

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

3 **In the Matter of:**

4 **Timothy S. Kiernon, LMFT-15696,**
5 **Licensed Marriage and Family Therapist,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2022-0145
2023-0015
2023-0016

INTERIM CONSENT AGREEMENT

8 By mutual agreement and understanding, between the Arizona State Board of
9 Behavioral Health Examiners (“Board”) and Timothy S. Kiernon (“Respondent”), the parties
10 enter into this Interim Consent Agreement, Findings of Fact, Conclusions of Law and Order
11 (“Interim Consent Agreement”) as an interim disposition of this matter.

12 **RECITALS**

13 Respondent understands and agrees that:

14 1. The Board may adopt this Interim Consent Agreement, or any part thereof,
15 pursuant to A.R.S. § 32-3251 *et seq.* and A.R.S. § 41-1092.07(F)(5).

16 2. Respondent has read and understands this Interim Consent Agreement as set
17 forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an
18 attorney or has waived the opportunity to discuss this Interim Consent Agreement with an
19 attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so
20 agrees to abide by all of its terms and conditions.

21 3. By entering into this Interim Consent Agreement, Respondent freely and
22 voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as
23 well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other
24 administrative and/or judicial action, concerning the matters related to the Interim Consent
25 Agreement.

1 4. Respondent understands that this Interim Consent Agreement does not
2 constitute a dismissal or resolution of this matter or any matters that may be currently pending
3 before the Board and does not constitute any waiver, express or implied, of the Board's
4 statutory authority or jurisdiction regarding any other pending or future investigations, actions,
5 or proceedings. Respondent also understands that acceptance of this Interim Consent
6 Agreement does not preclude any other agency, subdivision, or officer of this State from
7 instituting civil or criminal proceedings with respect to the conduct that is the subject of this
8 Interim Consent Agreement. Respondent does not intend their acceptance of this Interim
9 Consent Agreement to constitute an admission of any fact or facts and they enter into this
10 agreement as an interim compromise of a pending matter. Respondent further does not
11 relinquish their rights to an administrative hearing, rehearing, review, reconsideration, judicial
12 review or any other administrative and/or judicial action, concerning the matters related to a
13 final disposition of this matter, unless they affirmatively does so as part of the final resolution of
14 this matter.

15 5. Respondent acknowledges and agrees that upon signing this Interim Consent
16 Agreement and returning it to the Board's Executive Director, Respondent may not revoke their
17 acceptance of this Interim Consent Agreement or make any modifications to it. Any
18 modification of this original document is ineffective and void unless mutually approved by the
19 parties in writing.

20 6. Respondent understands that this Interim Consent Agreement shall not become
21 effective unless and until it is adopted by the Board and signed by its Executive Director.

22 7. Respondent understands and agrees that if the Board does not adopt this
23 Interim Consent Agreement, they will not assert in any future proceedings that the Board's
24 consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or
25 other similar defense.

1 8. Respondent acknowledges and agrees that the acceptance of this Consent
2 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
3 other proceedings as may be appropriate now or in the future. Furthermore, and
4 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
5 preclude in any way any other state agency or officer or political subdivision of this state from
6 instituting proceedings, investigating claims, or taking legal action as may be appropriate now
7 or in the future relating to this matter or other matters concerning Respondent, including but not
8 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
9 than with respect to the Board, this Consent Agreement makes no representations, implied or
10 otherwise, about the views or intended actions of any other state agency or officer or political
11 subdivision of the state relating to this matter or other matters concerning Respondent.

12 9. Respondent understands that this Interim Consent Agreement is a public record
13 that may be publicly disseminated as a formal action of the Board, and that it shall be reported
14 as required by law to the National Practitioner Data Bank.

15 10. Respondent understands that this Interim Consent Agreement does not alleviate
16 their responsibility to comply with the applicable license-renewal statutes and rules. If this
17 Interim Consent Agreement remains in effect at the time Respondent's behavioral health
18 licenses come up for renewal, they must renew their license(s) if Respondent wishes to retain
19 their license(s). If Respondent elects not to renew their license(s) as prescribed by statute and
20 rule, Respondent's license(s) will not expire but rather, by operation of law (A.R.S. § 32-3202),
21 become suspended until the Board takes final action in this matter. Once the Board takes final
22 action, in order for Respondent to be licensed in the future, they must submit a new application
23 for licensure and meet all of the requirements set forth in the statutes and rules at that time.

24 11. Respondent understands that any violation of this Interim Consent Agreement
25 constitutes unprofessional conduct under A.R.S. § 32-3251(16)(n), violating a formal order,

1 consent agreement, term of probation or stipulated agreement, and may result in disciplinary
2 action under A.R.S. § 32-3281.

3 Respondent understands and agrees that:

4 **INTERIM FINDINGS OF FACT**

5 1. The Board is the duly constituted authority for licensing and regulating the
6 practice of marriage and family therapy in the State of Arizona.

7 2. Respondent is the holder of License No. LMFT-15696.

8 3. Respondent agrees to voluntarily enter into this interim consent agreement while
9 he tends to behavioral health issues.

10 **INTERIM CONCLUSIONS OF LAW**

11 1. The Board possesses subject matter and personal jurisdiction over Respondent
12 pursuant to A.R.S. § 32-3251 *et seq.*

13 2. The Board is authorized to enter into an interim consent agreement with a
14 marriage and family therapist to limit or restrict the professional's practice in order to protect the
15 public and ensure that the professional is able to safely engage in the practice of marriage and
16 family therapy pursuant to A.R.S. § 32-3281.

17 **INTERIM ORDER**

18 Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to
19 the authority granted to the Board under A.R.S. § 32-3281:

20 **IT IS HEREBY ORDERED** that Respondent shall not practice under their license until
21 such time as they submit a written request for the reinstatement of their license to the Board and
22 the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its
23 discretion, require any combination of staff-approved physical, psychiatric, or psychological
24 examinations, or other types of examinations, evaluations or interviews it believes are
25 necessary to assist the Board in determining whether Respondent is able to safely and
competently return to the practice of marriage and family therapy. The Board's affirmative

1 approval to permit Respondent to return to practicing under their license shall not preclude the
2 Board from taking any other action it deems appropriate based upon the conduct set forth in the
3 Interim Findings of Fact.


4 Respondent's agreement not to practice under License No. LMFT-15696 will be
5 considered an interim suspension of their license.

6
7 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

8 
9 Timothy S. Kiernon
10 Timothy S. Kiernon (Oct 27, 2022 14:30 CDT)

Oct 27, 2022
Date

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

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

Nov 8, 2022
Date

15 **ORIGINAL** of the foregoing filed Nov 8, 2022
16 with:

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

20 **EXECUTED COPY** of the foregoing sent electronically Nov 8, 2022
21 to:

22 Mona Baskin
23 Assistant Attorney General
24 2005 North Central Avenue
25 Phoenix, AZ 85004

Timothy S. Kiernon
Address of Record
Respondent

Erica Erman
Dickinson Wright, PLLC
1850 N Central Avenue, Ste. 1400
Phoenix, AZ 85004
Attorney for Respondent