

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

3 **In the Matter of:**

4 **Kathryn M. Forsyth, LPC-10773,**  
5 **Licensed Professional Counselor,**  
6 **In the State of Arizona.**

7 **RESPONDENT**

**CASE NO. 2023-0195**  
**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), Kathryn M. Forsyth (“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. LPC-10773 for the practice of  
15 counseling in Arizona.

16 2. In 04/23, a complaint was submitted outlining concerns regarding the type and  
17 quality of services at a behavioral health residential facility (“Agency”).

18 3. Respondent was employed at Agency as the Clinical Director and provided  
19 supervision and oversight to several staff members at various Agency locations.

20 4. Upon review and investigation there are concerns and possible violations based  
21 upon Respondent’s conduct.

22 5. Respondent currently has a medical condition, and she has ceased practicing  
23 counseling due to this.

24 6. Due to her medical condition, Respondent requested to forgo licensure.

25 ...

1 **CONCLUSIONS OF LAW**

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

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

8 **ORDER**

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

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

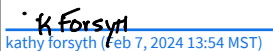
13 2. Respondent's license, LPC-10773, shall by rule, expire on 07/31/25.

14 3. Respondent agrees not to renew their license.

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

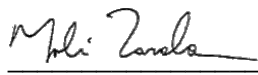
17 5. This Consent Agreement is conclusive evidence of the matters described herein  
18 and may be considered by the Board in determining appropriate sanctions in the event a  
19 subsequent violation occurs.

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

21   
kathy.forsyth (Feb 7, 2024 13:54 MST)  
22 Kathryn M. Forsyth

Feb 7, 2024  
Date

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

24 By:   
25 TOBI ZAVALA, Executive Director

Mar 11, 2024  
Date

1 Arizona Board of Behavioral Health Examiners

2  
3 **ORIGINAL** of the foregoing filed Mar 11, 2024  
with:

4 Arizona Board of Behavioral Health Examiners  
5 1740 West Adams Street, Suite 3600  
6 Phoenix, AZ 85007

7 **EXECUTED COPY** of the foregoing sent electronically Mar 11, 2024  
to:

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

10 Kathryn M. Forsyth  
11 Address of Record  
Respondent