



BEFORE THE ARIZONA BOARD
OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:
Patricia S. Krumwiede, LPC- 0105,
Licensed Professional Counselor,
In the State of Arizona.

CASE NO. 2013-0073
AMENDED CONSENT AGREEMENT

RESPONDENT

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(H) and 41-1092.07(F)(5), Patricia S. Krumwiede ("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 her right to such formal hearing concerning these allegations and irrevocably waives her right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.

3. Respondent has the right to consult with an attorney prior to entering into this 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 her
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 and may be used for purposes of determining
7 sanctions in any future disciplinary matter.

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

15 7. Respondent understands that once the Board approves and signs this Consent
16 Agreement, it is a public record that may be publicly disseminated as a formal action of the
17 Board, and that it shall be reported as required by law to the National Practitioner Data Bank
18 and the Healthcare Integrity and Protection Data Bank.

19 8. Respondent further understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(15)(n) and may result in
21 disciplinary action pursuant to A.R.S. § 32-3281.

22 9. The Board therefore retains jurisdiction over Respondent and may initiate
23 disciplinary action against Respondent if it determines that she has failed to comply with the
24 terms of this Consent Agreement or of the practice act.

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

FINDINGS OF FACT

1 1. Respondent is the holder of License No. LPC-0105 for the practice of counseling
2 in Arizona.

3 2. From 10/12 – 02/13, Respondent provided 10 counseling sessions to a family.

4 3. Father's consent for treatment lacked several required elements including:

5 a. Purpose of treatment

6 b. General procedures to be used in treatment, including benefits, limitations,
7 and potential risks

8 c. Methods for a client to obtain information about the client's records

9 d. A client's right to refuse any recommended treatment or to withdraw informed
10 consent to treatment and to be advised of the consequences of such refusal
11 or withdrawal

12 4. Respondent did not obtain consent for treatment forms for Mother or the two
13 children.

14 5. Respondent's treatment plans and progress notes also lacked required elements.

15 6. During the course of treatment, Respondent was provided information that
16 required her to immediately make a report to a peace officer or to child protective services, but
17 Respondent failed to do either.

18 7. In 03/15, Respondent signed and entered into this Consent Agreement, which
19 contained various terms and conditions for the continuation of her practice.

20 8. In 03/16, Respondent closed her private practice.

21 9. During subsequent discussions with Board staff, Respondent agreed to enter into
22 this Amended Consent Agreement, which would require her to cease practicing under her
23 license until the time it expired.

24 ...

25

CONCLUSIONS OF LAW

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

5 2. The conduct and circumstances described in the Findings of Fact constitute a
6 violation of A.R.S. § 32-3251(12)(p), failing to conform to minimum practice standards as
7 developed by the Board, as it relates to:

- 8 a. A.A.C. R-4-6-1101, Consent for Treatment.
- 9 b. A.A.C. R4-6-1102, Treatment Plan.
- 10 c. A.A.C. R4-6-1103, Client Record.

11 3. The conduct and circumstances described in the Findings of Fact constitute a
12 violation of A.R.S. § 32-3251(12)(ii), violating any federal or state law, rule or regulation
13 applicable to the practice of behavioral health.

ORDER NOT TO RENEW

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

- 16 1. As of the effective date of the Consent Agreement, Respondent shall not practice
17 under their license.
- 18 2. Respondent's license, LPC-0105, shall by rule, expire on 10/31/17.
- 19 3. Respondent agrees not to renew their license.
- 20 4. Respondent agrees not to submit any type of new license application to the
21 Board for a minimum of five (5) years.
- 22 5. This Consent Agreement is conclusive evidence of the matters described herein
23 and may be considered by the Board in determining appropriate sanctions in the event a
24 subsequent violation occurs.
25

PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

1
2 Patricia S. Krumwiede
Patricia S. Krumwiede

2/11/17
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

5
6 Dated this 7th day of March, 2017.

7 By: Tobi Zavala
8 TOBI ZAVALA, Executive Director
9 Arizona Board of Behavioral Health Examiners

10 ORIGINAL of the foregoing filed
11 This 7th day of March, 2017 with:

12 Arizona Board of Behavioral Health Examiners
13 3443 N. Central Ave., Suite 1700
14 Phoenix, AZ 85012

15 COPY of the foregoing mailed via Interagency Mail
16 This 7th day of March, 2017, to:

17 Marc Harris
18 Assistant Attorney General
19 1275 West Washington
20 Phoenix, Arizona 85007

21 COPY of the foregoing mailed via
22 Certified mail no. 70141200000066339806
23 This 7th day of March, 2017, to:

24 Patricia S. Krumwiede
25 Address of Record
Respondent

COPY of the foregoing mailed via Mail
This 7th day of March, 2017 to:

Gerard O'Meara
1 S. Church Ave. Ste. 1900
Tucson, AZ 85701
Attorney for Respondent