

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

3 In the Matter of: )  
4 **Aspen Grant, M.Ed.** ) **CASE NO. 23-47**  
5 Holder of License No. BEH-000587 ) **CONSENT AGREEMENT AND**  
6 for the Practice of Behavior Analysis ) **ORDER FOR SURRENDER OF**  
7 in the State of Arizona ) **LICENSE**  
8 (Suspended since April 20, 2023) )

9 License No. BEH-000587, issued to Aspen Grant (“Respondent”), was placed on  
10 suspended status by the Arizona Board of Psychologist Examiners (“Board”) on April 20, 2023.  
11 The parties now agree to enter into this Consent Agreement in lieu of further administrative  
12 proceedings.

13 **JURISDICTION**

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

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

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

22 **RECITALS**

23 Respondent understands and agrees that:

24 1. The Board and Respondent enter into this Consent Agreement to promptly and  
25 judiciously resolve these matters, consistent with the public interest and the statutory  
26 requirements of the Board.

27 2. Respondent has the right to consult with an attorney before entering into this  
28

1 Consent Agreement.

2 3. Respondent has a right to a formal public hearing concerning this case where she  
3 could present evidence and cross-examine witnesses. Respondent irrevocably waives any right  
4 to such a hearing, rehearing or review or to any judicial review or other appeal of this matter upon  
5 this Consent Agreement becoming effective.

6 4. Although Respondent does not agree that all of the allegations in this matter are  
7 supported by the evidence, Respondent acknowledges that it is the Board's position that if these  
8 matters proceeded to formal hearing, the Board could offer sufficient evidence to support a  
9 conclusion that certain of Respondent's conduct constituted unprofessional conduct. Therefore,  
10 Respondent has agreed to enter into this Consent Agreement as an economical and practical  
11 means of resolving the issues alleged in the Complaint.

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

19 6. The Consent Agreement, once approved by the Board, evidenced by the signature  
20 of the Executive Director or her designee and signed by the Respondent, shall constitute a public  
21 record that may be disseminated as a formal action of the Board and shall be reported to the  
22 National Practitioner Data Bank and the Behavior Analyst Certification Board.

23 7. Respondent voluntarily enters into this Consent Agreement for the purpose of  
24 avoiding the expense, uncertainty, and prolonged time involved in further administrative  
25 proceedings. The issues contained herein are resolved by settlement and not actually litigated.  
26 Any allegations and findings herein may not be used for *res judicata* or collateral estoppel effect  
27 in any subsequent civil proceedings for any claims of professional liability or negligence by or  
28

1 on behalf of Complainant(s).

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

5 9. Respondent understands that this Consent Agreement does not constitute a  
6 dismissal or resolution of any other matters currently pending before the Board, if any, and does  
7 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction  
8 regarding any other pending or future investigation, action or proceeding.

9 10. Furthermore, and notwithstanding any language in this Consent Agreement, this  
10 Consent Agreement does not preclude in any way any other state agency or officer or political  
11 subdivision of this state from instituting proceedings, investigating claims, or taking legal action  
12 as may be appropriate now or in the future relating to this matter other matters concerning  
13 Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act.  
14 Respondent acknowledges that, other than with respect to the Board, this Consent Agreement  
15 makes no representations, implied or otherwise, about the views or intended actions of any other  
16 state agency or officer or political subdivision of the state relating to this matter or other matters  
17 concerning Respondent.  
18

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

24 12. This Consent Agreement is subject to the approval of the Board and is effective  
25 only when accepted by the Board and signed by the Executive Director. In the event that the  
26 Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary  
27 value and shall not be relied upon nor introduced in any action by any party, except that the  
28 parties agree that should the Board reject this Consent Agreement and this case proceeds to

1 hearing, Respondent shall assert no claim that the Board was prejudiced by its review and  
2 discussion of this document or any records relating thereto.

3 13. If a court of competent jurisdiction rules that any part of this Consent Agreement  
4 is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full  
5 force and effect.

6 14. Respondent agrees that the Board will adopt the following Findings of Fact,  
7 Conclusions of Law and Order.  
8

9  
10 ACCEPTED AND AGREED BY RESPONDENT:

11  
12 Aspen Grant, M.Ed.  
13 Aspen Grant, M.Ed.  
14 Respondent

11/21/2023  
\_\_\_\_\_  
Date:

15  
16 **FINDINGS OF FACT**

17 1. On April 11, 2023, Respondent’s supervisor filed a complaint with the Board  
18 against Respondent alleging that Respondent was under the influence of alcohol while at work.

19 2. On April 19, 2023, the Board held a special meeting to review the complaint and to  
20 consider the possible summary suspension of Respondent’s license to practice as a behavior  
21 analyst. After reviewing relevant information and deliberating, the Board offered Respondent an  
22 Interim Consent Agreement, noting that if declined by Respondent, summary suspension action  
23 would be taken against Respondent’s license.

24 3. Respondent subsequently entered into an Interim Consent Agreement and Order for  
25 Substance Use Evaluation, Fitness for Duty Determination and Interim Suspension of License,  
26 effective April 20, 2023.

27 4. Following a review by the Board on July 7, 2023 of the results of a substance use  
28 evaluation and fitness for duty evaluation to which Respondent submitted pursuant to the Interim

1 Consent Agreement and Order, and following an interview of Respondent on July 7, 2023, the  
2 Board determined that this information necessitates Respondent's license remain on suspension  
3 and that she shall comply with specific rehabilitation and monitoring terms pursuant to a period  
4 of probation.

5 5. Respondent entered into a Consent Agreement and Order for Suspension of License,  
6 Probation with Monitoring, effective August 24, 2023, which continued her existing suspension  
7 of licensure, a term of probation, and compliance with a series of substance abuse treatment and  
8 monitoring terms.

9 6. Respondent failed to supply any evidence of complying with the term that she shall  
10 enter into a rehabilitation and monitoring contract with a pre-approved substance abuse treatment  
11 and rehabilitation program within ten (10) days of the effective date of that Order.

12 7. Respondent failed to supply any evidence of complying with the term that beginning  
13 thirty (30) days of the effective date of the Order, a qualified medical provider shall oversee and  
14 monitor all of Respondent's mental health treatment and medications, both prescription and over-  
15 the-counter.

16 8. On November 3, 2023, in response to Board staff's inquiry regarding her  
17 compliance with the Consent Agreement, Respondent issued an email stating, "While I have been  
18 and am currently getting treatment, I have also thought deeply and thoroughly about my plans  
19 for the future. For many reasons, I have decided to no longer pursue a career as a BCBA, LBA,  
20 and therefore will be forfeiting my certification and license."

21 9. Respondent has elected to enter into this Consent Agreement for Voluntary  
22 Surrender in lieu of further administrative proceedings regarding her non-compliance with the  
23 terms of the Consent Agreement.

24  
25 **CONCLUSIONS OF LAW**

26 1. The conduct and circumstances above constitute a violation of A.R.S. §32-2091(12)  
27 (aa), which defines unprofessional conduct as violating a formal board order, consent agreement,  
28 term of probation or stipulated agreement.

1 **ORDER**

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

4 1. **SURRENDER OF LICENSE:** Upon the effective date of this Consent Agreement,  
5 Respondent’s license number BEH-000587 for the practice of behavior analysis in the State of  
6 Arizona shall be surrendered. **Once the surrender is effectuated, Respondent shall not**  
7 **practice behavior analysis in the State of Arizona or hold herself out as a licensed behavior**  
8 **analysis in the State of Arizona. Respondent shall take all necessary action to delete any**  
9 **references in any business cards, stationary, or other publications to her being a behavior**  
10 **analyst in the State of Arizona.** The effective date of this Consent Agreement is the date the  
11 Consent Agreement is accepted by the Board as evidenced by the signature of the Board’s  
12 Executive Director or her designee.

13  
14 2. **EFFECTIVE DATE:** Respondent understands that this Consent Agreement shall  
15 not become effective unless and until adopted by the Board and executed on behalf of the Board.  
16 Any modification to this original document is ineffective and void unless mutually approved by  
17 the parties in writing.

18 3. **CONSIDERATION IN FUTURE ACTIONS:** Respondent understands that this  
19 Consent Agreement, or any part thereof, may be considered in any future disciplinary action  
20 against her.


21 4. **FINAL RESOLUTION:** This Consent Agreement constitutes a final resolution  
22 of these matters but does not constitute a dismissal or resolution of other matters currently pending  
23 before the Board, if any, and does not constitute any waiver, expressed or implied, of the Board’s  
24 statutory authority or jurisdiction regarding any other pending or future investigations, actions, or  
25 proceedings. Further, this Consent Agreement does not preclude any other agency, subdivision,  
26 or officer of this State from instituting other civil or criminal proceedings with respect to the  
27 conduct that is the subject of this Consent Agreement.

28 5. **PUBLIC RECORD:** This Consent Agreement is a public record that may be

1 publicly disseminated as a formal action of the Board and reported to the National Practitioner  
2 Data Bank and Behavior Analyst Certification Board.


3  
4 DATED this 8 day of December 2023.

5  
6 ARIZONA BOARD OF  
7 PSYCHOLOGIST EXAMINERS

8 By:   
9 Heidi Herbst Paakkonen  
10 Executive Director

11 **ORIGINAL** filed electronically  
12 this 8 day of December 2023 with:

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

16 **COPY** of the foregoing sent electronically by email   
17 this 8 day of December 2023 to:

18 Aspen Grant, M.Ed.  
19 Respondent  
20 Address on Record

21 **COPY** of the foregoing sent electronically by email ([jeanne.galvin@azag.gov](mailto:jeanne.galvin@azag.gov))  
22 this 8 day of December 2023 to:

23 Jeanne M. Galvin  
24 Assistant Attorney General  
25 2005 North Central Ave. SGD/LES  
26 Phoenix, Arizona 85004  
27 Attorney for the State of Arizona

28 By: 