

1 **BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS**

2 **In the Matter of:**

CASE NO. 2019-0056

3 **Joseph R. Broussard, LPC-12927, LISAC-**
4 **11862, Licensed Professional Counselor,**
5 **Licensed Independent Substance Abuse**
6 **Counselor,**
7 **In the State of Arizona.**

RELEASE FROM CONSENT AGREEMENT
AND ORDER

6 **RESPONDENT**

8 The Board received a request from Respondent to release them from the terms and
9 conditions of the Consent Agreement and Order dated July 8th 2019. After consideration, the
10 Board voted to release Respondent from the terms and conditions of the Consent Agreement
11 and Order dated July 8th 2019.

12 **ORDER**

13 **GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:**

14 Respondent is hereby released from all terms and conditions of the Consent Agreement
15 and Order dated July 8th 2019.

16 By: *Tobi Zavala*
Tobi Zavala (Aug 21, 2019)

Aug 21, 2019

17 TOBI ZAVALA, Executive Director
18 Arizona Board of Behavioral Health Examiners

Date

19 **ORIGINAL** of the foregoing filed Aug 21, 2019
20 with:

21 Arizona Board of Behavioral Health Examiners
22 1740 West Adams Street, Suite 3600
23 Phoenix, AZ 85007

24 **EXECUTED COPY** of the foregoing sent electronically Aug 21, 2019
25 to:

24 Joseph R. Broussard
25 Address of Record
Respondent

1 Flynn P. Carey
2 Mitchell, Stein, Carey, Chapman, PC
3 One Renaissance Square
4 2 N. Central Ave. Ste. 1450
5 Phoenix, AZ 85004
6 Attorney for Respondent
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**BEFORE THE ARIZONA BOARD
OF BEHAVIORAL HEALTH EXAMINERS**

**In the Matter of:
Joseph R. Broussard, LPC-12927,
LISAC-11862,
Licensed Professional Counselor,
Licensed Independent Substance Abuse
Counselor,
In the State of Arizona.**

Respondent.

**COMPLAINT NO. 2019-0056
FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

10 Pursuant to A.R.S. §§ 32-3281(G) and (H), the Arizona Board of Behavioral Health
11 Examiners ("Board") conducted a Formal Interview for Joseph R. Broussard ("Respondent") on
12 June 14, 2019. Respondent and their attorney were present for the Formal Interview. The Board
13 reviewed all documents submitted regarding this matter and took testimony from Respondent.
14 After considering all the information and testimony, the Board issues the following Findings of
15 Fact, Conclusions of Law and Order.

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FINDINGS OF FACT

1. Respondent is the holder of License Nos. LPC-12927 and LISAC-1186 for the practice of counseling and substance abuse counseling in the state of Arizona.
2. From 10/11 – 12/13, Respondent provided clinical supervision to an applicant ("Applicant") for licensure as a licensed professional counselor.
3. The Board opened a complaint against Respondent based on the following information:
 - a. Applicant completed sections of the verification forms that were required to be completed by the clinical supervisor.
 - b. Applicant admitted that the number of direct and indirect client contact hours

1 he claimed was a rough estimate.

2 c. Applicant had no documentation to support the hours of supervised work
3 experience he claimed.

4 4. In response to the allegations, Respondent indicated the following:

5 a. Respondent and Applicant worked together to apply due diligence in coming
6 up with a formulaic conservatively calculated number of hours worked during
7 the years that Respondent fulfilled the role of clinical supervisor at their
8 behavioral health agency ("Agency").

9 b. They relied upon their remembered experiences, hardcopies of supervision
10 documentation, and Applicant's personal work log.

11 5. Given the above information, it is evident that:

12 a. Despite signing a certifying statement, attesting under penalty of perjury that
13 all information in the application was true and correct, Respondent failed to
14 accurately and honestly verify the hours claimed in Applicant's LPC
15 application.

16 b. Respondent calculated their supervised work experience hours based partly
17 on remembered experiences, rather than appropriate and necessary
18 corroborating documentation.

19 c. Respondent failed to comply with R4-6-212(C)(5), which requires the clinical
20 supervisor to maintain documentation for at least 7 years.

21 **CONCLUSIONS OF LAW**

22 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.*
23 and the rules promulgated by the Board relating to Respondent's professional practice as a
24 licensed behavioral health professional.

25 ...

1 pre-approved by the Board Chair or designee. Upon completion, Respondent shall submit a
2 certificate of completion of the required continuing education.

3 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within
4 12 months of the effective date of this Order, Respondent shall complete 10 clock hours of
5 continuing education addressing legal, ethical, and risk management issues related to providing
6 clinical supervision. All required continuing education shall be pre-approved by the Board Chair
7 or designee. Upon completion, Respondent shall submit a certificate of completion of the
8 required continuing education.

9 6. Respondent may submit continuing education completed since the complaint
10 was filed for consideration of approval by the Board Chair or designee.

11 Early Release

12 7. After completion of the continuing education requirements set forth in this Order,
13 Respondent may request early release from this Order if all other terms have been met.

14 GENERAL PROVISIONS

15 Provision of Clinical Supervision

16 8. Respondent shall not provide clinical supervision while subject to Order.

17 Civil Penalty

18 9. Subject to the provisions set forth in paragraph 10, the Board imposes a civil
19 penalty against the Respondent in the amount of \$1,000.00.

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

1 11. Within 10 days of being notified of the lifting of the stay, Respondent may request
2 that the matter be reviewed by the Board for the limited purpose of determining whether the
3 automatic lifting of the stay was supported by clear and convincing evidence. If the Board
4 receives the written request within 10 days or less of the next regularly scheduled Board
5 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
6 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
7 review.

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

13 13. If Respondent currently sees clients in their own private practice, and obtains any
14 other type of behavioral health position, either as an employee or independent contractor, where
15 they provide behavioral health services to clients of another individual or agency, they shall
16 comply with requirements set forth in paragraphs 14 through 16 below.

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

24 15. If Respondent is not employed as of the effective date of this Order, within 10
25 days of accepting employment in a position where Respondent provides any type of behavioral
health related services or in a setting where any type of behavioral health, health care, or social

1 services are provided, Respondent shall provide the Board Chair or designee with a written
2 statement providing the contact information of their new employer and a signed statement from
3 Respondent's new employer confirming Respondent provided the employer with a copy of this
4 Order. If Respondent does not provide the employer's statement to the Board within 10 days, as
5 required, Respondent's failure to provide the required statement to the Board shall be deemed a
6 violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's employer(s) with a
7 copy of the Order.

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

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

25 18. Prior to the release of Respondent from probation, Respondent must submit a
written request to the Board for release from the terms of this Order at least 30 days prior to the

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

9 19. Respondent shall bear all costs relating to probation terms required in this Order.

10 20. Respondent shall be responsible for ensuring that all documentation required in
11 this Order is provided to the Board in a timely manner.

12 21. This Order shall be effective on the date of entry below.

13 22. This Order is conclusive evidence of the matters described herein and may be
14 considered by the Board in determining appropriate sanctions in the event a subsequent
15 violation occurs.

16 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

17 23. Respondent is hereby notified of the right to petition for a rehearing or review by
18 filing a petition with the Board's Executive Director within thirty (30) days after service of this
19 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a
20 rehearing. A.A.C. R4-6-1002. Service of this order is effective five (5) days after date of mailing.
21 If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days
22 after it is mailed to Respondent.

23 24. Respondent is further notified that the filing of a motion for rehearing is required
24 to preserve any rights of appeal to the Superior Court.

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Dated this 8th day of July, 2019.

Tobi Zavala

Tobi Zavala, Executive Director
Arizona Board of Behavioral Health Examiners

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ORIGINAL of the foregoing filed
This 8th day of July, 2019, with:

The Board of Behavioral Health Examiners
1740 W. Adams Street, Suite 3600
Phoenix, AZ 85007

COPY of the foregoing mailed via
Certified mail no. 94890090 00270043040926
This 8th day of July, 2019, to:

Joseph R. Broussard
Address of Record
Respondent

COPY of the foregoing sent by mail
This 8th day of July, 2019 to:

Flynn P. Carey
Mitchell, Stein, Carey, Chapman
One Renaissance Square 2 North Central Ave., Suite 1450
Phoenix, AZ 85004
Attorney for Respondent

COPY of the foregoing sent by mail
This 8th day of July, 2019 to:

Marc Harris
Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004
Attorney for the State of Arizona