

1 KRISTIN K. MAYES  
Attorney General  
2 (Firm State Bar No. 14000)

3 JEANNE M. GALVIN  
Assistant Attorney General  
4 State Bar No. 015072  
2005 N. Central Ave., SGD/LES  
5 Phoenix, Arizona 85004-1592  
Tel: (602) 542-7983  
6 Tel: (602) 542-7672  
Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Psychologist Examiners  
8

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

11 **IN THE MATTER OF:**

Case No. 23-47

12 **ASPEN GRANT, M.Ed.**

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

**CONSENT AGREEMENT AND ORDER**  
**FOR SUSPENSION OF LICENSE,**  
**PROBATION WITH MONITORING**

16 In the interest of a prompt and judicious settlement of this case, consistent with the public  
17 interest, statutory requirements and the responsibilities of the Arizona State Board of  
18 Psychologist Examiners (“Board”) under A.R.S. § 32-2091, *et seq.*, Aspen Grant  
19 (“Respondent”), holder of license no. BEH-000587 as a Behavior Analyst in the State of  
20 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law  
21 and Order (“Consent Agreement”) as a final disposition of this matter.

22 **JURISDICTION**

23 1. The Board is the state agency authorized pursuant to Arizona Revised Statute (“A.R.S.”)  
24 § 32-2091 *et seq.*, and the rules promulgated thereunder in the Arizona Administrative Code  
25 (“A.A.C.” or “rules”) at R4-26-401 *et seq.*, to regulate and control the licensing of behavior  
26 analysts in the State of Arizona.

1 2. Respondent is the holder of license number BEH-000587 for the practice of behavior  
2 analysis in the State of Arizona.

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

5 **RECITALS**

6 4. Respondent has read and understands this Consent Agreement and has had the  
7 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to  
8 discuss this Consent Agreement with an attorney.

9 5. Respondent understands that she has a right to a public administrative hearing concerning  
10 this matter at which hearing she could present evidence and cross examine witnesses. By  
11 entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all  
12 right to such an administrative hearing, as well as rights of rehearing, review, reconsideration,  
13 appeal, judicial review or any other administrative and/or judicial action, concerning the matters  
14 set forth herein.

15 6. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

16 7. Respondent understands that this Consent Agreement or any part of the agreement may  
17 be considered in any future disciplinary action by the Board against her.

18 8. Respondent understands this Consent Agreement deals with allegations of unprofessional  
19 conduct against Respondent. The investigation into these allegations against Respondent shall be  
20 concluded upon the Board's adoption of this Consent Agreement.

21 9. Respondent acknowledges and agrees that the acceptance of this Consent Agreement is  
22 solely to settle this Board matter and does not preclude the Board from instituting other  
23 proceedings as may be appropriate now or in the future.

24 10. Respondent understands that this Consent Agreement does not constitute a dismissal or  
25 resolution of any other matters currently pending before the Board, if any, and does not  
26

1 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction  
2 regarding any other pending or future investigation, action or proceeding.

3 11. Furthermore, and notwithstanding any language in this Consent Agreement, this Consent  
4 Agreement does not preclude in any way any other state agency or officer or political  
5 subdivision of this state from instituting proceedings, investigating claims, or taking legal action  
6 as may be appropriate now or in the future relating to this matter other matters concerning  
7 Respondent, including violations of the Arizona's Consumer Fraud Act. Respondent  
8 acknowledges that, other than with respect to the Board, this Consent Agreement makes no  
9 representations, implied or otherwise, about the views or intended actions of any other state  
10 agency or officer or political subdivision of the state relating to this matter or other matters  
11 concerning Respondent.

12 12. Respondent acknowledges and agrees that, upon signing this Consent Agreement and  
13 returning this document to the Board's Executive Director, she may not revoke acceptance of the  
14 Consent Agreement or make any modifications to the document regardless of whether the  
15 Consent Agreement has been signed by the Executive Director. Any modification to this original  
16 document is ineffective and void unless mutually agreed by the parties in writing.

17 13. This Consent Agreement is subject to the approval of the Board and is effective only  
18 when accepted by the Board and signed by the Executive Director. In the event that the Board  
19 does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value  
20 and shall not be relied upon nor introduced in any action by any party, except that the parties  
21 agree that should the Board reject this Consent Agreement and this case proceeds to hearing,  
22 Respondent shall assert no claim that the Board was prejudiced by its review and discussion of  
23 this document or any records relating thereto.

24 14. If a court of competent jurisdiction rules that any part of this Consent Agreement is void  
25 or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force  
26 and effect.

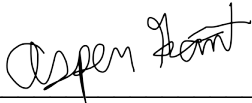
1 15. Respondent understands that this Consent Agreement is a public record that may be  
2 publicly disseminated as a formal action of the Board and may be reported as required by law to  
3 the National Practitioner Data Bank and also to the Behavior Analyst Certification Board.

4 16. The parties understand and agree that Portable Document Format and facsimile copies of  
5 this Consent Agreement including Portable Document Format (PDF) and facsimile signatures  
6 thereto, shall have the same force and effect as the originals.

7 17. Respondent understands that any violation of this Consent Agreement constitutes  
8 unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-2091(12)(aa).

9 18. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions  
10 of Law and Order.

11  
12 ACCEPTED AND AGREED BY RESPONDENT

13 

14 \_\_\_\_\_  
15 Aspen Grant (License  
16 #BEH-000587) Behavior Analyst/  
17 Respondent

Dated: \_\_\_\_\_ 8/15/2023 \_\_\_\_\_

**FINDINGS OF FACT**

1  
2 1. The Board is the duly constituted authority for licensing and regulating the practice of  
3 behavior analysis in the State of Arizona.

4 2. On April 11, 2023, Respondent’s supervisor, the Center Director for one of BlueSprig  
5 Pediatrics’ (“Center”) clinics, filed a complaint with the Board against Respondent. According  
6 to the complaint:

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

12 b. Complainant entered Respondent’s office, called Respondent’s name and again  
13 there was no response. Complainant also reported Respondent’s office smelling of  
14 alcohol. Respondent only awoke after Complainant nudged her. Respondent took  
15 longer than normal to respond and mumbled unintelligibly.

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

23 d. Respondent was told to return to her office, pack her belongings and prepare to  
24 leave the premises. Center staff called an Uber to transport Respondent to her home.  
25 Five minutes after staff escorted Respondent to the Uber, a staff member was  
26 notified by the Uber driver that Respondent had terminated the trip. Shortly after

1 that, Respondent was observed returning to the Center's parking lot and getting into  
2 her car and driving away. Staff then called police to report a suspected impaired  
3 driver. Respondent was terminated on April 12, 2023, for violating the Center's  
4 policy by arriving at the workplace under the influence of alcohol.

5 e. In an incident report submitted to the Board as part of its investigation revealed that  
6 at approximately 9:00 a.m. on April 11, 2023, a colleague reported that Respondent  
7 contacted her and stated that she, the Respondent, needed help. Respondent  
8 admitted to the colleague that she had a drinking problem and that she had  
9 consumed alcohol that morning before coming to work.

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

13 3. Additionally, some statements made by Respondent in her April 16, 2023 written  
14 response to the notice of complaint contradict statements she made to Board staff during an  
15 interview on April 12, 2023 as well as statements she made to the Board during its special  
16 meeting on April 19, 2023. Specifically, the inconsistent statements related to when Respondent  
17 typically consumes alcohol, the last time she consumed alcohol and whether she consumed  
18 alcohol on the morning of April 11, 2023.

19 4. On April 19, 2023, the Board met in open session to review Complaint No. 23-47 and  
20 consider the possible summary suspension of Respondent's license to practice as a behavior  
21 analyst. Respondent was properly noticed and did appear without legal representation. After  
22 reviewing relevant information and deliberating, the Board offered Respondent an Interim  
23 Consent Agreement and Order for Substance Use Evaluation, Fitness for Duty Determination  
24 and Interim Suspension of license, noting that if declined by Respondent, summary suspension  
25 action would be taken against Respondent's license. Respondent signed the Consent Agreement  
26 on April 20, 2023.

1 5. On July 7, 2023, Respondent appeared before the Board for its review of the results of the  
2 substance use evaluation and fitness for duty determination. The Board discussed the report  
3 findings and recommendations, and posed questions to Respondent.

4 6. Respondent supplied several incomplete and contradictory responses and statements to  
5 the Board with respect to whether, how frequently, and the quantity of her consumption of  
6 alcohol.

7 7. While engaging with the Board on July 7, 2023, the Board expressed concerns that  
8 Respondent was exhibiting possible indications of being impaired.

9 8. The Board determined that the findings and recommendations cited in the evaluation and  
10 fitness for duty determination, the testimony supplied by Respondent's evaluator (Lawrence  
11 Sideman, Ph.D.), and the Board's own observations necessitate that Respondent's license remain  
12 on suspension, and that Respondent comply with specific rehabilitation and monitoring terms  
13 pursuant to a period of probation.

14 **CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter and over Respondent  
16 pursuant to A.R.S. § 32-2091 *et seq.*

17 2. The Board is authorized to rehabilitate or discipline licensees who engage in  
18 unprofessional conduct (A.R.S. §§32-2063 -2091.09) and to require a licensee to undergo any  
19 combination of mental, physical or psychological competence examinations at the licensee's  
20 expense and shall conduct investigations necessary to determine the competence and conduct of  
21 the licensee pursuant to A.R.S. §32-2091.09(G).

22 3. Pursuant to A.R.S. § 32-2091.09(G)(5), the Board has the authority to "[e]nter  
23 into an agreement with the licensee to restrict or limit the licensee's practice or activities in order  
24 to rehabilitate the licensee, protect the public and ensure the licensee's ability to safely engage in  
25 the practice of behavior analysis."

26 4. The above constitutes a violation of A.R.S. §32-2091(12)(c), which is making or

1 using statement of a character tending to deceive or mislead; and (j) making a fraudulent or  
2 untrue statement to the board or is investigators, staff or consultants.

3 5. The above constitutes a violation of A.R.S. §32-2091(12)(1), which is practicing  
4 behavior analysis while impaired or incapacitated to the extent and in a manner that jeopardizes  
5 the welfare of a client or render the services provided ineffective.

6 **ORDER**

7 Based on the Findings of Fact and Conclusions of Law, the Board under issues the  
8 following Order:

9 **IT IS HEREBY ORDERED THAT:**

10 1. Upon the effective date of this Consent Agreement, the suspension of  
11 Respondent's license **SHALL CONTINUE for an additional minimum period of six (6)**  
12 **months.** During the period of suspension, Respondent shall not practice behavior analysis as  
13 defined in A.R.S. §32-2091(5) or hold herself out as a practicing behavior analyst or in any way  
14 convey to the public that she holds an active license to practice behavior analysis. The effective  
15 date of the Consent Agreement is the date that it is signed by the Executive Director.

16 2. Prior to the suspension being lifted, Respondent must request in writing to the  
17 Board that the suspension be lifted. Respondent must also appear in person (or virtually) before  
18 the Board at the meeting at which her request will be considered. **Only when the suspension is**  
19 **lifted, does the probationary period begin as outlined below. The decision to lift the**  
20 **suspension is within the sole discretion of the Board and shall only be lifted if, in the**  
21 **opinion of the Board, Respondent is safe to return to the practice of behavior analysis.**  
22 **Respondent further understands that based upon the evaluation and recommendation of**  
23 **the evaluator, she may be allowed to return to the practice of behavior analysis under**  
24 **conditions and restrictions as set forth by the Board, in addition to those conditions set**  
25 **forth below.**

26 3. After the suspension is lifted, Respondent's license shall be placed on



1 **PROBATION** for a minimum period five (5) years from the final date of suspension.

2 4. The period of **SUSPENSION AND PROBATION** are subject to the following  
3 terms and conditions:

4 5. Within ten days (10) days of the effective date of this Consent Agreement,  
5 Respondent shall enter into a rehabilitation and monitoring contract with a **PRE-APPROVED**  
6 substance abuse treatment and rehabilitation program (“Program”).

7 6. Respondent shall ensure that within ten (10) business days of entering into a  
8 contract with a pre-approved Program, the selected Program confirms in writing to the Board  
9 that they have received a copy of this Order and are willing and able to comply with all the  
10 requirements of this Order. During the term of the contract, Respondent shall continuously  
11 abstain from alcohol, all illicit drugs, cannabis, all drugs of abuse, and any prescription  
12 medication for which she does not have a valid prescription.

13 7. Respondent’s written rehabilitation and monitoring contract with the Program  
14 shall extend for the entire term of her suspension and probation under this Consent Agreement.  
15 Respondent shall abide by each and every requirement of the contract, including 24 to 48 random  
16 drug screens per year; three 12-step meetings per week; weekly relapse prevention meetings; and  
17 bi-annual reviews. Failure to participate in the rehabilitation and monitoring Program, complete  
18 the Program or to abide by the contract’s terms is a violation of this Order.

19 8. Respondent shall comply timely with the Program’s request for additional testing  
20 or testing methods (*e.g.* blood, hair, nails). Failure to comply with requests by the Program shall  
21 be considered a violation of this Order.

22 9. Respondent shall advise the Board immediately (within 24 hours) of any missed  
23 (excused or not) drug screen, 12-step meeting, or relapse prevention meeting. Respondent shall  
24 also require the provider to notify the Board in writing within five (5) days of any missed  
25 (excused or not) drug screen, 12-step meeting, or relapse prevention meeting, and if excused, the  
26 reasons for excusing the absence.

1           10.     **All random drug screen results shall be sent directly to the Board staff and to**  
2 **Respondent. All positive results and/or missed tests shall be reported to the Board staff and**  
3 **Respondent immediately (within 24 hours of the missed test or receipt of the positive drug**  
4 **screen results).** The Board shall consider any diluted sample that Respondent submits, or any  
5 specimen that has been tampered with, a violation of this Order and thus, Respondent shall be  
6 subject to disciplinary action including, but not limited to, suspension or revocation of her  
7 license.

8           11.     Respondent shall ensure the Program issues monthly reports to the Board  
9 discussing Respondent's progress in the program, level of participation, compliance and any  
10 areas of concern. The relationship between Respondent and the Program is a direct relationship.  
11 Respondent shall not use an attorney or other intermediary to communicate with the Program  
12 concerning participation and compliance issues. Any such questions should be directed to Board  
13 staff.

14           12.     **IT IS FURTHER ORDERED** that beginning thirty (30) days of the effective  
15 date of this Order, Jordan Jensen, PA-C shall oversee and monitor all of Respondent's mental  
16 health treatment and medications, both prescription and over-the-counter. If Ms. Jensen is unable  
17 to comply with the terms of this paragraph, Respondent shall submit the name of at least one  
18 alternative provider and prescriber to the Executive Director for approval. Respondent shall  
19 supply to the approved provider a copy of her substance abuse and fitness for duty evaluation  
20 report issued to the Board by Lawrence Sideman, Ph.D. **Any physician, primary care provider**  
21 **or specialist (i.e. obstetrician-gynecologist) providing care to Respondent shall, prior to**  
22 **writing any prescriptions for Respondent for a controlled substance, communicate and**  
23 **coordinate with the approved provider Only in emergent situations, such as an illness or**  
24 **injury necessitating a visit to an Emergency Room or Urgent Care, may a prescription for**  
25 **a controlled substance be written for Respondent without first contacting the approved**  
26 **provider. If Respondent receives an emergency prescription, she shall notify the approved**

1 **provider within 24 hours of filling the prescription.** All over-the-counter medications shall be  
2 discussed with the approved provider prior to taking them or the approved provider and  
3 Respondent may agree in advance of what over-the-counter medications are appropriate

4 13. Respondent shall execute all appropriate releases of information forms to permit  
5 the Respondent's treatment professionals to communicate with the Board regarding  
6 Respondent's treatment and monitoring.

7 14. Respondent shall pay all necessary fees and expenses relating to this suspension  
8 and probation, including all costs associated with the treatment and monitoring contract.

9 15. Respondent shall obey all federal and state laws and rules governing the practice  
10 of behavior analysis.

11 16. Throughout the term of Respondent's probation, Respondent shall personally  
12 appear before the Board when requested to do so by the Board or Board staff.

13 17. The probationary term imposed by this Order shall not terminate unless and until  
14 Respondent submits a written request to the Board seeking termination of her probation, and  
15 provide written proof of completion of the requirements of this Agreement and Order.  
16 Respondent shall appear before the Board at a regularly scheduled Board meeting approximately  
17 five years after the effective date of this Order to request that the probation imposed by this  
18 Order be terminated. Respondent's failure to petition the Board to terminate the probation shall  
19 extend the probation period. Whether to lift/terminate the probation is within the sole discretion  
20 of the Board.

21 18. Failure to comply with any provision of this Consent Agreement is an act of  
22 unprofessional conduct pursuant to A.R.S. §32-2091(12(aa), which is violating a formal order,  
23 terms of probation, a consent agreement or a stipulation issued or entered into by the Board.

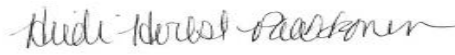
24 19. If Respondent violates this Order in any way or fails to fulfill the requirements of  
25 this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may  
26

1 revoke, suspend or take other disciplinary actions against Respondent's license. The issue at  
2 such a hearing will be limited solely to whether this Order has been violated.

3  
4 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

5  
6 ARIZONA STATE BOARD OF PSYCHOLOGIST EXAMINERS

7 DATED this 24 day of August, 2023.

8 

9  
10 Heidi Herbst Paakkonen  
Executive Director

11 **ORIGINAL** filed electronically  
12 this 24 day of August, 2023 with:

13 Arizona State Board of  
14 Psychologist Examiners  
1740 W. Washington, Suite 3403  
Phoenix, Arizona 85007

15 **COPY** of the foregoing mailed by Certified Mail No. 70212720000061790592  
16 this 24 day of August, 2023 to:

17 Aspen Grant  
18 Address on file  
Respondent

19 **COPY** of the foregoing mailed via email (jeanne.galvin@azag.gov)  
20 this 24 day of August, 2023 to:

21 Jeanne M. Galvin  
22 Assistant Attorney General  
2005 North Central Ave. SGD/LES  
Phoenix, Arizona 85004  
23 Jeanne.galvin@azag.gov  
Attorney for the State of Arizona

24  
25 By: Jennifer Michaelson

26 Doc #11427236