



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

TOBI ZAVALA
Executive Director

August 23, 2022

Mrs. Alicia Tucker
[REDACTED]

Dear Mrs. Tucker:

On August 19, 2022, 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(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 violations that were based upon the conduct referenced thereafter:

1. A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health, as it relates to A.R.S. § 32-3286, Unlawful practice.

These violations were based on the following findings:

1. On 10/05/21, Applicant submitted a Clinical Supervisor Exemption Request for LPC licensure for a proposed supervisor at Agency.
2. Applicant was not licensed and there was no application on file; therefore, it was unclear as to why this request was sent.
3. After conversations with Board staff, Agency’s Owner confirmed Applicant was providing psychotherapy services without a license for approximately five and a half years.
4. Since approximately 02/16, Applicant was employed at Agency as a Primary Therapist.
5. On 10/29/21, the Board received Applicant’s LPC application with a Counseling Verification of Supervised Work Experience that indicated the following:
 - a. The reporting period was from 05/01/16 – 05/01/20.
 - b. Qualifying clinical supervision was provided throughout the entire time period being verified.
 - c. There are 300 total hours of supervised work experience in the practice of counseling in the reporting period.
 - d. Supervisor certifies that Applicant was engaged in the supervised practice of counseling that met the Board’s requirements, and was observed during supervised

hours to have demonstrated satisfactory competency in documentation, consultation, collaboration, and coordination of care.

6. Applicant represented the following in her written response:
 - a. From 05/14 – 05/16, Applicant was an intern with Agency.
 - b. On 05/01/16, Applicant was offered a permanent position as a Primary Therapist.
 - c. This was with the understanding that she was going to be able to perform the job under Owner, a licensed Marriage and Family therapist in the state of Arizona.
 - d. Per the government contract with the United States Federal Probation and Pretrial services, Applicant was informed that in order to perform this job per the contract, she needed to have a master's degree and work under a licensed professional.
7. Applicant believed she was allowed to provide counseling services because of Agency's contract.
8. The Agency's contract outlines the requirements for the staff members providing necessary services.
9. For various behavioral health services, the contract outlines that the practitioner providing the service must be a licensed or certified psychiatrist, psychologist, masters or doctoral level practitioner who meets the standards of practice established by the state's regulatory board.
10. Applicant was providing psychotherapy services while unlicensed and at an agency that was not licensed by the Department of Health Services for approximately six years.

In addition, you did not establish that you meet requirements pursuant to A.A.C. R4-6-501(C) based on the following:

1. PSY 6310 Introduction to Theories of Psychotherapy is missing the requirements set forth in subsections (a) & (b) and PSY 7543 Ethics and Multicultural Issues in Applied Psychology is missing the requirement set forth in subsection (a) as required in A.A.C. R4-6-501(C) (2) Social and Cultural diversity.
2. PSY 7210 Lifespan Development is missing the requirement set forth in subsection (a), CNSL5317 Topics in Working with Children: Counseling; and CNSL 5319 Human Sexuality are missing the requirements set forth in subsections (a) & (b) as required in A.A.C. R4-6-501(C) (3) Human growth and development.

And

You did not establish that you meet supervised work experience and clinical supervision requirements pursuant to R4-6-211(D)(2) based on the following:

1. To meet the supervised work experience requirements for licensure, direct supervision shall be acquired after completing the degree required for licensure and receiving certification or licensure from a state regulatory entity.
2. A.A.C. R4-6-503(B) requires that for any month in which an applicant provides direct client contact, the applicant shall obtain at least one hour of clinical supervision.

Notice of Appealable Agency Action:

Pursuant to A.R.S. § 41.1092.03 (B), you may request a formal hearing by notifying the Board, in writing, within 35 days from the date of this letter. The hearing will be held within 60 days after the Board receives your request. (A.R.S. § 41-1092.05)(A)) At the hearing, you will have the burden of proof to demonstrate that you are qualified for licensure regarding the matters set forth above. The Office of the Attorney General will represent the State of Arizona at the hearing. In addition, if you request a hearing, you have the right to request a settlement conference. (A.R.S. § 41-1092.06) Please note that if you do not request a hearing by the close of business on **September 27, 2022**, your file will be closed without recourse to appeal. If you desire licensure in the future you will be required to submit a new application and fee. Please be further advised that pursuant to the Board's licensure statutes only persons holding licenses to practice behavioral health may do so unless they are exempt from licensure pursuant to A.R.S. § 32-3271.

Notice to Licensure Applicant:

Pursuant to A.R.S. § 41-1093.01, an agency shall limit all occupational regulations to regulations that are demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern. Pursuant to A.R.S. § 41-1093.02 and A.R.S. § 41-1093.03, you have the right to petition this agency to repeal or modify the occupational regulation or bring an action in a court of general jurisdiction to challenge the occupational regulation and to ensure compliance with A.R.S. § 41-1093.01.

If you have any questions, I can be reached at (602) 542-1617.

Sincerely,



Tobi Zavala
Executive Director