

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

3 **In the Matter of:**

4 **Rebecca L. Herring, LASAC-15396,**
5 **Licensed Associate Substance Abuse**
6 **Counselor,**
7 **In the State of Arizona.**

8 **Respondent**

CASE NO. 2023-0136
INTERIM CONSENT AGREEMENT

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

13 **RECITALS**

14 Respondent understands and agrees that:

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

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

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

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1 11. Respondent understands that any violation of this Interim Consent Agreement
2 constitutes unprofessional conduct under A.R.S. § 32-3251(16)(n), violating a formal order,
3 consent agreement, term of probation or stipulated agreement, and may result in disciplinary
4 action under A.R.S. § 32-3281.

5 Respondent understands and agrees that:

6 **INTERIM FINDINGS OF FACT**

7 1. The Board is the duly constituted authority for licensing and regulating the
8 practice of substance abuse counseling in the State of Arizona.

9 2. Respondent is the holder of License No. LASAC-15396.

10 3. In 03/22, Respondent contacted the Board self-reporting behavioral health
11 issues.

12 4. Board staff subsequently educated Respondent on the Impaired Professional
13 Program which Respondent was in agreement to participate in.

14 5. On 04/11/22, Respondent signed to voluntarily suspend her license until she
15 completed a psychiatric evaluation attesting to her ability to safely and competently practice.

16 6. In 06/22, Respondent completed the psychiatric evaluation which included
17 various stipulations and recommendations.

18 7. On 08/04/22, the Stipulated Confidential Rehabilitation Agreement was executed,
19 reinstating Respondent's license as long as she remained compliant with the Stipulated
20 Agreement.

21 8. In 01/23, Respondent contacted the Board expressing interest in allowing her
22 license to expire in 04/23 since she did not plan to continue working in the field.

23 9. Respondent agrees to voluntarily enter into this interim consent agreement while
24 she tends to her behavioral health recovery efforts.

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1 **INTERIM CONCLUSIONS OF LAW**

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

4 2. The Board is authorized to enter into an interim consent agreement with a
5 licensed associate substance abuse counselor to limit or restrict the professional's practice in
6 order to protect the public and ensure that the professional is able to safely engage in the
7 practice of substance abuse counseling pursuant to A.R.S. § 32-3281.

8 **INTERIM ORDER**

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

11 **IT IS HEREBY ORDERED** that Respondent shall not practice under their license until
12 such time as they submit a written request for the reinstatement of their license to the Board and
13 the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its
14 discretion, require any combination of staff-approved physical, psychiatric, or psychological
15 examinations, or other types of examinations, evaluations or interviews it believes are
16 necessary to assist the Board in determining whether Respondent is able to safely and
17 competently return to the practice of substance abuse counseling. The Board's affirmative
18 approval to permit Respondent to return to practicing under their license shall not preclude the
19 Board from taking any other action it deems appropriate based upon the conduct set forth in the
20 Interim Findings of Fact.

21 Respondent's agreement not to practice under License No. LASAC-15396 will be
22 considered an interim suspension of their license.

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

24
25 *Rebecca Herring*

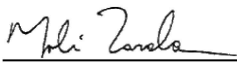
Rebecca L. Herring

Jan 31, 2023

Date

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BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

By:  Feb 21, 2023
TOBI ZAVALA, Executive Director Date
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed Feb 21, 2023
with:

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

EXECUTED COPY of the foregoing sent electronically Feb 21, 2023
to:

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

Rebecca L. Herring
Address of Record
Respondent