

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 and may be used for purposes of determining
7 sanctions in any future disciplinary matter.

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

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

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

25 ...

1 FINDINGS OF FACT

2 1. Respondent is the holder of License No. LPC-2481 for the practice of counseling
3 in Arizona.

4 2. From 11/14 to 12/14, Respondent had four behavioral health sessions with a
5 female minor client ("Client").

6 3. Client's father ("Father") had sole legal custody of Client and both lived with
7 Client's grandmother ("Grandmother").

8 4. On 11/03/14, in Respondent's first session with Client, Client disclosed:

- 9 a. She had been molested at age 5.
10 b. She previously had thoughts of self harm by cutting her wrists.
11 c. She wasn't currently having thoughts of self harm.
12 d. She had previously abused substances.

13 5. Father signed a release of information allowing Respondent to speak with a
14 social worker ("Social Worker") at Client's school who was also working with Client.

15 6. On 12/03/14, in Respondent's fourth session with Client, Client disclosed:

- 16 a. After receiving discipline from Father related to an incident at school, she felt
17 worthless and alone.
18 b. She ingested 30 Naprosyn tablets.
19 c. She did not tell Father, Grandmother, or Social Worker about taking the
20 medication.

21 7. Following the fourth session, Grandmother texted Respondent and indicated
22 Client would not be returning for services with him because she preferred a female therapist.

23 8. Respondent's conduct during and following Client's treatment is inappropriate
24 where:

- 25 a. He failed to report Client's molestation to the Department of Child Safety.

1 b. Respondent failed to notify Father, Grandmother, or Social Worker about
2 Client's disclosure of ingesting 30 tablets despite having a release of
3 information to work with Social Worker.

4 c. Respondent did not follow up with Grandmother or Father to ensure Client
5 continued behavioral health services.

6 d. Respondent failed to do an adequate suicide risk assessment.

7 9. A review of Respondent's clinical record for Client revealed the following
8 deficiencies:

9 a. The consent for treatment was signed by Grandmother rather than Father
10 who was the legal guardian. Additionally, the consent for treatment lacked
11 required elements.

12 b. There was no treatment plan.

13 c. Respondent did not consistently use appropriate billing codes.

14 d. There was no record of Respondent speaking with Social Worker on two
15 occasions.

16 10. During the Board's investigation, Board staff found that Respondent had been
17 arrested for disorderly conduct in 2010 and failed to report the charge to the Board within 10
18 days as required.

19 **CONCLUSIONS OF LAW**

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

23 2. The conduct and circumstances described in the Findings of Fact constitute a
24 violation of A.R.S. § 32-3251(15)(k), any conduct or practice that is contrary to recognized
25 standards of ethics in the behavioral health profession, as it relates to the 2014 ACA Code of

1 Ethics A.1.a., Primary Responsibility:

2 The primary responsibility of counselors is to respect the dignity and
3 promote the welfare of clients.

4 3. The conduct and circumstances described in the Findings of Fact constitute a
5 violation of A.R.S. § 32-3251(15)(l), any conduct, practice or condition that impairs the ability of
6 the licensee to safely and competently practice the licensee's profession.

7 4. The conduct and circumstances described in the Findings of Fact constitute a
8 violation of A.R.S. § 32-3251(15)(p), failing to conform to minimum practice standards as
9 developed by the Board as it relates to:

10 a. A.A.C. R4-6-1101, Consent for Treatment.

11 b. A.A.C. R4-6-1102, Treatment Plan.

12 c. A.A.C. R4-6-1103, Client Record.

13 d. A.A.C. R4-6-1104, Billing Records.

14 3. The conduct and circumstances described in the Findings of Fact constitute a
15 violation of A.R.S. § 32-3251(15)(ii), violating any federal or state law, rule or regulation
16 applicable to the practice of behavioral health as it relates to A.R.S. § 13-3620: Duty to Report
17 Abuse of Minors.

18 4. The conduct and circumstances described in the Findings of Fact constitute a
19 violation of A.R.S. § 32-3251(12)(ii), violating any federal or state law, rule or regulation
20 applicable to the practice of behavioral health as it relates to A.R.S. § 32-3208: Criminal
21 Charges; Mandatory Reporting Requirements.

22 **ORDER**

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

25 1. As of the effective date of the Consent Agreement, Respondent shall not practice

1 under their license.

2 2. Respondent's license, LPC-2481, shall by rule, expire on 04/30/16.

3 3. Respondent agrees not to renew their license.

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

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

9

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

11 
12 _____
Eugene Paschall

05-24-2016

Date

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

14

15 Dated this 31st day of May, 2016.

16

16 By:

17 
TOBIN ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

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19

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20 **ORIGINAL** of the foregoing filed
This 31st day of May, 2016 with:

21

21 Arizona Board of Behavioral Health Examiners
22 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

23

24

23 **COPY** of the foregoing mailed via Interagency Mail
24 This 31st day of May, 2016, to:

25

25 Marc Harris
Assistant Attorney General

1 1275 West Washington
2 Phoenix, Arizona 85007

3 **COPY** of the foregoing mailed via
4 Certified mail no. 701428700001895710076
5 This 31st day of May, 2016, to:

6 Eugene Paschall
7 Address of Record
8 Respondent
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