

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

3 **In the Matter of:**

4 **Aubrey R. Laird, LAC-18074,**  
5 **Licensed Associate Counselor,**  
6 **In the State of Arizona.**

7 **RESPONDENT**

**CASE NO. 2023-0154**  
**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), Aubrey R. Laird (“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 and the lifting of the stay of revocation.

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

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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-18074 for the practice of  
15 counseling in the State of Arizona.

16 2. In 02/23, the Board received information from AHCCCS alleging Respondent  
17 may have been engaging in unprofessional conduct, in which the Board members voted to open  
18 a formal complaint against Respondent.

19 3. According to the information from AHCCCS, Respondent owned and operated  
20 Achieve without adequate supervision of a BHP while Respondent was acting as the BHP only  
21 being an associate level licensee.

22 4. From roughly 10/21 – 01/23, Respondent acted as the owner and BHP of  
23 Achieve which was a residential facility providing psychotherapy services.

24 5. Respondent failed to ensure she was being supervised in any capacity which is  
25 required pursuant to Board rules as an associate level licensee.

1           6.       Respondent employed at least 16 employees at Achieve which 13 of them being  
2 unlicensed BHTs, meaning Respondent allowed numerus unlicensed professionals to provide  
3 psychotherapy services while she was actively violating Board rules by not having supervision  
4 for herself.

5           7.       A client list obtained by Board staff showed that Respondent provided  
6 psychotherapy services through Achieve to at least 21 clients.

7           8.       A 01/05/23 notice of termination of provider participation agreement from  
8 AHCCCS included the following in part:

9           a.       On 12/29/22 during an onsite inspection, there were residents at Achieve with  
10 no staff present and AHCCCS requires 24-hour supervision of the facility.

11           b.       Pursuant to A.A.C. R9-10-115(4), BHTs are required to have oversight by a  
12 Behavioral Health Professional, however there is no evidence Respondent is  
13 a BHP.

14           c.       Respondent is a Licensed Associated Counselor (LAC) and pursuant to  
15 A.A.C. R9-10-101(35)(a)(ii), to be designated as a BHP, an LAC must have  
16 direct supervision.

17           d.       Over the weekend of 12/31/22, a BHT took clients on an armed hunting trip  
18 which is a violation of A.A.C. R9-10-716(A)(7)(a) that states the administrator  
19 shall ensure a resident does not use or have access to any materials,  
20 furnishings, or equipment to participate in any activity or treatment that may  
21 present a threat to the residents' health or safety.

22           e.       AHCCCS voluntarily terminated Respondent's contract with AHCCCS  
23 effective 24 hours from receipt of this notification.

24           9.       Respondent currently works at two agencies overseeing BHTs and overseeing  
25 other staff to ensure AHCCCS and DHS compliance.

1  
2 9. Respondent failed to comply with AHCCCS and DHS regulations while unlawfully  
3 operating her own agency, yet is currently acting in a role overseeing AHCCCS and DHS  
4 compliance when records indicate she was not complaint with AHCCCS or DHS regulations at  
5 Achieve.

6 10. During Board staff's initial investigative interview, Respondent reported two new  
7 employments that Board staff was never aware of.

8 11. Following the interview on 10/18/23, Board staff emailed Respondent informing  
9 her to update her employment information with the Board which is required by Board rules.

10 12. Respondent never notified the Board of her employment at Achieve.

11 13. As of 11/09/23, Respondent has failed to update her employment with the Board.

12 **CONCLUSIONS OF LAW**

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

16 2. The conduct and circumstances described in the Findings of Fact constitute a  
17 violation of A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation  
18 applicable to the practice of behavioral health, as it related to:

19 A.A.C. R4-6-205. Change of Contact Information

20 A.A.C. R4-6-210. Practice Limitations

21 A.A.C. R4-6-211. Direct Supervision; Supervised Work Experience:

22 General

23 3. The conduct and circumstances described in the Findings of Fact constitute a  
24 violation of A.R.S. § 32-3251(16)(j), engaging in conduct that the board determines is gross  
25 negligence or repeated negligence in the licensee's profession.

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

#### 4 **ORDER**

5 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to  
6 the provisions and penalties imposed as follows:

#### 7 **Stayed Revocation**

8 1. As of the effective date of this Consent Agreement, Respondent's license, LAC-  
9 18074, shall be **REVOKED**. However, the revocation shall be stayed and Respondent's license  
10 shall be placed on probation.

11 2. During the stayed revocation portion of the Order, if Respondent is noncompliant  
12 with the terms of the Order in any way, the stay of the revocation shall be lifted and  
13 Respondent's license shall be automatically revoked as set forth above.

14 3. If Respondent contests the lifting of the stay as it relates to this paragraph,  
15 Respondent shall request in writing, within 10 days of being notified of the automatic revocation  
16 of licensure, that the matter be placed on the Board agenda for the Board to review and  
17 determine if the automatic revocation of Respondent's license was supported by clear and  
18 convincing evidence.

19 4. If the written request is received within 10 days of a regularly scheduled Board  
20 meeting, the request will not be heard at that meeting, but will be heard at the next regularly  
21 scheduled Board meeting.

22 5. Pending the Board's review, Respondent's license shall be reported as revoked -  
23 under review. Respondent may not work in any capacity as a licensed behavioral health  
24 professional pending the Board's review. The Board's decision and Order shall not be subject  
25 to further review.

1 6. Respondent's license, LAC-18074, will be placed on probation for 24 months,  
2 effective from the date of entry as signed below.

3 7. Respondent shall not practice under their license, LAC-18074, unless they are  
4 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,  
5 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they  
6 shall immediately notify the Board in writing and shall not practice under their license until they  
7 submit a written request to the Board to re-commence compliance with this Consent  
8 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

9 8. In the event that Respondent is unable to comply with the terms and conditions  
10 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until  
11 such time as they are granted approval to re-commence compliance with the Consent  
12 Agreement.

13 9. Respondent shall update contact information within 24 hours of this executed  
14 Consent Agreement.

15 **Practice Restriction**

16 10. While on probation, a practice restriction shall be in place for no participation in  
17 supervised private practice or supervision of staff or programs in a behavioral health setting.

18 **Continuing Education**

19 11. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
20 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 clock  
21 hours of continuing education addressing fraud, waste, and abuse. All required continuing  
22 education shall be pre-approved by the Board Chair or designee. Upon completion, Respondent  
23 shall submit a certificate of completion of the required continuing education.

24 ...

25 ...

1           12. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
2 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a  
3 three-semester credit hour graduate level behavioral health ethics course from a regionally  
4 accredited college or university, pre-approved by the Board Chair or designee. Upon  
5 completion, Respondent shall submit to the Board an official transcript establishing completion  
6 of the required course.

7           13. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
8 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 clock  
9 hours of continuing education in the Arizona Statutes/Regulation Tutorial. All required continuing  
10 education shall be pre-approved by the Board Chair or designee. Upon completion, Respondent  
11 shall submit a certificate of completion of the required continuing education.

12           14. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
13 the last 6 months of this Consent Agreement, Respondent shall complete 12 clock hours of  
14 continuing in clinical supervision training that meets requirements in R4-6-214. All required  
15 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,  
16 Respondent shall submit a certificate of completion of the required continuing education.

17                                 **Clinical Supervision**

18           15. While on probation, Respondent shall submit to clinical supervision for 12 months  
19 by a masters or higher-level behavioral health professional licensed by the Arizona Board of  
20 Behavioral Health Examiners at the independent level. Within 30 days of the date of this  
21 Consent Agreement, Respondent shall submit the name of a clinical supervisor for pre-approval  
22 by the Board Chair or designee. Also, within 30 days of the date of this Consent Agreement, the  
23 clinical supervisor shall submit a letter disclosing their prior relationship to Respondent. In that  
24 letter, the clinical supervisor must address why they should be approved, acknowledge that they

25 ...



1 have reviewed the Consent Agreement and include the results of an initial assessment and a  
2 supervision plan regarding the proposed supervision of Respondent. The letter from the  
3 supervisor shall be submitted to the Board.

4 **Focus and Frequency of Clinical Supervision**

5 16. The focus of the supervision shall relate to scope of practice, behavioral health  
6 ethics, continuity of care, assessing acuity of client and appropriate level of care, and Arizona  
7 statutes and rules. During each supervision session, the supervisor shall review a minimum of 3  
8 client records chosen at random by the supervisor to ensure Respondent's compliance with  
9 current behavioral health documentation standards in Arizona. Respondent shall meet  
10 individually with the supervisor weekly for the first six months. After the first six months, the  
11 frequency for the remaining time will be at the recommendation of the clinical supervisor, but not  
12 less than monthly.

13 **Reports**

14 17. Once approved, the supervisor shall submit quarterly reports for review and  
15 approval by the Board Chair or designee. The quarterly reports shall include issues presented in  
16 this Consent Agreement that need to be reported and the supervisor shall notify the Board if  
17 more frequent supervision is needed. Quarterly reports shall include the following:

- 18 a. Dates of each clinical supervision session.
- 19 b. A comprehensive description of issues discussed during supervision  
20 sessions.

21 18. All quarterly supervision reports shall include a copy of clinical supervision  
22 documentation maintained for that quarter. All clinical supervision documentation maintained by  
23 the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(C).

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1 19. After Respondent's probationary period, the supervisor shall submit a final  
2 summary report for review and approval by the Board Chair or designee. The final report shall  
3 also contain a recommendation as to whether the Respondent should be released from this  
4 Consent Agreement.

5 **Change of Clinical Supervisor During Probation**

6 20. If, during the period of Respondent's probation, the clinical supervisor determines  
7 that they cannot continue as the clinical supervisor, they shall notify the Board within 10 days of  
8 the end of supervision and provide the Board with an interim final report. Respondent shall  
9 advise the Board Chair or designee within 30 days of cessation of clinical supervision by the  
10 approved clinical supervisor and provide the name of a new proposed clinical supervisor. The  
11 proposed clinical supervisor shall provide the same documentation to the Board as was required  
12 of the initial clinical supervisor.

13 **GENERAL PROVISIONS**

14 **Provision of Clinical Supervision**

15 21. Respondent shall not provide clinical supervision to associate level licensees  
16 accruing and submitting hours towards independent licensure while subject to this Consent  
17 Agreement.

18 **Civil Penalty**

19 22. Subject to the provisions set forth in paragraph 23, the Board imposes a civil  
20 penalty against the Respondent in the amount of \$1,000.00.

21 23. Respondent's payment of the civil penalty shall be stayed so long as Respondent  
22 remains compliant with the terms of this Consent Agreement. If Board staff determines that  
23 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the  
24 exception of the tolling provision under paragraph 3, the stay of the civil penalty payment shall

25 ...

1 be automatically lifted and payment of the civil penalty shall be made by certified check or  
2 money order payable to the Board within 30 days after being notified in writing of the lifting of  
3 the stay.

4 24. Within 10 days of being notified of the lifting of the stay, Respondent may request  
5 that the matter be reviewed by the Board for the limited purpose of determining whether the  
6 automatic lifting of the stay was supported by clear and convincing evidence. If the Board  
7 receives the written request within 10 days or less of the next regularly scheduled Board  
8 meeting, the request will not be heard at that meeting, but will be heard at the next regularly  
9 scheduled Board meeting. The Board's decision on this matter shall not be subject to further  
10 review.

11 25. The Board reserves the right to take further disciplinary action against  
12 Respondent for noncompliance with this Consent Agreement after affording Respondent notice  
13 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply  
14 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final  
15 and the period of probation shall be extended until the matter is final.

16 26. If Respondent currently sees clients in their own private practice, and obtains any  
17 other type of behavioral health position, either as an employee or independent contractor, where  
18 they provide behavioral health services to clients of another individual or agency, they shall  
19 comply with requirements set forth in paragraphs 28 through 30 below.

20 27. Within 10 days of the effective date of this Order, if Respondent is working in a  
21 position where Respondent provides any type of behavioral health related services or works in a  
22 setting where any type of behavioral health, health care, or social services are provided,  
23 Respondent shall provide the Board Chair or designee with a signed statement from  
24 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this

25 ...

1 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
2 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a  
3 copy of the Consent Agreement.

4 28. If Respondent is not employed as of the effective date of this Order, within 10  
5 days of accepting employment in a position where Respondent provides any type of behavioral  
6 health related services or in a setting where any type of behavioral health, health care, or social  
7 services are provided, Respondent shall provide the Board Chair or designee with a written  
8 statement providing the contact information of their new employer and a signed statement from  
9 Respondent's new employer confirming Respondent provided the employer with a copy of this  
10 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
11 within 10 days, as required, Respondent's failure to provide the required statement to the Board  
12 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's  
13 employer(s) with a copy of the Consent Agreement.

14 29. If, during the period of Respondent's probation, Respondent changes  
15 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on  
16 extended leave of absence for whatever reason that may impact their ability to timely comply  
17 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform  
18 the Board of their change of employment status. After the change and within 10 days of  
19 accepting employment in a position where Respondent provides any type of behavioral health  
20 related services or in a setting where any type of behavioral health, health care, or social  
21 services are provided, Respondent shall provide the Board Chair or designee a written  
22 statement providing the contact information of their new employer(s) and a signed statement  
23 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a  
24 copy of this Consent Agreement. If Respondent does not provide the employer's statement to

25 ...

1 the Board within 10 days, as required, Respondent's failure to provide the required statement to  
2 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide  
3 Respondent's employer(s) with a copy of the Consent Agreement.

4 30. Respondent shall practice behavioral health using the name under which they  
5 are licensed. If Respondent changes their name, they shall advise the Board of the name  
6 change as prescribed under the Board's regulations and rules.

7 31. Prior to the release of Respondent from probation, Respondent must submit a  
8 written request to the Board for release from the terms of this Consent Agreement at least 30  
9 days prior to the date they would like to have this matter appear before the Board. Respondent  
10 may appear before the Board, either in person or telephonically. Respondent must provide  
11 evidence that they have successfully satisfied all terms and conditions in this Consent  
12 Agreement. The Board has the sole discretion to determine whether all terms and conditions of  
13 this Consent Agreement have been met and whether Respondent has adequately demonstrated  
14 that they have addressed the issues contained in this Consent Agreement. In the event that the  
15 Board determines that any or all terms and conditions of this Consent Agreement have not been  
16 met, the Board may conduct such further proceedings as it determines are appropriate to  
17 address those matters.

18 32. Respondent shall bear all costs relating to probation terms required in this  
19 Consent Agreement.

20 33. Respondent shall be responsible for ensuring that all documentation required in  
21 this Consent Agreement is provided to the Board in a timely manner.

22 34. This Consent Agreement shall be effective on the date of entry below.

23 35. This Consent Agreement is conclusive evidence of the matters described herein  
24 and may be considered by the Board in determining appropriate sanctions in the event a  
25 subsequent violation occurs.

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

2 *Aubrey Laird, AL*

Nov 29, 2023

3 Aubrey R. Laird

Date

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

5 By:

6 *M. Zavala*

Nov 29, 2023

7 TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

Date

8 Nov 29, 2023

9 **ORIGINAL** of the foregoing filed  
with:

10 Arizona Board of Behavioral Health Examiners  
11 1740 West Adams Street, Suite 3600  
Phoenix, AZ 85007

12 Nov 29, 2023

13 **EXECUTED COPY** of the foregoing sent electronically  
to:

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

16 Aubrey R. Laird  
17 Address of Record  
Respondent