



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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KATIE HOBBS
Governor

TOBI ZAVALA
Executive Director

November 4th, 2024

Jennifer Silvas
[REDACTED]

Dear Ms. Silvas:

On November 1, 2024, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as a licensed associate counselor and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(A)(5) and 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)(l), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

These violations were based on the following findings:

1. From 12/01/21 – 11/21/23, Applicant was licensed as a Licensed Associate Counselor with the Board.
2. In 11/22, a complaint was received against Applicant.
3. In 11/23, during the course of the investigation, another complaint was received, alleging Applicant married a client.
4. Following receipt of this complaint, Applicant agreed to voluntarily surrender her license.
5. Applicant's consent agreement contained various violations relating to the code of ethics, working outside of her scope, documentation deficiencies, and impaired judgement.
6. In 08/24, Applicant re-applied for a license with the Board.
7. During her investigative interview, Applicant represented the following:
 - a. Applicant met a client ("Client") on her first day while she was working at the prison in 01/23.
 - b. Client was performing work duties in the same building as Applicant as an inmate.
 - c. Applicant provided group therapy services to Client and had one on one sessions from approximately 02/23 or 03/23 and for around 90 days thereafter.
 - d. Applicant noticed she was developing feelings for Client and they eventually started a romantic relationship in 07/23.
 - e. Applicant and Client were married in 10/23
 - f. In 10/23, Applicant also resigned from her position at the prison due to her relationship with Client.
 - g. Applicant is still married to Client.
8. Despite meeting Client as an inmate in the prison she was employed in and providing behavioral health services to him, Applicant entered into a romantic relationship with Client.
9. Applicant represented the following during her investigative interview:
 - a. Applicant did not feel the situation was unethical until she was able to ask the Board's Executive Director the question.
 - b. She did not realize that the Board and the ACA were different, and she did not understand that she would never be able to have a relationship with a client.

- c. By reviewing it, it also seemed that as long as it was not a sexual relationship, it was okay.
10. Applicant reviewed the Board's rules and statutes and interpreted them as indicating that her relationship with Client was only unethical if there was a sexual relationship.
 11. Based on Applicant's statements, it appears that although she is representing they have not had a sexual relationship, it is a possibility once Client is released from prison.
 12. Despite seeking out therapeutic services, Applicant has not discussed the ethical concerns regarding her conduct, and although she has searched for continuing education courses, she has not yet completed any.

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 **December 9, 2024**, 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