of Record
24 Respondent

25 **COPY** of the foregoing mailed via Mail
This 8th day of August, 2018 to:

Stephen Myers
2 North Central Avenue, Suite 1450
Phoenix, AZ 85004
Attorney for Respondent