



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

TOBI ZAVALA
Executive Director

October 31, 2017

Mr. Nathan Mitchell
[REDACTED]

Dear Mr. Mitchell:

On July 14, 2017, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as a licensed professional counselor and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(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 violations that were based upon the conduct referenced thereafter:

1. 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.
2. 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.

These violations were based on the following findings:

1. In 04/16, Nathan Mitchell ("Applicant") submitted his application for licensed professional counselor to the Board.
2. In doing so, Applicant provided the Board with the requisite verification forms, stating that he accumulated clinical supervision hours from 09/11 – 04/16, where he accumulated:
 - a. 37 hours of individual supervision.
 - b. 93 hours of group supervision.
3. Upon review of the verification forms, an error was identified when the Board learned that Applicant did not continuously receive clinical supervision during the entire timeframe claimed.
4. The Board requested that Applicant and his clinical supervisor ("Clinical Supervisor") submit revised verification forms, removing the period of time when Applicant was not receiving clinical supervision.
5. As requested, Applicant and Clinical Supervisor submitted revised verification forms, which provided an accurate, yet shorter period of time for Applicant's accumulated supervision hours.
6. The revised verification forms claimed the following:
 - a. 42 hours of individual supervision.
 - b. 201 hours of group supervision.
7. Due to the discrepancy of how Applicant and Clinical Supervisor claimed more supervision hours, during a shorter period of time, the Board opened an investigation into the matter.

8. During the Board's investigation, Clinical Supervisor submitted a letter to the Board indicating the following:
 - a. Around 12/16, Applicant told Clinical Supervisor that he learned he was approximately 5 hours short of the requirement for individual clinical supervision.
 - b. Clinical Supervisor encouraged Applicant to recount his hours.
 - c. Upon the deadline for submitting the revised verification forms, Clinical Supervisor did not ask Applicant about the discrepancy in hours he had previously mentioned.
 - d. Sometime around 02/17, Applicant told Clinical Supervisor, "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. Clinical Supervisor had no knowledge of Applicant's actions.
9. During his investigative interview, Applicant indicated the following:
 - a. Applicant recounted his individual supervision hours and he had around 42.
 - b. Therefore, Applicant "adjusted" his notes to give him more than the 50 hours that were required.
 - c. When asked by Board staff why his revised verification forms only claimed 42 hours if he had adjusted his supervision notes to give him more than 50, Applicant stated, "That was, uh, that was me not being very careful. I had already filled out the form and then I adjusted the, basically, I just forgot to add in there that I had made those adjustments."
 - d. Applicant does not know how many hours he adjusted but estimates it was around 7 or 8.
 - e. Applicant and Clinical Supervisor used a pre-filled supervision note template to record their supervision sessions onto.
 - f. On their supervision note template, they pre-filled the time they normally met, which was 2:00 p.m. – 3:00 p.m.
 - g. They also pre-filled 1 hour under the duration of time.
 - h. Applicant adjusted some of his supervision notes to make it appear that he had more hours.
 - i. He would make a photocopy of the adjusted notes so that it could help conceal the alterations he made with his pen.
 - j. Some of the individual supervision notes had legitimate contemporaneous corrections on them that were placed there by Clinical Supervisor.
10. Given the improper use of a pre-filled template and Applicant's acknowledgment that he altered supervision notes to give himself more hours, Applicant is now unable to determine which notes were contemporaneously altered by Clinical Supervisor and which were illegitimately altered by Applicant.
11. In review of the supervision documents that Applicant provided to the Board, there were numerous additional problems identified, such as:
 - a. Several supervision notes contain the same dates and start/stop times, while having different content.
 - b. Several supervision notes contain the same dates but have overlapping start/stop times.

In addition, pursuant to A.R.S. § 32-3301(G), on July 28, 2017, the Counseling Academic Review Committee determined that you did not establish qualifications for licensure based on the following:

1. You did not establish that you meet the supervised work experience as set forth in A.A.C. R4-6-503.
2. You did not establish that you meet the clinical supervision requirements as set forth in A.A.C. R4-6-504.

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 December 5, 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 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 horizontal line extending from the end of the signature.

Tobi Zavala
Executive Director