



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

TOBI ZAVALA
Executive Director

January 24, 2017

Ms. Erica Wagner


Dear Ms. Wagner:

On November 4, 2016, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as a clinical social worker and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(A)(6). Specifically, the Board found that you engaged in conduct that had you been licensed would have constituted grounds for disciplinary action. The Board determined that the disciplinary action invoked the following violation that was based upon the conduct referenced thereafter:

1. A.R.S. § 32-3251(16)(c)(i), any oral or written misrepresentation of a fact by an applicant or licensee to secure or attempt to secure the issuance or renewal of a license
2. A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

These violations were based on the following findings:

1. In 05/16, you submitted your Licensed Clinical Social Worker application to the Board.
2. In doing so, you provided the Board with requisite forms including the:
 - a. Verification of Supervised Work Experience form
 - b. Verification of Clinical Supervision and Assessment form
3. In review of these verification forms, you and your Clinical Supervisor ("Clinical Supervisor") submitted the following information:
 - a. Dates of supervised work experience: 11/10 – 11/13.
 - b. Dates of clinical supervision: 11/10 – 11/13.
 - c. Total hours of direct client contact: 871
4. By signing these verification forms, Clinical Supervisor attested as follows: "I certify under penalty of perjury that all information contained in this verification, including all supporting documents, is true and correct to the best of my knowledge and belief with full knowledge that any false statements or misrepresentations made in this verification may be grounds for disciplinary action against any license I hold."
5. After examining your and Clinical Supervisor's clinical supervision notes, the following discrepancies were identified:
 - a. Your and Clinical Supervisor's clinical documentation only reflected supervised work experience and clinical supervision from 11/10 – 02/13, rather than 11/10 – 11/13,

- which they had claimed.
- b. Total hours of direct client contact were 508, rather than 871.
6. During your statements to Board staff, you indicated the following regarding these issues:
- a. From the end of 02/13 through 11/13, you and Clinical Supervisor did not have formal clinical supervision meetings.
 - b. "My last clinical supervision session with [Clinical Supervisor] was on 2/13/13. While we were both employed at [Agency], I did not meet with him after that time, therefore work experience and clinical hours under his supervision should not have been included in my application for the timeframe of [03/13 – 11/13]."
 - c. You filled in the dates of supervision and corresponding hours on the verification forms.
 - d. You had the 11/30/13 end date stuck in your mind because Clinical Supervisor was eligible to provide clinical supervision until that date.
 - e. "I made an error when submitting the dates of supervised work experience and clinical supervision with [Clinical Supervisor], exactly as the Board has noted."
 - f. When asked how you can consider this to be an oversight if you had the information in your possession at the time to verify, you indicated, "Well I have no excuses to make. It was an oversight, a mistake, and I can't justify it really. It was just a mistake."
7. Your conduct appears concerning where:
- a. You completed the sections of the verification forms, which were required to be completed by Clinical Supervisor.
 - b. The sole purpose of the verification forms needing to be completed by the clinical supervisor is so the supervisor can independently confirm that all hours claimed by the applicant are true and correct.
 - c. Nevertheless, you inaccurately claimed 10 months of undocumented and unverifiable supervised work experience and clinical supervision.
 - d. In addition, you and Clinical Supervisor falsely claimed 871 hours of direct client contact hours, which did not occur under the supervision of Clinical Supervisor.
8. Furthermore, it appears particularly concerning that you would have claimed false supervision hours, without thoroughly reviewing the information you submitted to the Board.

In addition, pursuant to A.R.S. § 32-3293(1)(b), the Social Work Academic Review Committee ("SWARC") determined that you did not establish that you qualify for licensure based on the following:

1. You did not establish that you meet the clinical supervision requirements set forth in A.A.C. R4-6-404.
2. You did not establish that you meet the supervised work experience requirements as set forth in A.A.C. R4-6-403.

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 February 28, 2017 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 clinical 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,

A handwritten signature in black ink, appearing to read 'Tobi Zavala', with a long, sweeping underline that extends to the right.

Tobi Zavala
Executive Director