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

In the Matter of:

**Ashley M. Comtois, LAC-16382,
Licensed Associate Counselor,
In the State of Arizona.**

RESPONDENT

**CASE NO. 2019-0013
CONSENT AGREEMENT**

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), Ashley M. Comtois ("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 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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. Respondent is the holder of License No. LAC-16382 for the practice of
4 counseling in Arizona.

5 2. On 07/09/17, Respondent was arrested for Extreme DUI.

6 3. According to the police records, Respondent's blood alcohol content was
7 measured at 3:25 a.m. and again at 3:31 a.m., measuring .225 and .224, respectively.

8 4. As a result of her Extreme DUI, Respondent self-reported the matter to her
9 employer, who subsequently terminated her employment for violation of agency policies.

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), any conduct, practice or condition that impairs the ability of
16 the licensee to safely and competently practice the licensee's profession.

17 **ORDER**

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

20 1. Respondent's license, LAC-16382, will be placed on probation for 12 months,
21 effective from the date of entry as signed below.

22 2. Respondent shall not practice under their license, LAC-16382, unless they are
23 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,
24 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they
25 shall immediately notify the Board in writing and shall not practice under their license until they

1 submit a written request to the Board to re-commence compliance with this Consent
2 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

3 3. In the event that Respondent is unable to comply with the terms and conditions
4 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
5 such time as they are granted approval to re-commence compliance with the Consent
6 Agreement.

7 Continuing Education

8 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within
9 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
10 three semester credit hour graduate level course in substance use disorders from a regionally
11 accredited college or university, pre-approved by the Board Chair or designee. Upon
12 completion, Respondent shall submit to the Board an official transcript establishing completion
13 of the required course.

14 Recovery Program

15 5. While on probation, Respondent shall attend a minimum of 6 Mothers Against
16 Drunk Driving ("M.A.D.D.") meetings in person or an equivalent program within 12 months.
17 Respondent shall provide a report to the Board Chair or designee substantiating their
18 attendance at M.A.D.D. meetings or an equivalent program.

19 Early Release

20 6. After completion of the continuing education requirements set forth in this
21 Consent Agreement, and upon the completion of all other stipulations set forth in this Consent
22 Agreement, Respondent may request early release.

23 GENERAL PROVISIONS

24 Provision of Clinical Supervision

25 7. Respondent shall not provide clinical supervision while subject to this Consent

1 Agreement.

2 **Civil Penalty**

3 8. Subject to the provisions set forth in paragraph 9, the Board imposes a civil
4 penalty against the Respondent in the amount of \$1,000.00.

5 9. Respondent's payment of the civil penalty shall be stayed so long as Respondent
6 remains compliant with the terms of this Consent Agreement. If Board staff determines that
7 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
8 exception of the tolling provision under paragraph 3, the stay of the civil penalty payment shall
9 be automatically lifted and payment of the civil penalty shall be made by certified check or
10 money order payable to the Board within 30 days after being notified in writing of the lifting of
11 the stay.

12 10. Within 10 days of being notified of the lifting of the stay, Respondent may request
13 that the matter be reviewed by the Board for the limited purpose of determining whether the
14 automatic lifting of the stay was supported by clear and convincing evidence. If the Board
15 receives the written request within 10 days or less of the next regularly scheduled Board
16 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
17 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
18 review.

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

24 12. Within 10 days of the effective date of this Order, if Respondent is working in a
25 position where Respondent provides any type of behavioral health related services or works in a

1 setting where any type of behavioral health, health care, or social services are provided,
2 Respondent shall provide the Board Chair or designee with a signed statement from
3 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this
4 Consent Agreement. If Respondent does not provide the employer's statement to the Board
5 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a
6 copy of the Consent Agreement.

7 13. If Respondent is not employed as of the effective date of this Order, within 10
8 days of accepting employment in a position where Respondent provides any type of behavioral
9 health related services or in a setting where any type of behavioral health, health care, or social
10 services are provided, Respondent shall provide the Board Chair or designee with a written
11 statement providing the contact information of their new employer and a signed statement from
12 Respondent's new employer confirming Respondent provided the employer with a copy of this
13 Consent Agreement. If Respondent does not provide the employer's statement to the Board
14 within 10 days, as required, Respondent's failure to provide the required statement to the Board
15 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
16 employer(s) with a copy of the Consent Agreement.

17 14. If, during the period of Respondent's probation, Respondent changes
18 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
19 extended leave of absence for whatever reason that may impact their ability to timely comply
20 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform
21 the Board of their change of employment status. After the change and within 10 days of
22 accepting employment in a position where Respondent provides any type of behavioral health
23 related services or in a setting where any type of behavioral health, health care, or social
24 services are provided, Respondent shall provide the Board Chair or designee a written
25 statement providing the contact information of their new employer(s) and a signed statement

1 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a
2 copy of this Consent Agreement. If Respondent does not provide the employer's statement to
3 the Board within 10 days, as required, Respondent's failure to provide the required statement to
4 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide
5 Respondent's employer(s) with a copy of the Consent Agreement.

6 15. Respondent shall practice behavioral health using the name under which they
7 are licensed. If Respondent changes their name, they shall advise the Board of the name
8 change as prescribed under the Board's regulations and rules.

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

20 17. Respondent shall bear all costs relating to probation terms required in this
21 Consent Agreement.

22 18. Respondent shall be responsible for ensuring that all documentation required in
23 this Consent Agreement is provided to the Board in a timely manner.

24 19. This Consent Agreement shall be effective on the date of entry below.

25 20. This Consent Agreement is conclusive evidence of the matters described herein

1 and may be considered by the Board in determining appropriate sanctions in the event a
2 subsequent violation occurs.

3
4 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

5 *Ashley M. Comtois*
6 Ashley M. Comtois

8-6-18
Date

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

8 Dated this 8th day of August, 2018.

9
10 By: *Tobi Zavala*
11 TOBI ZAVALA, Executive Director
12 Arizona Board of Behavioral Health Examiners

13
14 **ORIGINAL** of the foregoing filed
15 This 8th day of August, 2018 with:

16 Arizona Board of Behavioral Health Examiners
17 1740 West Adams Street, Suite 3600
18 Phoenix, AZ 85007

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

21 Marc Harris
22 Assistant Attorney General
23 2005 North Central Avenue
24 Phoenix, AZ 85004

25 **COPY** of the foregoing mailed via
26 Certified mail no. 9489009000270000830353
27 This 8th day of August, 2018, to:

28 Ashley M. Comtois
29 Address of Record
30 Respondent