

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

2
3 **In the Matter of:**

4 **CRYSTAL R HARRIS, Applicant for**
5 **Licensure as a Licensed Associate Counselor,**
6 **In the State of Arizona.**

Complaint No. 2014-0024

ORDER OF DENIAL OF LICENSURE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
Respondent.

Crystal R Harris ("Respondent") applied for licensure as a Licensed Associate Counselor in the State of Arizona on October 22, 2012. On November 7, 2013, the Board of Behavioral Health Examiners ("Board") determined that Respondent was not eligible for licensure and denied the application because of unprofessional conduct. On July 25, 2014, the Board met to conduct the formal hearing on the appeal filed by Respondent in the above referenced matter. The matter was prosecuted by Assistant Attorney General Elizabeth A Campbell. Assistant Attorney General Diana Day of the Solicitor General's Office was present to provide independent advice to the Board. Respondent was present.

FINDINGS OF FACT

1. In 11/00, Respondent was issued her Standard Secondary Education 7-12 teaching certificate by the Arizona Board of Education ("AzBE").
2. In 08/02, AzBE received a report from the Washington Elementary School District that indicated the following:
 - a. Respondent picked up a student.
 - b. When the student refused to stand, she dropped him from the waist level onto the concrete at least two times.
 - c. Respondent made two students walk barefoot on blacktop cement during a fire drill

1 while it was approximately 100 degrees.

2 3. In 10/06, AzBE received a secondary report regarding Respondent from the Dysart
3 School District ("Dysart") that indicated the following:

4 a. Respondent slapped a student in the face with his own hands.

5 b. She disclosed confidential information to the grandmother of a student without the
6 permission of the student's mother.

7 c. She sat a student down with sufficient force to cause the student to his head on the
8 door, making him cry.

9 4. In 02/09, Respondent applied for a School Psychologist Certificate.

10 5. In 02/10, Respondent applied for a Cross Categorical Special Education teaching
11 certificate.

12 6. In 08/10, after investigating the 08/02 and 10/06 allegations, AzBE:

13 a. Denied Respondent's 02/09 application for a School Psychologist certificate.

14 b. Refused to renew Respondent's Standard Cross Categorical Special Education K-12
15 teaching certificate.

16 7. Further findings by AzBE indicated the following:

17 a. A 03/03 Dysart employment application indicated that Respondent resigned from the
18 Washington Elementary School District at the request of the district.

19 b. In 11/06, there was a serious breach of confidentiality while at Dysart.

20 c. In 01/07, Dysart placed her on a performance improvement plan due to unsatisfactory
21 performance.

22 d. In 04/07, further performance allegations included a lack of honesty and
23 responsibility.
24
25

1 8. As a result of AzBE's denial of Respondent's pending certification applications and
2 denial of her renewal application, she can no longer provide any services in Arizona as a
3 certified teacher and is prohibited from practicing as a certified school psychologist.

4 9. From 02/11 – 0811, Respondent was employed at an agency ("Agency 1").

5 10. Agency 1 personnel records indicate the following:

- 6 a. Respondent failed to follow Agency 1's Mandated Minimum Review Cycles for her
7 cases on more than one occasion.
8
9 b. Two file audits revealed missing forms and incomplete documentation.
10
11 c. She inappropriately communicated with a minor client's mother instead of the client's
12 father, who had sole custody.
13
14 d. When confronted, she displayed unprofessional conduct as a State employee by
15 raising her voice.
16
17 e. She displayed non-effective communication and non-active listening skills in emails
18 and phone conversations with clients.
19
20 f. On 08/16/11, she was involuntarily terminated from Agency 1.

21 11. From 10/11 – 01/13, Respondent was employed at another agency ("Agency 2") as a case
22 manager.

23 12. Agency 2 personnel records indicate the following:

- 24 a. A 01/08/13 summary of Respondent's documentation over a 6 month period found
25 multiple discrepancies in length of service and billing codes, as well as what appeared
to be cloned notes.
b. On 01/11/13, she sent an unsecured email containing confidential client information
to the wrong client.

1 c. On 01/16/13, she created a progress note that indicated the following:

- 2
- Length of service time was documented from 9:35 a.m. to 11:08 a.m.
 - “[S]taffing at [facility] – [Client] and [Mother] toured facility and discussed job
3 development, socialization activities, and computer training – [facility] staff
4 informed [Client] that currently agency is full and will put [Client] on waiting list
5 for services”.
- 6

7 d. Agency 2 became concerned about the legitimacy of this note based on the following:

- 8
- Mother called staff at 9:58 a.m. to report that Respondent did not show up for the
9 scheduled staffing.
 - Staff overheard her apologizing to Mother on the phone for not attending the
10 staffing.
- 11

12 e. On 01/23/13, Agency 2 management met with her to discuss the “serious allegations”
13 against her and to provide her with an opportunity to respond to these allegations.
14

15 f. She was resistant to the allegations and stated:

- 16
- She did not believe her conduct constituted a HIPAA breach.
 - She was not trained properly regarding required documentation.
- 17

18 g. Following its review of this matter, Agency 2 determined that her creation of the
19 01/16/13 note was inappropriate and terminated her employment.
20

21 h. During 08/13 telephonic investigative interviews, a supervisor and the Site Manager
22 from Agency 2 indicated the following:

- 23
- She created fraudulent notes.
 - Issues found during a review of her documentation were unusual and
24 extraordinary.
25

1 13. During Respondent's investigative interview, she represented the following:

2 a. She arrived late for the 01/16/13 staffing scheduled with Mother and Client.

3 b. By the time she arrived, Mother had already left, but she was able to meet with
4 Client.

5 c. She accurately documented the time she spent providing services to Client at the
6 facility.

7 14. It is impossible to reconcile Respondent's statement that she accurately documented a
8 staffing that occurred on 01/16/13 with the following:

9 a. Her 01/16/13 progress note indicates that she met with both Client and Mother.

10 b. According to Respondent, she arrived at the staffing late and Mother had already left
11 the facility by the time she arrived.

12 c. Following its review of this matter, Agency 2 determined that her conduct was
13 inappropriate and terminated her employment.

14 15. From 03/13 -- 07/13, Respondent was employed at a third agency ("Agency 3").

15 16. An unsigned 06/21/13 Agency 3 Performance Evaluation rated her as Unsatisfactory or
16 Needs Improvement in all categories and indicated the following:

17 a. On several occasions, she had yelled at and hung up on staff.

18 b. She has issues following directions.

19 c. She has refused to take required trainings.

20 d. She has been asked not to schedule herself directly with providers.

21 e. She must schedule shifts through Agency 3 in order to avoid overtime.

22 f. In response, she indicated that she was going to work if she was needed, disregarding
23 Agency 3's directives.
24
25

1 17. According to a supervisor from Agency 3:

2 a. The 06/21/13 Performance Evaluation was reviewed with Respondent.

3 b. The issues were also discussed verbally with her several times before they were
4 documented on 06/21/13.

5 c. She does not seem to accept feedback and, instead, will comment that she does her
6 job well.

7 18. On the 03/20/13 employment application Respondent submitted to Agency 3, she
8 misrepresented the basis for her leaving Agency 2 as "changes in policy".

9 19. On her 05/23/13 employment application with another agency ("Agency 4"), she
10 indicated the following:

11 a. "I was asked to leave [Agency 2] for not completing paperwork with sufficient
12 detail."

13 20. Respondent's representations to Agency 3 and Agency 4 regarding the basis for her
14 separation from Agency 2 are not consistent with information provided by Agency 2
15 indicating that she was involuntarily terminated for a HIPAA breach and the creation of
16 inconsistent and fraudulent documentation.

17 21. Under these circumstances, it appears she deliberately misrepresented the basis for her
18 separation from Agency 2 on the employment applications she submitted to Agency 3
19 and Agency 4.
20
21

22 CONCLUSIONS OF LAW

23 1. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(6), as it relates to a
24 violation of A.R.S. § 32-3251(12)(l), any conduct, practice or condition that impairs the
25 ability of the licensee to safely and competently practice.

1 2. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(6), as it relates to a
2 violation of A.R.S. § 32-3251(12)(b), use of fraud or deceit in connection with rendering
3 services as a licensee.

4 3. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(6), as it relates to a
5 violation of A.R.S. § 32-3251(12)(d), any false, fraudulent or deceptive statement
6 connected with the practice of behavioral health.

7 4. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(6), as it relates to a
8 violation of A.R.S. § 32-3251(12)(ll), being the subject of the revocation, suspension,
9 surrender or any other disciplinary sanction of a professional license, certificate or
10 registration or other adverse action related to a professional license, certificate or
11 registration in another jurisdiction or country, including the failure to report the adverse
12 action to the board. The action taken may include refusing, denying, revoking or
13 suspending a license or certificate, the surrendering of a license or certificate, otherwise
14 limiting, restricting or monitoring a license or placing a licensee on probation.

15
16 **ORDER**

17 Based on the evidence and testimony presented, and having heard the arguments of the
18 parties, the Board hereby DENIES Respondent's appeal and affirms its previous decision to deny
19 licensure.

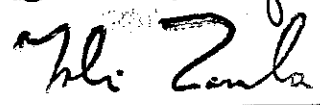
20
21 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

22 Respondent is hereby notified of the right to petition for a rehearing or review by filing a
23 petition with the Board's Executive Director within thirty (30) days after service of this Order.
24 A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a
25 rehearing. A.A.C. R4-6-1002. Service of this order is effective five (5) days after date of

1 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five
2 (35) days after it is mailed to Respondent.

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

5 Dated this 5th day of August, 2014

6 

7 _____
8 Tobi Zavala, Executive Director
9 Arizona Board of Behavioral Health Examiners

10 **ORIGINAL** of the foregoing filed
11 The 5th day of August, 2014, with:

12 The Board of Behavioral Health Examiners
13 3443 North Central Avenue, Suite 1700
14 Phoenix, AZ 85012

15 **COPY** of the foregoing sent certified mail
16 This 5th day of August, 2014, to:
17 7014 0510 0001 3719 3204

18 Crystal Harris
19 Address of Record
20 Respondent

21 **COPY** of the foregoing sent by mail this
22 5th day of August, 2014 to:

23 Elizabeth A Campbell
24 Assistant Attorney General
25 1275 W. Washington, CIV/LES
Phoenix, Arizona 85007

Diana Day
Assistant Attorney General, Solicitor General's Office
1275 W. Washington
Phoenix, Arizona 85007

Board Staff