

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

3 **In the Matter of:**

4 **Har K. Khalsa, LCSW-11307,**
5 **Licensed Clinical Social Worker,**
6 **In the State of Arizona.**

CASE NO. 2021-0154
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), Har K. Khalsa ("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. Although Respondent does not agree that all the Findings of Fact set forth in this
10 Consent Agreement are supported by the evidence, Respondent acknowledges that it is the
11 Board's position that, if this matter proceeded to formal hearing, the Board could establish
12 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted
13 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent
14 Agreement as an economical and practical means of resolving the issues associated with the
15 complaint filed against her. Further, Respondent acknowledges that the Board may use the
16 evidence in its possession relating to this Consent Agreement for purposes of determining
17 sanctions in any further disciplinary matter.

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20 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

25

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

12 9. Respondent understands that once the Board approves and signs this Consent
13 Agreement, it is a public record that may be publicly disseminated as a formal action of the
14 Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

15 10. Respondent further understands that any violation of this Consent Agreement
16 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
17 disciplinary action pursuant to A.R.S. § 32-3281.

18 11. The Board therefore retains jurisdiction over Respondent and may initiate
19 disciplinary action against Respondent if it determines that they have failed to comply with the
20 terms of this Consent Agreement or of the practice act.

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

22 **FINDINGS OF FACT**

23 1. Respondent is the holder of License No. LCSW-11307 for the practice of social
24 work in Arizona.

25 ...

1 2. From 05/13/19 – 01/28/20, Respondent provided therapy services to a client
2 (“Mother”).

3 3. From 08/12/19 – 05/21/21, Respondent provided therapy services to Mother’s
4 child (“Child”).

5 4. According to the complainant (“Complainant”), and undenied by Respondent,
6 Respondent provided therapy services to Child’s grandmother in 2019.

7 5. Respondent represented the following in her written response:

8 a. Respondent began individual therapy with Mother regarding her relationship
9 with Complainant and whether or not to stay in the relationship.

10 b. Mother identified concerns related to Child, and Respondent agreed to begin
11 providing therapy services to Child, in addition to providing therapy services
12 to Mother, but only with Complainant’s approval.

13 c. From 11/19 – 01/20, Respondent became aware that providing therapeutic
14 services to both Mother and Child concurrently was becoming more
15 challenging, and she considered discontinuing services and providing
16 referrals due to the high conflict dynamic and court involvement.

17 6. Despite Respondent treating multiple members of the family and Mother’s
18 relationship issues with Complainant, she still made the decision to provide Child with
19 therapeutic services.

20 7. In 04/20, Mother shared with Respondent that Child had been feeling suicidal,
21 but she did not have a plan.

22 8. In 09/20, Mother reported to Respondent that Child engaged in self-harm and
23 wrote goodbye letters to her family members and friends.

24 9. In 10/20, Respondent discussed safety planning with Child and Mother.

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1 10. Although Child disclosed suicidal thoughts as early as 04/20, Respondent did not
2 discuss safety planning or prepare a safety plan for Child until 10/20, approximately six months
3 after the fact.

4 11. Respondent represented the following:

5 a. Respondent explained it was her assessment that Child responded positively
6 with reported symptom reduction after Respondent began targeting her
7 emotional regulation and “big feelings.”

8 b. At the time, Respondent also included Complainant more actively in Child’s
9 treatment, supported Mother in getting Child a psychiatric provider involved in
10 her care, and actively consulted with that provider.

11 c. Because of these actions and the improvement Child showed, Respondent
12 made the determination to delay the creation of an official safety plan and
13 monitor Child’s progress and symptom presentation.

14 d. It is Respondent’s belief that this met the needs of Child.

15 12. On 12/19, Complainant requested all medical records pertaining to Child,
16 including SOAP notes in emails to Respondent.

17 13. Respondent denied the request for SOAP notes and, in response to the request
18 for complete records, indicated the following:

19 a. As a matter of practice and procedure, Respondent does not release full
20 records to her clients or their parents/guardians.

21 b. Respondent’s practice is to invite parents to the office for a summary of the
22 work or a written summary.

23 c. This has been Respondent’s practice throughout her career, and it is all she
24 can offer at this time.

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1 14. On 12/30/19, Respondent wrote a letter to the parent's attorneys in regards to
2 Child's records request indicating the following:

3 a. A treatment summary meets the requirements of Respondent not disclosing
4 more of the PHI than is necessary, and allows for the customization of the
5 information that is most pertinent to the purpose of the request.

6 b. Complainant requested records be released without any clear reason and
7 has not communicated with him other than to request Child's records.

8 c. Respondent is concerned her refusal to provide records will be utilized to
9 discredit her professional abilities and expertise to provide ongoing services
10 to Child.

11 15. On 01/24/20, Complainant subpoenaed Child and Mother's records from
12 Respondent, and Respondent's response referenced the 12/30/19 letter as justification for her
13 refusal and objection.

14 16. In a 10/08/20 email, Complainant requested the entire intake for Child, but
15 Respondent only agreed to provide the signature pages.

16 17. Respondent represented she only provided the signature page as she believed
17 this is what was requested to affirm consent for treatment.

18 18. On 01/14/21, Respondent wrote a letter to the judge expressing concerns
19 regarding the irreparable harm that can occur to Child's fractured relationship with Complainant
20 if full records are released prior to the involvement of a TI.

21 19. On 03/09/21, the court granted a motion for order, ordering Respondent to
22 release her full and complete records.

23 20. On 05/27/21, Complainant issued a second subpoena for Child and Mother's
24 records.

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1 21. Respondent represents that she believed this to be a second request for
2 additional records which she understood her attorney responded to.

3 22. Ultimately, Respondent released the requested records.

4 23. On multiple occasions, Respondent denied Complainant Child's records without
5 providing a reason outlining the potential harm that could occur.

6 24. Respondent made the following representation in her written response:

7 a. On 11/26/19, Complainant began requesting Child's records, and
8 Respondent responded that it was her practice to provide a summary and/or
9 more direct involvement and interactions with a parent requesting records.

10 b. In 12/19 – 01/20, Complainant began objecting to Respondent's treatment of
11 Child.

12 c. In retrospect, Respondent believes it would have been in Child's best interest
13 to be treated by a provider under a safe haven counseling agreement.

14 25. A 11/01/19 letter written on behalf of Child on the request of Mother contained
15 the following recommendations:

16 a. It is recommended Child continues receiving therapy services to assist her
17 with the adjustments and stress.

18 26. In a letter dated 11/19/19 from Respondent at the request of Mother, Respondent
19 went above and beyond just providing factual information by including the following:

20 a. An incident with Complainant was stressful and concerning to Mother, and
21 she entered therapy for support.

22 b. Messages from Complainant were angry, blaming, demeaning and harassing
23 in nature.

24 c. Respondent supported Mother in her decision to change the locks on her
25 home in order to prevent Complainant from reentering.

- 1 d. Complainant engaged in verbally abusive, harassing, blaming, attacking, and
2 threatening behaviors.
- 3 e. This pattern of continuous stress provoking interactions and communications
4 from Complainant poses a risk to Mother when managing the symptoms of
5 her medical condition.
- 6 f. Respondent supported Mother in filing an order of protection in order to
7 provide both emotional and physical safety from Complainant.

8 27. In a 10/13/20 letter from Respondent to a judge, Respondent once again
9 provided more than just factual information and stated multiple concerns including the following:

- 10 a. Respondent is highly concerned for the emotional and physical safety and
11 well-being of Child while she is in Complainant's care.
- 12 b. It is Respondent's assessment that Child will be placed at high risk of self-
13 harm and acting on her suicidal ideations if she returns to Complainant's
14 home without prior family counseling.
- 15 c. There was an increase in Child's anxiety medication for panic attacks, but no
16 increase in the depression medication due to environmental factors while
17 residing at Complainant's home.

18 28. Respondent represents that the actions she took were based on her desire to
19 protect the health, safety, and welfare of Child and that her advocacy was necessary to meet
20 the moral and ethical obligations of her profession.

21 29. Furthermore, in a text to Mother and Complainant, Respondent recommended
22 Child request to spend time at Mother's home if she is unable to feel better at Complainant's as
23 it is believed it will help Child gain better regulation.

24 30. Additionally, Respondent's progress notes were missing the date Respondent
25 signed the note.

1 31. Respondent's notes for telehealth visits were missing the mode of the session
2 and the physical location of the client during the session.

3 32. Respondent's treatment plan was missing the review date.

4 33. Respondent provided the following information related to her health concerns:

5 a. Long term chronic stress.

6 b. Her husband's recent cancer diagnosis and the treatment he has been going
7 through.

8 c. The loss of her father in 10/21.

9 d. Being the primary caregiver for her elderly mother.

10 34. Respondent represents these circumstances prevent her from continuing with the
11 provision of quality behavioral health care, and that it is her desire and intention to focus on her
12 health, wellbeing, and the care of her family members.

13 **CONCLUSIONS OF LAW**

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

17 2. The conduct and circumstances described in the Findings of Fact constitute a
18 violation of A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs
19 the ability of the licensee to safely and competently practice the licensee's profession.

20 3. The conduct and circumstances described in the Findings of Fact constitute a
21 violation of A.R.S. § 32-3251(16)(kk), Failing to make client records in the licensee's possession
22 promptly available to the client, a minor client's parent, the client's legal guardian or the client's
23 authorized representative on receipt of proper authorization to do so from the client, a minor
24 client's parent, the client's legal guardian or the client's authorized representative.

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1 4. The conduct and circumstances described in the Findings of Fact constitute a
2 violation of A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities
3 that are not congruent with the licensee's professional education, training or experience.

4 5. The conduct and circumstances described in the Findings of Fact constitute a
5 violation of A.R.S. § 32-3251(16)(p), failing to conform to minimum practice standards as
6 developed by the board as it relates to the following:

7 A.A.C. R4-6-1101, Treatment Plan

8 A.A.C. R4-6-1103, Client Record

9 A.A.C. R4-6-1106, Telepractice

10 **ORDER**

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

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

15 2. Respondent's license, LCSW-11307, shall by rule, expire on 05/31/22.

16 3. Respondent agrees not to renew their license.

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

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

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

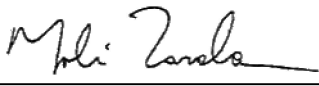
23 Har Kaur Khalsa
Har Kaur Khalsa (Apr 11, 2022 08:33 PDT)

24 Har K. Khalsa

Apr 11, 2022

25 Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

1
2 By:  May 17, 2022
3 TOBI ZAVALA, Executive Director Date
4 Arizona Board of Behavioral Health Examiners

5 **ORIGINAL** of the foregoing filed May 17, 2022
6 with:

7 Arizona Board of Behavioral Health Examiners
8 1740 West Adams Street, Suite 3600
9 Phoenix, AZ 85007

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

11 Mona Baskin
12 Assistant Attorney General
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14 Phoenix, AZ 85004

13 Har K. Khalsa
14 Address of Record
15 Respondent

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