

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

2  
3 **In the Matter of:**

4 **CRAIG P. DARRAGH, Respondent for**  
5 **Licensure as a Licensed Independent**  
6 **Substance Abuse Counselor, In the State of**  
7 **Arizona.**

**Complaint No. 2017-0037**

**ORDER OF DENIAL OF LICENSURE**

**Respondent.**

8 Craig P. Darragh ("Respondent") applied for licensure as a Licensed Independent  
9 Substance Abuse Counselor in the State of Arizona on May 5, 2016. On September 9, 2016, the  
10 Board of Behavioral Health Examiners ("Board") determined that Respondent was not eligible  
11 for licensure and denied the application because of unprofessional conduct. On February 3, 2017,  
12 the Board met to conduct the formal hearing on the appeal filed by Respondent in the above  
13 referenced matter. The matter was prosecuted by Assistant Attorney General Marc Harris.  
14 Assistant Attorney General Anne Froedge was present to provide independent legal advice to the  
15 Board. Respondent was present.

16  
17 **FINDINGS OF FACT**

- 18 1. From 02/14 – 04/16, Respondent obtained outside clinical supervision from K.B.  
19 ("Clinical Supervisor") to acquire hours toward his LISAC application.
- 20 2. During the processing of his application, Board staff requested that Respondent  
21 provide a copy of his clinical supervision contract.
- 22 3. In response, Respondent submitted the Retroactive Contract.
- 23 4. Upon review, Board staff identified that the Retroactive Contract cited a new rule, R4-  
24 6-212.01, which did not go into effect until 11/01/15, yet the contract was signed and  
25 dated 02/01/14.

- 1 5. After receiving a formal notice that there was a discrepancy found in his clinical  
2 supervision contract, Respondent submitted a packet of documents to the Board,  
3 attempting to clarify the discrepancy.
- 4 6. In a 07/07/16 statement to the Board, Respondent indicated the following:
- 5 a. Clinical Supervisor provided supervision to Respondent for 2 years.
- 6 b. At the time, Clinical Supervisor was providing supervision under R4-6-706.
- 7 c. While preparing his LISAC application, Respondent noticed that the application  
8 indicated he had to request an exemption pursuant to R4-6-212.01.
- 9 d. After reading this, Respondent created the Retroactive Contract to incorporate the  
10 new rule.
- 11 e. The only reason that Respondent changed the contract was to avoid any possible  
12 deficiencies on his LISAC application due to the fact that R4-6-212.01 was not in  
13 effect when the original contract was drawn up.
- 14 f. Respondent was not trying to be deceitful by revising the original contract.
- 15 g. He wanted to ensure that all the documents were prepared in a manner as  
16 specified in the application.
- 17
- 18 7. In support of his statement, Respondent submitted a copy of Respondent's Original  
19 Contract.
- 20
- 21 8. Respondent indicated that Respondent's Original Contract was the original,  
22 unmodified version of their supervision contract.
- 23 9. Upon review of Respondent's Original Contract, the following details were observed:
- 24 a. Respondent's Original Contract contained 5 paragraphs.
- 25 b. It is signed by Respondent, Clinical Supervisor, and Respondent's direct

1 supervisor on 02/01/14.

2 10. During the Board's investigation, Board staff also requested documents from Clinical  
3 Supervisor.

4 11. In 06/16, in response to a request for a copy of her clinical supervision contract with  
5 Respondent, Clinical Supervisor provided the Board with the Retroactive Contract.

6 12. At the time, Clinical Supervisor provided no information or explanation that the  
7 Retroactive Contract was backdated and modified from its original form.

8 13. In 07/16, Clinical Supervisor was subpoenaed for all documents in her possession  
9 regarding her clinical supervision of Respondent.

10 14. In response to the subpoena, Clinical Supervisor provided a copy of Clinical  
11 Supervisor's Original Contract.

12 15. Clinical Supervisor indicated that Clinical Supervisor's Original Contract was the  
13 original, unmodified version of their original contract.

14 16. Upon review of Clinical Supervisor's Original Contract, the following details were  
15 observed:

16 a. Clinical Supervisor's Original Contract contained 4 paragraphs, as opposed to the  
17 5 paragraphs in Respondent's Original Contract.

18 b. All the signature spaces are left blank, as opposed to the 3 dated signatures in  
19 Respondent's Original Contract.

20 17. In an attempt to gain further clarification on this matter, Board staff subpoenaed all  
21 documents that Agency was in possession of regarding the clinical supervision  
22 between Respondent and Clinical Supervisor.

23 18. In response to the subpoena, Agency provided a copy of Agency's Contract.  
24  
25

1 19. Agency's Contract appears similar to the Retroactive Contract but the signatures and  
2 dates contain different penmanship from all other contracts, and it is missing Clinical  
3 Supervisor's signature altogether.

4 20. During his investigative interview with Board staff, Respondent indicated the  
5 following:

6 a. When Respondent revised the contract, he signed and dated it to match the date of  
7 the original contract, then asked Clinical Supervisor and his direct supervisor to  
8 also sign it.

9 b. Respondent probably told both of them something to the effect that the Board will  
10 have no problem with the Retroactive Contract.

11 c. "Here's where I'm taking full responsibility for my mistake. I don't think  
12 changing it was the mistake. I think not going back to [direct supervisor] and  
13 [Clinical Supervisor] and having them re-date it. That's probably my mistake."

14 d. Respondent can now see how it is a concern that the Retroactive Contract  
15 contains dated signatures of 02/01/14 when it was actually created just a few  
16 months ago.

17 e. In retrospect, Respondent would have still revised the contract to reflect the  
18 current rule however, he would have signed the contract on the date he revised it.

19 f. When asked by Board staff why Respondent's Original Contract was not  
20 contained in the records submitted by Clinical Supervisor or Agency, Respondent  
21 indicated, "Yeah that I can't explain why they don't have it. I gave it to them. I  
22 can check with them or you can check with them. I assumed they had it."  
23

24 g. He does not know why Clinical Supervisor does not have identical copies of the  
25

1 contracts he submitted to Board staff.

2 h. Respondent believes that he may have given the wrong version of the contract to  
3 Clinical Supervisor and his direct supervisor to sign, as there might have been  
4 working drafts.

5 i. "For lack of a better answer, I sent in the wrong one. I wasn't trying to be  
6 deceitful."

7 j. "I can see why it's concerning cause now it's concerning me, my head's trying to  
8 figure it all out, but I don't understand the seriousness of what this is indicating."

9 k. "I still don't understand the severity of what the concern is. I don't know what I  
10 would gain."  
11

12 21. Respondent's conduct appears problematic for the following reasons:

13 a. Instead of acting with transparency and honesty, Respondent deliberately  
14 manipulated a supervision contract in an attempt to satisfy the Board's contract  
15 requirements, after-the-fact.

16 b. Respondent backdated his signature on the contract without giving any indication  
17 that the newly signed contract had been manipulated or modified from its original  
18 form.

19 c. The only reason the Board was able to determine that the contract was modified  
20 and backdated after-the-fact was because the contract was dated 02/01/14 yet,  
21 cited a rule that did not come into existence until 11/01/15.

22 d. Although Respondent represents that he did not intend to be deceitful, it is  
23 difficult to reconcile his representation where:  
24

- 25 • The only reason for dating a signature on any type of document is to

1 memorialize the date the document was signed.

- 2 • Backdating a signature is never acceptable because it is a clear
- 3 misrepresentation of facts.
- 4 • By backdating his signature, Respondent misrepresented that he signed the
- 5 document years before he actually signed it.

6 e. In addition, it is highly concerning that Respondent, Clinical Supervisor, and

7 Agency all possess different versions of the supposed original contract, to which

8 Respondent acknowledges disseminating, yet he cannot provide an explanation

9 for their differences.

10

11 **CONCLUSIONS OF LAW**

- 12 1. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(6), as it relates to a
- 13 violation of A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs the
- 14 ability of the licensee to safely and competently practice.
- 15 2. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(6), as it relates to a
- 16 violation of A.R.S. § 32-3251(16)(c)(i), any oral or written misrepresentation of a fact
- 17 by an Respondent or licensee to secure or attempt to secure the issuance or renewal of a
- 18 license.

19 **ORDER**

20 Based on the evidence and testimony presented, and having heard the arguments of the

21 parties, the Board hereby DENIES Respondent's appeal and affirms its previous decision to deny

22 licensure.

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1 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

2 Respondent is hereby notified of the right to petition for a rehearing or review by filing a  
3 petition with the Board's Executive Director within thirty (30) days after service of this Order.  
4 A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a  
5 rehearing. A.A.C. R4-6-1002. Service of this order is effective five (5) days after date of  
6 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five  
7 (35) days after it is mailed to Respondent.

8 Respondent is further notified that the filing of a motion for rehearing is required to  
9 preserve any rights of appeal to the Superior Court.  
10

11  
12 Dated this 7<sup>th</sup> day of January, 2017

13 Tobi Zavala  
14 Tobi Zavala, Executive Director  
15 Arizona Board of Behavioral Health Examiners  
16

17 **ORIGINAL** of the foregoing filed  
18 The 7<sup>th</sup> day of January, 2017, with:

19 The Board of Behavioral Health Examiners  
20 3443 North Central Avenue, Suite 1700  
21 Phoenix, AZ 85012

22 **COPY** of the foregoing sent certified mail via  
23 Certified mail no. 1014170000106339585,  
24 This 7<sup>th</sup> day of January, 2017, to:

25 Craig P. Darragh  
Address of Record  
Respondent

1 **COPY** of the foregoing sent by mail this  
2 17 day of July, 2017 to:

3 Marc Harris  
4 Assistant Attorney General  
5 1275 W. Washington, CIV/LES  
6 Phoenix, Arizona 85007

7 Anne Froedge  
8 Assistant Attorney General  
9 1275 W. Washington  
10 Phoenix, Arizona 85007

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