

**BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS
FOR THE STATE OF ARIZONA**

IN THE MATTER OF:

Case No: 23-47

ASPEN GRANT, M.Ed.

**INTERIM CONSENT AGREEMENT
and ORDER FOR SUBSTANCE USE
EVALUATION, FITNESS FOR DUTY
DETERMINATION AND INTERIM
SUSPENSION OF LICENSE**

**Holder of License No. BEH-000587
for the Practice of Behavior Analysis
in the State of Arizona,**

Respondent.

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona Board of Psychologist Examiners (“Board”) and consistent with public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. § 32-2091 *et seq.* and A.R.S. §41-1092.07(F)(5), Aspen Grant (“Respondent”), holder of License No. BEH-000587 and the Board enter into this Interim Consent Agreement and Order for Substance Use Evaluation, Fitness for Duty Determination and Interim Suspension of License (“Interim Consent Agreement”) as an interim resolution of this matter until such time a final order is entered by the Board.

JURISDICTION

1. The Board is the state agency authorized pursuant to Arizona Revised Statutes (“A.R.S.”) § 32-2091 *et seq.*, and the rules promulgated thereunder in the Arizona Administrative Code (“A.A.C.” or “rules”) at R4-26-101 *et seq.*, to regulate and control the licensing of behavior analysts in the State of Arizona.

2. Respondent is the holder of License No. BEH-000587 for the practice of behavior analysis in the State of Arizona.

3. The Board has personal and subject-matter jurisdiction over Respondent pursuant to A.R.S. § 32-2091 *et seq.*, and the rules at A.A.C. R4-26-401, *et seq.*

INTERIM CONSENT AGREEMENT

Respondent understands and agrees that:

1 000587. She has been licensed in Arizona since June 19, 2020.

2 2. On April 11, 2023, Respondent's supervisor, the Center Director for one of BlueSprig
3 Pediatrics' ("Center") clinics, filed a complaint with the Board against Respondent.

4 3. On the morning of April 11, 2023, Respondent arrived at work. Approximately 30 minutes
5 after arriving at work, the Center's Operation Manager entered Respondent's office to find her
6 asleep at her desk and smelling strongly of alcohol. When Respondent did not respond to her name
7 being called, Complainant was contacted.

8 4. Complainant entered Respondent's office, called Respondent's name and again there was
9 no response. Complainant also reported Respondent's office smelling of alcohol. Respondent only
10 awoke after Complainant nudged her. Respondent took longer than normal to respond and
11 mumbled unintelligibly.

12 5. Complainant returned to her supervision responsibilities while other managers worked with
13 the Center's HR personnel to address the events surrounding Respondent. During this time,
14 Respondent was observed walking down a hall behind a client in which she was walking off
15 balance. It was determined that for approximately 18 minutes, Respondent had been providing
16 supervision services to a Registered Behavior Technician while the technician was providing
17 services to a 3 year old client.

18 6. Respondent was told to return to her office, pack her belongings and prepare to leave the
19 premises. Center staff called an Uber to transport Respondent to her home. Five minutes after staff
20 escorted Respondent to the Uber, a staff member was notified by the Uber driver that Respondent
21 had terminated the trip. Shortly after that, Respondent was observed returning to the Center's
22 parking lot and getting into her car and driving away. Staff then called police to report a suspected
23 impaired driver.

24 7. Respondent was terminated on April 12, 2023, for violating the Center's policy by arriving
25 at the workplace under the influence of alcohol.

26 8. In an incident report submitted to the Board as part of its investigation revealed that at

1 approximately 9:00 a.m. on April 11, 2023, a colleague reported that Respondent contacted her
2 and stated that she, the Respondent, needed help. Respondent admitted to the colleague that she
3 had a drinking problem and that she had consumed alcohol that morning before coming to work.

4 9. Board staff interviewed Respondent on April 12, 2023. Much of the information
5 Respondent provided in response to Staff's questions contradicted information obtained by the
6 Board during its investigation.

7 10. Additionally, some statements made by Respondent in her April 16, 2023 written
8 response to the notice of complaint contradict statements she made to Board staff during an
9 interview on April 12, 2023 as well as statements she made to the Board during its special meeting
10 on April 19, 2023. Specifically, Respondent stated during the April 12th interview that she does
11 not consume alcohol on weekdays and that the last time she had consumed alcohol was the
12 weekend prior to the events of April 11, 2023. However, in her subsequent written statement,
13 Respondent indicated that, "I did consume an alcoholic beverage on Monday evening. I apologize
14 for not including this in my original statement. However, as this was a small amount of alcohol, I
15 did not register its importance when I was contacted by the board as enough alcohol to impair me
16 or react with my medicine." In addition, statements made by Respondent to the Board during its
17 discussion of protected health information contradicted her earlier statements as well as
18 contradicted eye-witness accounts as to Respondent's conduct on the morning of April 11, 2023.

19 11. On April 17, 2023, the Board received results of a urine drug screen that Respondent took
20 on April 12, 2023, at approximately 3:30 p.m. Respondent took this test at the request of Board
21 staff during the April 12, 2023 interview. The EtG test was positive for alcohol.

22 12. On April 19, 2023, the Board meet in open session to review Complaint No. 23-47 and
23 consider the possible summary suspension of Respondent's license to practice as a behavior
24 analyst. Respondent was properly noticed and did appear. After reviewing relevant information
25 and deliberating, the Board offered Respondent this Interim Consent Agreement, noting that if
26 declined by Respondent, summary suspension action would be taken against Respondent's license.

1 **INTERIM CONCLUSIONS OF LAW**

2 The Board has personal and subject matter jurisdiction in this case under A.R.S. § 32-2091
3 *et seq.*, and is authorized to rehabilitate or discipline licensees who engage in unprofessional
4 conduct (A.R.S. §§32-2063 - 2091.09) and to require a licensee to undergo any combination of
5 mental, physical or psychological competence examinations at the licensee’s expense and shall
6 conduct investigations necessary to determine the competence and conduct of the licensee pursuant
7 to A.R.S. §32-2091.09(G).

8 Pursuant to A.R.S. § 32-2091.09(G)(5), the Board has the authority to “[e]nter into an
9 agreement with the licensee to restrict or limit the licensee’s practice or activities in order to
10 rehabilitate the licensee, protect the public and ensure the licensee’s ability to safely engage in the
11 practice of behavior analysis.”

12 **ORDER FOR EVALUATION AND INTERIM SUSPENSION OF LICENSE**

13 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to
14 the following Order:

15 1. During the pendency of this Interim Consent Agreement, Respondent’s License to
16 practice behavior analysis, license no. BEH-000587, **IS SUSPENDED**. Because this is an Interim
17 Consent Agreement and not a final decision by the Board regarding the pending investigation, it
18 is subject to further consideration by the Board. Once the investigation is complete, it will be
19 promptly provided to the Board for its review and appropriate action.

20 2. During the period of suspension, Respondent shall not practice behavior analysis as
21 defined in A.R.S. §32-2091(5) or hold herself out as a practicing behavior analyst or in any way
22 convey to the public that she holds an active license to practice behavior analysis.

23 3. The suspension of Respondent’s license shall continue until such time the Board enters
24 a final order with respect to this matter after a formal hearing or acceptance of a Consent
25 Agreement and Order as a final resolution of the matter.

26 4. Prior to the lifting of the suspension, Respondent shall complete a comprehensive

1 substance use evaluation with a Board-approved provider. The evaluation shall assess whether
2 Respondent has substance use/dependence issues, involving alcohol, drugs, and/or any other
3 substance. As part of the evaluation, the provider shall opine on Respondent's fitness for duty and
4 her ability to safely and competently practice behavior analysis at the present time and address any
5 other concerns within their report. Within ten (10) days of the effective date of this Interim Consent
6 Agreement and Order, Respondent shall schedule an appointment with one of the Board-approved
7 providers listed below for an evaluation. The evaluation shall be completed within one hundred
8 twenty (120) days of the effective date of this Interim Consent Agreement and Order unless
9 otherwise extended one time by the Executive Director upon showing of good cause. Within five
10 (5) days of scheduling of the evaluation, Respondent shall notify the Board in writing of the name
11 of the evaluator and the date/time of the evaluation. The effective date of this Interim Consent
12 Agreement and Order is the date it is signed by the Board's Executive Director. **FAILURE TO**
13 **COMPLY WITH ONE OR MORE OF THESE TERMS SHALL BE CONSIDERED A**
14 **VIOLATION OF A BOARD ORDER AND MAY RESULT IN THE REVOCATION OF**
15 **RESPONDENT'S LICENSE.**

- 16 a. Nicole Lazowitz, Psy.D.
17 3507 N Central Ave, Suite 101, Phoenix, AZ 85012
18 Phone: 520-428-4528
- 19 b. Eric Lott, M.D.
20 Community Bridges Inc.
21 1855 W. Baseline Rd, Suite 101, Mesa, AZ 85202
22 Phone: 480-343-2158
- 23 c. Lawrence Sideman, Ph.D.
24 10269 N Central Ave, Phoenix, AZ 85020
25 Phone: 602-677-1206

26 5. Respondent shall ensure that the evaluator submits their final report to the Board office as soon as it is complete, but no more than 30 days from the date the completed evaluation. Respondent shall present this Interim Consent Agreement and Order to the evaluator prior to the

1 date of the evaluation.

2 6. Respondent shall comply with all recommendations made by the evaluator and approved
3 by the Board or its staff, including any recommendation that she undergo additional evaluation or
4 successfully completes further treatment at a facility or with a professional approved by the Board
5 or its Staff.

6 7. COMMUNICATION WITH EVALUATOR: Because Respondent is undergoing the
7 evaluation pursuant to a Board Order, she shall instruct any attorney retained on her behalf not to
8 contact the evaluator. Any questions or concerns must be addressed to Board staff.

9 8. RESPONDENT IS NOT THE CLIENT: The evaluator is conducting an evaluation solely
10 for the benefit of the Board and is not treating Respondent as a client or patient. There is no
11 doctor/patient relationship between the evaluator and Respondent.

12 9. COSTS: All costs associated with the compliance with this Interim Consent Agreement
13 and completion of the evaluation is the sole responsibility of Respondent, pursuant to A.R.S. §32-
14 2091.09(C).

15 10. RELEASES: Respondent shall sign, authorize and complete any and all releases necessary
16 as requested by the evaluator to help ensure a complete and thorough evaluation and to ensure the
17 report is properly released to the Board as set forth above.

18 11. FINAL WRITTEN REPORT: The Board authorizes the Executive Director to contact the
19 evaluator to request the final report in writing for the Board's review. All results of the evaluation
20 are the sole property of the Board.

21 12. FAILURE TO COMPLY: Failure to timely comply with this Interim Consent Agreement
22 constitutes unprofessional conduct and may result in disciplinary action against Respondent by the
23 Board.

24 13. Respondent's license to practice behavior analysis shall not be fully restored unless and
25 until the Board determines in its sole discretion that Respondent may safely engage in the practice
26 of behavior analysis. Respondent understands that should the Board lift the suspension of her

1 license, the Board may order that she return to practice on a limited basis and/or under certain
2 terms and conditions.

3 14. Respondent may request, in writing, release and/or modification of this Interim Consent
4 Agreement. Respondent's request must be accompanied by information demonstrating that
5 Respondent is safe to practice behavior analysis. All reasonable efforts shall be made to place
6 Respondent's request for release on the next regular Board agenda provided that the agenda can
7 accommodate the request and provided a complete submission is received by Board staff no less
8 than 21 days prior to the Board meeting. Whether the submission is complete is within the
9 discretion of the Board staff. The Board has the discretion to determine whether it is appropriate
10 to modify or release Respondent from this Interim Consent Agreement, and may require any
11 combination of examinations, continuing education, and/or evaluations in order to determine
12 whether Respondent is safe to resume the practice or behavior analysis.

13 15. Respondent's license to practice behavior analysis expires on November 30, 2023.
14 Pursuant to the terms of this Interim Consent Agreement, Respondent's license remains
15 indefinitely suspended unless and until otherwise ordered by this Board. In the unlikely event there
16 is no final order entered in this matter at time Respondent's license expires and Respondent fails
17 to timely submit an application for renewal, her license remains suspended pursuant to the terms
18 of this Interim Consent Agreement and pursuant to A.R.S. §32-3202. If Respondent seeks timely
19 renewal of her license and the Board grants her application for renewal, the license shall
20 automatically be placed on indefinite suspension or other restrictions until such time the Board
21 orders otherwise. The Board reserves the right to take other administrative action against
22 Respondent's application for renewal, including denial of the same, in the event circumstances
23 arise that justify such denial.

24 16. Respondent has read and understands this Interim Consent Agreement as set forth herein,
25 and has had the opportunity to discuss this Interim Consent Agreement with an attorney.

26 17. Respondent understands that this Interim Consent Agreement or any part thereof, may be

1 considered in any future disciplinary action against her.

2 18. Time is of the essence with regard to this Interim Consent Agreement.

3 19. If Respondent fails to comply with the terms of this Interim Consent Agreement, the Board
4 shall properly institute proceedings for noncompliance with this Interim Consent Agreement,
5 which may result in suspension, revocation, or other disciplinary and/or remedial actions.
6 Respondent agrees that any violation of this Interim Consent Agreement is a violation of A.R.S. §
7 32-2091(12)(aa), which is violating a formal board order or consent agreement.

8 20. Respondent understands that this Interim Consent Agreement does not constitute a final
9 resolution of this or other matters currently pending before the Board, if any, and does not
10 constitute any waiver, express or implied, of the Board’s statutory authority or jurisdiction
11 regarding any other pending or future investigation, action or proceeding. Respondent also
12 understands that acceptance of this Interim Consent Agreement does not preclude any other
13 agency, subdivision or officer of this state from instituting other civil or criminal proceedings with
14 respect to the conduct that is the subject of this Interim Consent Agreement.

15 21. Respondent understands that the foregoing Interim Consent Agreement becomes effective
16 upon signature of the Executive Director on behalf of the Board. Any modification to this original
17 document is ineffective and void unless mutually approved by the parties in writing.

18 22. Respondent understands that this Interim Consent Agreement is a public record that may
19 be publicly disseminated as a formal action of the Board and shall be reported to the National
20 Practitioner Data Bank.

21
22 DATED this 20 day of April, 2023.

ARIZONA BOARD OF
PSYCHOLOGIST EXAMINERS

23
24
25 DocuSigned by:

Aspen Grant M.Ed.

Aspen Grant, M.Ed.

26 Respondent

Heidi Herbst Paakkonen

Heidi Herbst Paakkonen
Executive Director

1 **ORIGINAL** filed electronically
2 This 20 day of April, 2023 with:

3 Arizona State Board of Psychologist Examiners
4 1740 W. Adams St., Suite 3403
5 Phoenix, Arizona 85007

6 **COPY** of the foregoing mailed by Certified Mail No. 70212720000061790547
7 And electronic mail this 20 day of April, 2023 to:

8 Aspen Grant, M.Ed.
9 Address on Record / Email Address on Record
10 Respondent

11 **COPY** of the foregoing via email (jeanne.galvin@azag.gov)
12 This 20 day of April, 2023 to:

13 Jeanne M. Galvin
14 Assistant Attorney General
15 2005 North Central Ave. SGD/LES
16 Phoenix, Arizona 85004
17 Jeanne.galvin@azag.gov
18 Attorney for the State of Arizona

19 By: *Jennifer Michaelson*
20 #11182796

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