

1 3. Respondent has the right to consult with an attorney prior to entering into this
2 Consent Agreement.

3 4. Respondent acknowledges and agrees that upon signing this Consent
4 Agreement and returning it to the Board's Executive Director, Respondent may not revoke their
5 acceptance of this Consent Agreement or make any modifications to it. Any modification of this
6 original document is ineffective and void unless mutually approved by the parties in writing.

7 5. The findings contained in the Findings of Fact portion of this Consent Agreement
8 are conclusive evidence of the facts stated herein and may be used for purposes of determining
9 sanctions in any future disciplinary matter.

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12 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

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

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

2 **FINDINGS OF FACT**

3 1. Respondent is the holder of License No. LCSW-12074 for the practice of social
4 work in Arizona.

5 2. From approximately 09/11 – 04/16, Respondent provided clinical supervision to
6 an applicant (“Applicant”) for licensure as a licensed professional counselor.

7 3. In 04/16, Respondent submitted verification forms to the Board indicating that he
8 provided Applicant with supervision from 09/11 – 04/16, where Applicant accumulated:

9 a. 37 hours of individual supervision.

10 b. 93 hours of group supervision.

11 4. Upon review of Respondent’s verification forms, an error was identified when the
12 Board learned that Applicant did not continuously receive clinical supervision during the entire
13 timeframe that Respondent claimed.

14 5. As a result, the Board requested that Respondent submit revised verification
15 forms, removing the period of time when Applicant was not receiving clinical supervision.

16 6. As requested, Respondent submitted revised verification forms, which provided
17 an accurate, yet shorter period of time for Applicant’s accumulated supervision hours.

18 7. In review of Respondent’s revised forms, he claimed that Applicant accumulated:

19 a. 42 hours of individual supervision.

20 b. 201 hours of group supervision.

21 8. When asked for an explanation of how the revised verification forms claimed
22 more hours than what was originally submitted given the shorter timeframe, Respondent
23 indicated:

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- a. "In the weeks that passed between the original submission and the follow up submission, we found some documentation of additional clinical supervision session that occurred during the time [Applicant] was accruing his hours."
- b. "I decided to include all the hours for which he had verifying documentation, including those that were not included in my original submission."

9. During his investigative interview however, Respondent indicated the following conflicting information:

- a. Respondent didn't actually count the hours or review the additional supervision notes that Applicant said he found.
- b. Respondent had been monitoring Applicant's hours throughout supervision but he didn't actually verify the hours when he submitted the verification forms.

10. Soon after Respondent signed and submitted the revised verification forms, Respondent sent a letter to the Board disclosing the following information:

- a. Around 12/16, Applicant learned that he was approximately 5 hours short of the required amount of supervision hours.
- b. Respondent encouraged Applicant to recount his hours.
- c. Upon the deadline for submitting the revised forms, Respondent did not ask Applicant about the discrepancy in hours he had previously mentioned.
- d. Sometime around 02/17, Applicant told Respondent that "he wrote in approximately five (5) additional hours in the individual supervision notes to compensate for the hours of individual supervision which he thought he was deficient."
- e. Respondent had no knowledge of Applicant's actions.

1 11. Respondent's failure to review, count and verify Applicant's supervision hours,
2 directly correlates to the fact that Applicant was able to fabricate documents and provide false
3 information to the Board in an effort to meet the requisite number of supervision hours.

4 12. Throughout Respondent's clinical supervision with Applicant, Respondent utilized
5 a pre-filled supervision note template.

6 13. Respondent indicated the following regarding the pre-filled note template:

7 a. For the sake of efficiency, in pen, he added his normal meeting time with
8 Applicant, which was 2:00 p.m. – 3:00 p.m.

9 b. He also added 1 hour for the duration of time.

10 14. There were various occasions throughout supervision where Respondent made
11 contemporaneous alterations to the pre-filled note template in order to adjust for times where
12 their supervision sessions deviated from the times and duration that that were pre-filled.

13 15. Some of Respondent's contemporaneous alterations were to increase the
14 duration of time they met, while others were to decrease the time they actually met.

15 16. Given the improper use of a pre-filled template and Applicant's acknowledgement
16 that he illegitimately altered supervision notes to give himself false hours, Respondent is unable
17 to determine which notes were contemporaneously altered and which were illegitimately altered.

18 17. In review of the supervision documents that Respondent maintained for
19 Applicant, there were numerous additional problems identified, such as:

20 a. Several supervision notes contain the same dates and start/stop times, while
21 having different content.

22 b. Several supervision notes contain the same dates but have overlapping
23 start/stop times.

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1 ORDER

2 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to
3 the provisions and penalties imposed as follows:

4 1. Respondent's license, LCSW-12074, will be placed on probation for 12 months,
5 effective from the date of entry as signed below.

6 2. Respondent shall not practice under their license, LCSW-12074, unless they are
7 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,
8 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they
9 shall immediately notify the Board in writing and shall not practice under their license until they
10 submit a written request to the Board to re-commence compliance with this Consent Agreement.
11 All such requests shall be pre-approved by the Board Chair or designee.

12 3. In the event that Respondent is unable to comply with the terms and conditions
13 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
14 such time as they are granted approval to re-commence compliance with the Consent
15 Agreement.

16 Continuing Education

17 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within
18 12 months of the effective date of this Consent Agreement, Respondent shall complete 12 clock
19 hours of continuing education in-person, that meets the clinical supervision requirements of
20 A.A.C. R4-6-214. All required continuing education shall be pre-approved by the Board Chair or
21 designee. Upon completion, Respondent shall submit a certificate of completion of the required
22 continuing education.

23 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within
24 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
25 three semester credit hour graduate level behavioral health ethics course from an accredited

1 college or university, pre-approved by the Board Chair or designee. Upon completion,
2 Respondent shall submit to the Board an official transcript establishing completion of the
3 required course.

4 Early Release

5 6. After completion of the continuing education requirements set forth in this
6 Consent Agreement, Respondent may request early release from the Consent Agreement if all
7 other terms of the Consent Agreement have been met.

8 GENERAL PROVISIONS

9 Provision of Clinical Supervision

10 7. Respondent shall not provide clinical supervision while subject to this Consent
11 Agreement.

12 Civil Penalty

13 8. Subject to the provisions set forth in paragraph 9, the Board imposes a civil
14 penalty against the Respondent in the amount of \$1,000.00.

15 9. Respondent's payment of the civil penalty shall be stayed so long as Respondent
16 remains compliant with the terms of this Consent Agreement. If Board staff determines that
17 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
18 exception of the tolling provision under paragraph 3, the stay of the civil penalty payment shall
19 be automatically lifted and payment of the civil penalty shall be made by certified check or
20 money order payable to the Board within 30 days after being notified in writing of the lifting of
21 the stay.

22 10. Within 10 days of being notified of the lifting of the stay, Respondent may request
23 that the matter be reviewed by the Board for the limited purpose of determining whether the
24 automatic lifting of the stay was supported by clear and convincing evidence. If the Board
25 receives the written request within 10 days or less of the next regularly scheduled Board

1 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
2 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
3 review.

4 11. The Board reserves the right to take further disciplinary action against
5 Respondent for noncompliance with this Consent Agreement after affording Respondent notice
6 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
7 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
8 and the period of probation shall be extended until the matter is final.

9 12. If Respondent currently sees clients in their own private practice, and obtains any
10 other type of behavioral health position, either as an employee or independent contractor, where
11 they provide behavioral health services to clients of another individual or agency, they shall
12 comply with requirements set forth in paragraphs 13 through 15 below.

13 13. Within 10 days of the effective date of this Order, if Respondent is working in a
14 position where Respondent provides any type of behavioral health related services or works in a
15 setting where any type of behavioral health, health care, or social services are provided,
16 Respondent shall provide the Board Chair or designee with a signed statement from
17 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this
18 Consent Agreement. If Respondent does not provide the employer's statement to the Board
19 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a
20 copy of the Consent Agreement.

21 14. If Respondent is not employed as of the effective date of this Order, within 10
22 days of accepting employment in a position where Respondent provides any type of behavioral
23 health related services or in a setting where any type of behavioral health, health care, or social
24 services are provided, Respondent shall provide the Board Chair or designee with a written
25 statement providing the contact information of their new employer and a signed statement from

1 Respondent's new employer confirming Respondent provided the employer with a copy of this
2 Consent Agreement. If Respondent does not provide the employer's statement to the Board
3 within 10 days, as required, Respondent's failure to provide the required statement to the Board
4 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
5 employer(s) with a copy of the Consent Agreement.

6 15. If, during the period of Respondent's probation, Respondent changes
7 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
8 extended leave of absence for whatever reason that may impact their ability to timely comply
9 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform
10 the Board of their change of employment status. After the change and within 10 days of
11 accepting employment in a position where Respondent provides any type of behavioral health
12 related services or in a setting where any type of behavioral health, health care, or social
13 services are provided, Respondent shall provide the Board Chair or designee a written
14 statement providing the contact information of their new employer(s) and a signed statement
15 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a
16 copy of this Consent Agreement. If Respondent does not provide the employer's statement to
17 the Board within 10 days, as required, Respondent's failure to provide the required statement to
18 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide
19 Respondent's employer(s) with a copy of the Consent Agreement.

20 16. Respondent shall practice behavioral health using the name under which they
21 are licensed. If Respondent changes their name, they shall advise the Board of the name
22 change as prescribed under the Board's regulations and rules.

23 17. Prior to the release of Respondent from probation, Respondent must submit a
24 written request to the Board for release from the terms of this Consent Agreement at least 30
25 days prior to the date they would like to have this matter appear before the Board. Respondent

1 may appear before the Board, either in person or telephonically. Respondent must provide
2 evidence that they have successfully satisfied all terms and conditions in this Consent
3 Agreement. The Board has the sole discretion to determine whether all terms and conditions of
4 this Consent Agreement have been met and whether Respondent has adequately demonstrated
5 that they have addressed the issues contained in this Consent Agreement. In the event that the
6 Board determines that any or all terms and conditions of this Consent Agreement have not been
7 met, the Board may conduct such further proceedings as it determines are appropriate to
8 address those matters.


9 18. Respondent shall bear all costs relating to probation terms required in this
10 Consent Agreement.

11 19. Respondent shall be responsible for ensuring that all documentation required in
12 this Consent Agreement is provided to the Board in a timely manner.

13 20. This Consent Agreement shall be effective on the date of entry below.

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

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


19 
20 Daniel E. Parke

8/10/17
Date

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

22 Dated this 18th day of August, 2017.

23
24 By:


25 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

1 ORIGINAL of the foregoing filed

2 This 18th day of August, 2017 with:

3 Arizona Board of Behavioral Health Examiners
4 3443 N. Central Ave., Suite 1700
5 Phoenix, AZ 85012

6 COPY of the foregoing mailed via Interagency Mail

7 This 18th day of August, 2017, to:

8 Marc Harris
9 Assistant Attorney General
10 1275 West Washington
11 Phoenix, Arizona 85007

12 COPY of the foregoing mailed via

13 Certified mail no. 701214000018041201

14 This 18th day of August, 2017, to:

15 Daniel E. Parke
16 Address of Record
17 Respondent

18 COPY of the foregoing mailed via Mail

19 This 18th day of August, 2017 to:

20 Ann-Marie Anderson
21 Wright Welker & Pauole, PLC
22 10429 South 51st Street, Suite 285
23 Phoenix, AZ 85044
24 Attorney for Respondent
25