

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

3 **In the Matter of:**

4 **Kenneth T. Richardson, LISAC-0593,**  
5 **Licensed Independent Substance Abuse**  
6 **Counselor,**  
7 **In the State of Arizona.**

**CASE NO. 2019-0032**  
**CONSENT AGREEMENT**

8                                   **RESPONDENT**

9           In the interest of a prompt and speedy settlement of the above captioned matter,  
10 consistent with the public interest, statutory requirements and responsibilities of the Arizona  
11 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F)  
12 and 41-1092.07(F)(5), Kenneth T. Richardson ("Respondent") and the Board enter into this  
13 Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as  
14 a final disposition of this matter.

15                                   **RECITALS**

16           Respondent understands and agrees that:

17           1.     Any record prepared in this matter, all investigative materials prepared or  
18 received by the Board concerning the allegations, and all related materials and exhibits may be  
19 retained in the Board's file pertaining to this matter.

20           2.     Respondent has the right to a formal administrative hearing at which Respondent  
21 can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably  
22 waives their right to such formal hearing concerning these allegations and irrevocably waives  
23 their right to any rehearing or judicial review relating to the allegations contained in this Consent  
24 Agreement.

1           3.       Respondent has the right to consult with an attorney prior to entering into this  
2 Consent Agreement.

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

7           5.       Although Respondent does not agree that all the Findings of Fact set forth in this  
8 Consent Agreement are supported by the evidence, Respondent acknowledges that it is the  
9 Board's position that, if this matter proceeded to formal hearing, the Board could establish  
10 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted  
11 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent  
12 Agreement as an economical and practical means of resolving the issues associated with the  
13 complaint filed against her. Further, Respondent acknowledges that the Board may use the  
14 evidence in its possession relating to this Consent Agreement for purposes of determining  
15 sanctions in any further disciplinary matter.

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

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

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

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

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

8 **FINDINGS OF FACT**

9 1. Respondent is the holder of License No. LISAC-0593 for the practice of  
10 substance abuse counseling in Arizona.

11 2. From approximately 11/17 – 07/18, Respondent provided behavioral health  
12 services to an adult female client ("Girlfriend") and her boyfriend ("Boyfriend").

13 3. Respondent is licensed by the Board as a Licensed Independent Substance  
14 Abuse Counselor, or LISAC.

15 4. Despite the clear and distinct constraints of a LISAC's scope of practice,  
16 Respondent provided couples counseling to Girlfriend and Boyfriend, which is a specialized  
17 treatment that is beyond the scope of a LISAC's practice.

18 5. In review of Girlfriend and Boyfriend's clinical records, there is no information that  
19 suggests either of them suffered from any behavioral health condition relevant to substance  
20 abuse, chemical dependency, or related issues.

21 6. When discussing with Board staff whether or not Girlfriend or Boyfriend had any  
22 behavioral health issues related to substance abuse, Respondent acknowledged that neither of  
23 them had any substance abuse related issues.

24 7. Furthermore, Respondent's private practice website advertises the following  
25 treatment services, which appear to be outside the scope of his LISAC license:

- a. Couples Counseling.
- b. Relationship Recovery.
- c. Family Counseling.
- d. Trauma Counseling.
- e. Grief Counseling.

8. Respondent's Consent for Treatment documentation that he generated for Girlfriend and Boyfriend failed to include all the required elements set forth in the Board's rules and regulations.

9. Throughout the course of treatment, Respondent failed to generate or obtain a valid and signed Treatment Plan from Girlfriend or Boyfriend.

10. Although Respondent's Intake Assessment contains treatment goals, that document fails to meet all the required elements pursuant to the Board's documentation standards.

11. During his investigative interview with Board staff, Respondent acknowledged that none of current or former clients have Treatment Plans in their files.

12. Respondent's progress notes fail to include all the required elements set forth in the Board's rules and regulations.

#### CONCLUSIONS OF LAW

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

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

...




1 c. A written protocol for developing an appropriate referral for continuation of  
2 care for Respondent's current clients.

3 d. A list of Respondent's current clients and the timeframe for terminating  
4 services to each client. The timeframe for terminating services shall not  
5 exceed 30 days.

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


9  
10 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

11   
12 Kenneth T. Richardson

Date 1/8/19

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

14  
15 Dated this 15<sup>th</sup> day of January, 2019.

16  
17 By:   
18 TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

19 **ORIGINAL** of the foregoing filed  
20 This 15<sup>th</sup> day of January, 2019 with:

21 Arizona Board of Behavioral Health Examiners  
22 1740 West Adams Street, Suite 3600  
23 Phoenix, AZ 85007

24 **COPY** of the foregoing mailed via Interagency Mail  
25 This 15<sup>th</sup> day of January, 2019, to:

Marc Harris  
Assistant Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004

1 COPY of the foregoing mailed via  
Certified mail no. 9489009000276044089366  
2 This 15<sup>th</sup> day of January, 2019, to:

3 Kenneth T. Richardson  
4 Address of Record  
Respondent

5 COPY of the foregoing mailed via Mail  
6 This 15<sup>th</sup> day of January, 2019 to:

7 Faren R. Akins  
8 Akins Law Firm  
7702 E. Doubletree Ranch Rd., Suite 300  
9 Scottsdale, AZ 85258-2132  
Attorney for Respondent

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