# BEFORE THE ARIZONA BOARD OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:

Tara Tulley, LCSW-18027, Licensed Clinical Social Worker, In the State of Arizona.

#### **RESPONDENT**

CASE NO. 2021-0145

### CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

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), Tara Tulley ("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.
- Respondent has the right to consult with an attorney prior to entering into this Consent Agreement.

- 4. Respondent acknowledges and agrees that upon signing this Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke their acceptance of this Consent Agreement or make any modifications to it. Any modification of this original document is ineffective and void unless mutually approved by the parties in writing.
- 5. The findings contained in the Findings of Fact portion of this Consent Agreement are conclusive evidence of the facts stated herein between only Respondent and the Board for the final disposition of this matter and may be used for purposes of determining sanctions in any future disciplinary matter.
- 6. Although Respondent does not agree that all the Findings of Fact set forth in this Consent Agreement are supported by the evidence, Respondent acknowledges that it is the Board's position that, if this matter proceeded to formal hearing, the Board could establish sufficient evidence to support a conclusion that certain of Respondent's conduct constituted unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent Agreement as an economical and practical means of resolving the issues associated with the complaint(s) filed against her. Further, Respondent acknowledges that the Board may use the evidence in its possession relating to this Consent Agreement for purposes of determining sanctions in any further disciplinary matter.
- 7. This Consent Agreement is subject to the Board's approval, and will be effective only when the Board accepts it. In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or of any records relating thereto.

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- 8. Respondent acknowledges and agrees that the acceptance of this Consent Agreement is solely to settle this Board matter and does not preclude the Board from instituting other proceedings as may be appropriate now or in the future. Furthermore, and notwithstanding any language in this Consent Agreement, this Consent Agreement does not preclude in any way any other state agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Consent Agreement makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivision of the state relating to this matter or other matters concerning Respondent.
- 9. Respondent understands that once the Board approves and signs this Consent Agreement, it is a public record that may be publicly disseminated as a formal action of the Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

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

#### **FINDINGS OF FACT**

- Respondent is the holder of License No. LCSW-18027 for the practice of social work in Arizona.
- 2. On 10/19/20, Respondent's Utah LCSW renewal application was initially denied based on the following:
  - a. Respondent allegedly engaged in grossly negligent practice when she used curse and/or demon revocations and exorcisms during therapy sessions with patients suffering from DID.

- b. Respondent allegedly displayed a pattern of unprofessional conduct when she entered into and engaged in dual relationships with her vulnerable DID patients.
- 3. On 11/20/20, Respondent filed for an agency review in the matter of the denial of her renewal application issue.
- 4. On appear, the administrative law judge for the Utah Division of Occupation and Professional Licensing ("DOPL") vacated the Findings of Fact, Conclusions of Law and Order of Denial in their entirety because the Division had not provided any documents of information about the investigation to Respondent prior to the entry of the subsequently vacated Findings of Fact, Conclusions of Law and Order.
- 5. On 06/11/21, Respondent withdrew her renewal application while the Division was investigating her.
- 6. On 07/14/21, Respondent was reported to the NPDB for withdrawal of her renewal application while under investigation.
- 7. On 07/15/19, Respondent submitted an initial application with the Board for her LCSW licensure in the state of Arizona via endorsement based on her LCSW licensure in Utah.
- 8. Respondent made a material misrepresentation when answering "No" to the following background question:
  - a. "Other than complaints filed by this Board, have you ever been or are you currently the subject of any complaint, investigation or disciplinary action against your license, certificate, registration or membership by any state regulatory board, any professional or occupational credentialing authority or any professional association in Arizona or any other state? If yes, please provide copies of the complaint and all final actions."
  - 9. Specifically, Respondent did not disclose the complaint that was under

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investigation at the time she submitted her application to the Board and that resulted in the initia denial of her Utah renewal application.

- 10. On Respondent's 07/01/21 renewal application, which occurred after the Arizona complaint was received, Respondent then answered "Yes" to the above referenced question on the background questionnaire and provided the following explanation:
  - a. The information has already been previously disclosed to the Board, and the Board has copies of the complaint.
  - b. The allegations were unfounded and DOPL was found to have unlawfully denied Respondent's renewal when she had never received a copy of a complaint nor had adverse action against her.
  - c. The investigation is no longer open and no action was taken.
  - d. If Respondent were to return to Utah, there is no reason she could not renew her license.
- 11. The Board was made aware of and provided with Respondent's Utah complaint history by an opened complaint with the Board and the documents contained therein.
- 12. Based on a 04/18/19 email from Respondent to DOPL, she was aware of the Utah complaint at least three months prior to submitting her Arizona application.
  - 13. Respondent represented the following during her investigative interview:
    - Respondent is aware there were allegations against her in Utah, but she was not given access to the information.
    - Respondent did not disclose prior complaints based on her understanding of the question and the legal advice she was provided.
    - c. Respondent would have been unable to get a copy of the complaint if they chose to not take any action because of Utah law.

- d. Respondent disclosed this information in her renewal application because she understands the question differently and was provided with the complaint information from her attorney.
- 14. Respondent signed her application under the penalty of perjury the information contained is true and correct to the best of her knowledge and belief, but despite this certification Respondent submitted her application with the above-referenced misrepresentation.
- 15. If the Board would have had information regarding Respondent's Utah complaints, it may have been grounds for the possible denial of licensure.

#### **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)(c)(i), making any oral or written misrepresentation of a fact to secure or attempt to secure the issuance or renewal of a license.
- 3. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(16)(I), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

#### **ORDER**

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

- Respondent's license, LCSW-18027, shall be surrendered to the Board, effective from the date of entry as signed below.
  - 2. The surrender shall be considered a revocation of Respondent's license.

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2	Tara Tulley (Jul 26, 2022 12:03 PDT)	Jul 26, 2022
3	Tara Tulley	Date
4	BOARD ACCEPTS, SIGNS AND DATES THI	S CONSENT AGREEMENT
5	By: Mili Zanola_	Jul 26, 2022
7	TOBI ZAVALA, Executive Director Arizona Board of Behavioral Health Examiners	Date
8	11.20. 2022	
9	ORIGINAL of the foregoing filed Jul 26, 2022	
10	with:	
11	Arizona Board of Behavioral Health Examiners 1740 West Adams Street, Suite 3600 Phoenix, AZ 85007	
12		ul 26, 2022
13	<b>EXECUTED COPY</b> of the foregoing sent electronically to:	
14	Mona Baskin	
15	Assistant Attorney General 2005 North Central Avenue	
16	Phoenix, AZ 85004	
17	Tara Tulley Address of Record	
18	Respondent	
19	Sara Stark Chelle Law	
20	11811 N. Tatum Blvd., Ste. 3031 Phoenix, AZ 85028	
21	Attorney for Respondent	
22		
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PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

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