

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

3 **In the Matter of:**

4 **Cynthia G. Heath, LMFT-10073,**
5 **Licensed Marriage Family Therapist**
6 **In the State of Arizona.**

CASE NO. 2022-0004
CONSENT AGREEMENT

7 **RESPONDENT**

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), Cynthia G. Heath ("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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. LMFT-10073 for the practice of
15 Marriage and Family Therapy in the State of Arizona.

16 2. In 07/21, the Board received a complaint alleging Respondent engaged in
17 unprofessional conduct.

18 3 Upon review of the complaint and records, Respondent treated a minor client
19 (“Client”) from 12/09 – 06/10, 12/15 – 01/16, and again from 01/18 – 07/18.

20 4. Respondent’s 12/09 informed consent document was missing several minimum
21 Board requirements.

22 5. Respondent’s 12/15 informed consent document was also missing several
23 minimum Board requirements.

24 6. In 12/09, Respondent developed a hand-written treatment plan which failed to
25 include a number of minimum Board requirements.

1 **ORDER**

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

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

6 2. Respondent's license, LMFT-10073, shall by rule, expire on 09/30/22.

7 3. Respondent agrees not to renew their license.

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

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

13 **Practice Termination Plan**

14 6. Within 14 days of the effective date of the Consent Agreement, Respondent shall
15 submit a written plan for terminating their private practice for pre-approval by the Board Chair or
16 designee. At a minimum, the proposed termination plan must include each of the following:

17 a. A written protocol for the secure storage, transfer and access of the clinical
18 records of Respondent's clients and former clients.

19 b. The procedure by which Respondent shall notify each client and former client
20 in a timely manner regarding the future location of the clinical records of
21 Respondent's clients and former clients and how those records can be
22 accessed after the termination of Respondent's practice.

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

25

1 d. A list of Respondent's current clients and the timeframe for terminating
2 services to each client. The timeframe for terminating services shall not
3 exceed 90 days from the date Respondent signs this Consent Agreement.
4

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

6 CYNTHIA G HEATH
CYNTHIA G HEATH (Apr 27, 2022 05:29 PDT)

7 Cynthia G. Heath

Apr 27, 2022

Date

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

9 By: M. Zavalala

10 TOBI ZAVALA, Executive Director
11 Arizona Board of Behavioral Health Examiners

May 17, 2022

Date

12 **ORIGINAL** of the foregoing filed May 17, 2022
13 with:

14 Arizona Board of Behavioral Health Examiners
15 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

16 **EXECUTED COPY** of the foregoing sent electronically May 17, 2022
17 to:

18 Mona Baskin
19 Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

20 Cynthia G. Heath
21 Address of Record
Respondent

22 Charles Hover
23 Renaud Cook Drury Mesaros, PA
One North Central, Ste 900
Phoenix, AZ 85004
24 Attorney for Respondent
25