

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

3 **In the Matter of:**

4 **Daniel B. Bahlen, LAC-17964,**
5 **Licensed Associate Counselor,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2022-0168

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), Daniel B. Bahlen (“Respondent”) and the Board enter into this Consent
12 Agreement, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final
13 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 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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. LAC-17964 for the practice of
15 counseling in Arizona.

16 2. Since 04/01/21, Respondent has had an inactive license with the Board.

17 3. On 05/19/22, the Board received a complaint that alleged the following:

18 a. On 10/16/20, Respondent was placed on a practice improvement plan for
19 excessive absences, no call no show status, and triangulation of staff.

20 b. When Respondent was informed that he would be required to take a
21 urinalysis drug test, he admitted that he would not pass.

22 c. Respondent admittedly stated that he began using alcohol and substances
23 due to the pandemic's increased isolation and anxiety.

24 ...

25 ...

1 d. Respondent chose to resign approximately two weeks after signing the
2 professional improvement plan that he fully engaged in developing as a
3 means of keeping his employment and improving his recovery/sobriety.

4 e. On 02/21/22, Respondent sent text messages to the psychologist at
5 agency which is reflective of Respondent's state of mind and demeanor.

6 6. On 11/03/22, Respondent self-reported a criminal conviction for a DUI in Florida
7 to the Board.

8 7. On 08/09/22, Licensee was arrested and breathalyzer results yielded BAC
9 results of 0.301% and 0.294%.

10 8. On 11/01/22, Licensee was convicted with two counts of DUI with Damage.

11 9. While investigating the matters above, it was noted Licensee is suffering from
12 behavioral health and substance use issues.

13 **CONCLUSIONS OF LAW**

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

17 2. The conduct and circumstances described in the Findings of Fact constitute a
18 violation of A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs
19 the ability of the licensee to safely and competently practice the licensee's profession.

20 **ORDER**

21 Based upon the foregoing Findings of Fact and Conclusion of Law, the parties agree to
22 the provision and penalties imposed as follows:

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

25 2. Respondent's license, LAC-17964, shall by rule, expire on 03/31/23.

1 3. Respondent agrees not to renew their license.

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

4 5. This Consent Agreement is conclusive evidence of the matters described herein
5 and may be considered by the Board in determining appropriate sanctions in the event a
6 subsequent violation occurs.

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

8 *Daniel Bahlen*

9 Daniel Bahlen (Mar 23, 2023 20:21 EDT)

Daniel B. Bahlen

Mar 23, 2023

Date

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

11 By:

Mpli Zavala

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

Apr 17, 2023

Date

14 **ORIGINAL** of the foregoing filed Apr 17, 2023

15 with:

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

18 **EXECUTED COPY** of the foregoing sent electronically Apr 17, 2023

19 to:

20 Mona Baskin
21 Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

22 Daniel B. Bahlen
23 Address of Record
Respondent