



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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DOUGLAS A. DUCEY  
Governor

TOBI ZAVALA  
Executive Director

August 16, 2016

Mr. Juan Lopez  
[REDACTED]

Dear Mr. Lopez:

On August 5, 2016, the Arizona Board of Behavioral Health Examiners ("Board") reviewed Juan Lopez's ("Applicant") application for licensure as a licensed associate substance abuse counselor and determined that he is not eligible for licensure pursuant to A.R.S. § 32-3275(6). Specifically, the Board found that Applicant engaged in conduct that had he been licensed would have constituted grounds for disciplinary action. The Board determined that the disciplinary action invoked the following violations that were based upon the conduct referenced thereafter:

1. A.R.S § 32-3251(15)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.
2. A.R.S § 32-3251(15)(t), disclosing a professional confidence or privileged communication except as may otherwise be required by law or permitted by a valid written release.
3. A.R.S § 32-3251(15)(n), failing to comply with or violating, attempting to violate or assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant to this chapter, any lawful order of the Board, or any formal order, consent agreement, term of probation or stipulated agreement issued under this chapter, as it relates to A.R.S § 32-3286(B): Unlawful use of title.

These violations were based on the following findings:

1. From 09/12 – 07/16, Applicant was employed by a behavioral health agency ("Agency").
2. During the processing of Applicant's LASAC application, the Board received information from Applicant's clinical director ("Clinical Director") alleging various acts of unprofessional conduct.
3. In particular, Clinical Director alleged the following:
  - a. Agency has experienced many ethical violations and boundary issues with Applicant.
  - b. In 2013:
    - Applicant breached client confidentiality when he sent a caseload of clients to his personal, unsecured email address.
    - Applicant was no longer permitted to see female teenage clients when he gave a minor female client his personal cell phone number and added her on Facebook.
  - c. "His lying and deception to his supervisors about his clinical activity was very disturbing as it put clients at risk."
4. During the course of the Board's investigation, Clinical Director furnished the Board with various documents and information pertaining to Applicant's personnel file at Agency.

5. Applicant's personnel file included the following documentation:
  - a. 07/18/14 Memorandum from Manager to Director:
    - Manager is requesting that Applicant be placed on a corrective action plan based on a violation of HIPPA and confidentiality laws.
    - During random checks on employee computers, Applicant had sent the tribe's confidential information to his personal email address.
    - Applicant had also provided probation officers with a client's treatment plan, which is a HIPPA violation.
  - b. 07/23/14 Employee Performance Review from Manager to Applicant:
    - Purpose of Review: Corrective Action
    - Applicant has made poor decisions of releasing client files to his personal email and providing services.
    - Applicant lacks respect of his supervisors.
    - Applicant has violated rules, and according to the Agency handbook, Applicant should be terminated.
  - c. 07/23/14 Memorandum from Ms. Johnson, LISAC to Applicant:
    - Clinical Director received a phone call from a minor client's guardian who expressed concerns that Applicant crossed boundaries by spending too much time with the minor client, friending her on Facebook, and provided her with his personal phone number.
    - When questioned about this Applicant stated that the guardian's allegations were false.
    - However, Applicant acknowledged that he and another therapist rewarded the minor client by taking her to lunch without the guardian's permission.
    - In consideration of the information, Applicant failed to demonstrate clear and definable boundaries with the minor client.
    - Applicant will refrain from communicating with the minor client and her family.
  - d. 08/06/14 Email from Manager to Applicant:
    - Applicant will not facilitate any groups.
    - Applicant will be placed on a 6-month probation period.
    - Applicant will not have individual counseling sessions with youth or women until probation is complete.
  - e. 08/07/14 Email from Manager to Director:
    - Applicant continues to exhibit anti-social behaviors evidenced by not responding to management requests.
    - Applicant understands that he is on probation but he continues to challenge authority and then provides excuses as to why.
  - f. 08/13/14 Memorandum from Manager to Director:
    - When Applicant returned the referral summaries that were overdue, the new therapists noticed that Applicant had signed his name with LISAC credentials.
    - Applicant does not have this credential and has never signed this way before.
    - This is a serious ethical and legal matter because the referral summaries are part of a client's medical file.
    - Falsifying licensure credentials on medical documents is not tolerated by ethics or laws.
  - g. When questioned by Board staff about the issue of Applicant signing his name with LISAC credentials, Applicant indicated the following:
    - Applicant used the credentials because he was hired as a LISAC.
    - Agency knew that Applicant did not have a license and that he was working toward it.
    - When asked by Board staff why Applicant would accept a LISAC position when he knew he did not have a LISAC credential, Applicant indicated:
      - "Who wouldn't to get more money?"

- Applicant had been working 3 jobs and this position was paying as much as the 3 jobs were.
6. Applicant was fully aware of the fact that he did not possess any type of licensure by the Board.
  7. Stating otherwise, especially in a medical record, is a clear and serious misrepresentation of facts.
  8. From approximately 08/14 – 07/16, Applicant was placed on administrative leave, pending Agency's investigation.
  9. In 07/16, Applicant was released from his employment at Agency.
  10. During the time he was on administrative leave, Applicant submitted a job application to another behavioral health agency.
  11. On that job application, Applicant inappropriately listed his Agency job title as Substance Abuse Counselor/LISAC.

Per A.R.S. §41.1092.03.B, you may request a Formal Hearing by notifying the agency in writing within thirty-five (35) days from the date of this letter. If you do request a Formal Hearing, you also have the right, pursuant to A.R.S. §41-1092.06, to request a settlement conference. If you do not request a Formal Hearing by the close of business on September 20, 2016, your file will be closed without further recourse to appeal and the licensure denial will be reported to the federal data banks that record this information. If you desire licensure at a later date, you must submit a new application and fee.

PLEASE BE FURTHER ADVISED that, pursuant to the Board's new licensure statute, as of July 1, 2004, only persons holding licenses to practice social work may do so unless they are exempt from licensure pursuant to A.R.S. § 32-3271.

If you have any questions, I can be reached at (602) 542-1617.

Sincerely,



Tobi Zavala  
Executive Director