



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANICE K. BREWER
Governor

TOBI ZAVALA
Interim Executive Director

April 29, 2014

Mr. Mark Goldthorpe
[REDACTED]

Dear Mr. Goldthorpe:

On April 3, 2014, the Board found that you are not eligible for licensure pursuant to § 32-3275(6) based on its determination that you violated the following:

1. A.R.S. § 32-3251(12) d), any false, fraudulent or deceptive statement connected with the practice of behavioral health.
2. A.R.S. § 32-3251(12)(b), use of fraud or deceit in connection with rendering services as a licensee or in establishing qualifications pursuant to this chapter.

These violations were based on the following findings:

1. You were employed at an agency ("Agency 1") from 12/12/11 – 01/10/13.
2. A 12/11/12 corrective action plan was created to address the following performance problems:
 - a. You received a client survey with negative feedback for your services.
 - b. Other clients communicated concerns about your consistency.
3. Agency 1 terminated your employment on 01/10/13 based on the following:
 - a. You:
 - Demonstrated a clear pattern of inconsistency working with clients.
 - Did not see several clients on a consistent basis, as required.
 - Had many late cancellations with clients.
 - Made no attempt to reschedule, leaving clients unserved.
 - Did not follow up with your supervisor.
 - b. Several co-workers voiced concern about your communication and role as therapist.
 - c. Several clients asked your co-workers about your role as therapist.
 - d. Clients voiced concerns about not receiving needed services.
 - e. Two clients completed satisfaction surveys noting a lack of services.
 - f. You falsified a case note by documenting that you made a visit to a client where no visit occurred.
 - g. A supervisor at Agency 1 ("Supervisor") indicated the following:
 - You demonstrated a clear pattern of failing to take the responsibilities you have to your clients seriously.
 - It appeared that you falsified records, a clear violation of the agency's code of conduct.
 - h. You are not eligible for rehire at Agency 1.
5. During your Board interview, you acknowledged the following:
 - a. Completing weekly physical visits is a requirement of Agency 1's contract with CPS.
 - b. On 2 occasions, you created a client progress note that reflected that you visited a client's home where your contact with the client was actually via telephone only.

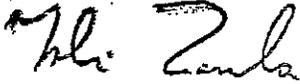
- c. On 1 occasion, you created a fraudulent progress note that documented a visit where no visit occurred.
 - d. "I just kind of got lax, decided rather than put in a missing appointment here, a missing appointment there, not being able to meet...I tried to make things match up as best as I could."
 - e. You also did not want your inability to schedule timely sessions with your clients to negatively impact your work performance.
 - f. "I didn't reach out to take the time off. Instead, I moved the clients around if I needed to meet somebody to get things signed with my wife. I just kind of cancelled things and wasn't able to make it up during the week."
6. During a Board interview, Supervisor indicated the following:
 - a. You often canceled your clinical supervision sessions with Supervisor.
 - b. You also cancelled appointments with clients by saying that you were ill where you did not report a sick day.
 - c. You attempted to disguise your conduct by documenting that clients were unresponsive to your scheduling efforts.
 - d. Five clients filled out negative surveys about you.
 - e. These clients were upset that they did not receive the services they were promised.
 - f. Some coworkers voiced concern that you weren't showing up for your scheduled visits and weren't properly rescheduling your clients.
 - g. You conducted a counseling session over the phone, but documented that you had provided the counseling in person.
 - h. This resulted in your immediate termination.
 - i. Supervisor indicated you are:
 - Not competent to practice your profession.
 - A dishonest person.
 - Not recommended for licensure.
 7. On the 06/10/13 employment application you completed at another agency (Agency 2"), you:
 - a. Identified your previous employment at Agency 1.
 - b. Misrepresented your reason for leaving Agency 1 as "company layoffs".
 8. You indicated the following with regard to your decision to misrepresent the basis for your termination from Agency 1:
 - a. After your termination from Agency 1, you applied to 10-15 other agencies without success.
 - b. After being passed over so many times, you decided to misrepresent that you left Agency 1 due to company layoffs.
 - c. "I think just having been looked over many times from January through June... I thought my past with [Agency 2] was going to keep me forever from being hired on elsewhere and so I left it vague hoping to avoid the situation."
 9. Your intentional misrepresentation regarding the basis for leaving Agency 1 was inappropriate given that, by signing Agency 5's employment application, you verified that all of the information you provided was "true, accurate and complete".

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 June 4, 2014, 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 professional 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) 542-1864.

Sincerely,

A handwritten signature in black ink, appearing to read "Tobi Zavala". The signature is written in a cursive style with a large, stylized initial "T".

Tobi Zavala
Interim Executive Director