

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

3 **In the Matter of:**

4 **Scott A. Rivera, LMSW-12756,**
5 **Licensed Master Social Worker,**
6 **In the State of Arizona.**

7 **Respondent**

CASE NO. 2014-0068
INTERIM CONSENT AGREEMENT

8 By mutual agreement and understanding, between the Arizona State Board of
9 Behavioral Health Examiners (“Board”) and Scott A. Rivera (“Respondent”), the parties enter
10 into this Interim Consent Agreement, Findings of Fact, Conclusions of Law and Order (“Interim
11 Consent Agreement”) as an interim disposition of this matter.

12 **RECITALS**

13 Respondent understands and agrees that:

- 14 1. The Board may adopt this Interim Consent Agreement, or any part thereof,
15 pursuant to A.R.S. § 32-3251 *et seq.* and A.R.S. § 41-1092.07(F)(5).
- 16 2. Respondent has read and understands this Interim Consent Agreement as set
17 forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an
18 attorney or has waived the opportunity to discuss this Interim Consent Agreement with an
19 attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so
20 agrees to abide by all of its terms and conditions.
- 21 3. By entering into this Interim Consent Agreement, Respondent freely and
22 voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as
23 well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other
24 administrative and/or judicial action, concerning the matters related to the Interim Consent
25 Agreement.

1 4. Respondent understands that this Interim Consent Agreement does not
2 constitute a dismissal or resolution of this matter or any matters that may be currently pending
3 before the Board and does not constitute any waiver, express or implied, of the Board's
4 statutory authority or jurisdiction regarding any other pending or future investigations, actions,
5 or proceedings. Respondent also understands that acceptance of this Interim Consent
6 Agreement does not preclude any other agency, subdivision, or officer of this State from
7 instituting civil or criminal proceedings with respect to the conduct that is the subject of this
8 Interim Consent Agreement. Respondent does not intend his acceptance of this Interim
9 Consent Agreement to constitute an admission of any fact or facts and he enters into this
10 agreement as an interim compromise of a pending matter. Respondent further does not
11 relinquish his rights to an administrative hearing, rehearing, review, reconsideration, judicial
12 review or any other administrative and/or judicial action, concerning the matters related to a
13 final disposition of this matter, unless he affirmatively does so as part of the final resolution of
14 this matter.

15 5. Respondent acknowledges and agrees that upon signing this Interim Consent
16 Agreement and returning it to the Board's Executive Director, Respondent may not revoke his
17 acceptance of this Interim Consent Agreement or make any modifications to it. Any
18 modification of this original document is ineffective and void unless mutually approved by the
19 parties in writing.

20 6. Respondent understands that this Interim Consent Agreement shall not become
21 effective unless and until it is adopted by the Board and signed by its Executive Director.

22 7. Respondent understands and agrees that if the Board does not adopt this
23 Interim Consent Agreement, he will not assert in any future proceedings that the Board's
24 consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or
25 other similar defense.

1 8. Respondent understands that this Interim Consent Agreement is a public record
2 that may be publicly disseminated as a formal action of the Board, and that it shall be reported
3 as required by law to the National Practitioner Data Bank.

4 9. Respondent understands that this Interim Consent Agreement does not alleviate
5 his responsibility to comply with the applicable license-renewal statutes and rules. If this Interim
6 Consent Agreement remains in effect at the time Respondent's behavioral health licenses
7 come up for renewal, he must renew his licenses if Respondent wishes to retain his licenses. If
8 Respondent elects not to renew his licenses as prescribed by statute and rule, Respondent's
9 licenses will not expire but rather, by operation of law (A.R.S. § 32-3202), become suspended
10 until the Board takes final action in this matter. Once the Board takes final action, in order for
11 Respondent to be licensed in the future, he must submit a new application for licensure and
12 meet all of the requirements set forth in the statutes and rules at that time.

13 10. Respondent understands that any violation of this Interim Consent Agreement
14 constitutes unprofessional conduct under A.R.S. § 32-3251(16)(n), violating a formal order,
15 consent agreement, term of probation or stipulated agreement, and may result in disciplinary
16 action under A.R.S. § 32-3281.

17 Respondent understands and agrees that:

18 **INTERIM FINDINGS OF FACT**

19 1. The Board is the duly constituted authority for licensing and regulating the
20 practice of social work in the State of Arizona.

21 2. Respondent is the holder of License No. LMSW-12756.

22 3. Respondent acknowledges that his behavioral health issues may be impacting
23 his ability to safely and competently practice social work.

24 4. Because there has not been sufficient time to assess what would be an
25 appropriate final disposition in this matter, the parties agreed to enter into this Interim Consent

1 Agreement. The Interim Consent Agreement is intended to protect the public and ensure that
2 Respondent is able to safely engage in the practice of behavioral health in Arizona.

3 **INTERIM CONCLUSIONS OF LAW**

4 1. The Board possesses subject matter and personal jurisdiction over Respondent
5 pursuant to A.R.S. § 32-3251 *et seq.*

6 2. The Board is authorized to enter into an interim consent agreement with a social
7 worker to limit or restrict the professional's practice in order to protect the public and ensure that
8 the professional is able to safely engage in the practice of social work pursuant to A.R.S. § 32-
9 3281.

10 **INTERIM ORDER**

11 Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to
12 the authority granted to the Board under A.R.S. § 32-3281:

13 **IT IS HEREBY ORDERED** that Respondent shall not practice under his license until
14 such time as he submits a written request for the reinstatement of his license to the Board and
15 the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its
16 discretion, require any combination of staff-approved physical, psychiatric, or psychological
17 examinations, or other types of examinations, evaluations or interviews it believes are
18 necessary to assist the Board in determining whether Respondent is able to safely and
19 competently return to the practice of social work. The Board's affirmative approval to permit
20 Respondent to return to practicing under his license shall not preclude the Board from taking
21 any other action it deems appropriate based upon the conduct set forth in the Interim Findings
22 of Fact.

23 Respondent's agreement not to practice under License No. LMSW-12756 will be
24 considered an interim suspension of his license.

25 ...

PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Scott A Rivera

Date

3/29/16

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 8th day of March, 2016.

By:

Tobi Zavala, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed

This 8th day of March, 2016, with:

Arizona Board of Behavioral Health Examiners
3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

COPY of the foregoing mailed via Interagency Mail

This 8th day of March, 2016, to:

Marc Harris
Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007

COPY of the foregoing mailed via

Certified mail no. 70142870000189575404

This 8th day of March, 2016, to:

Scott A. Rivera
Address of Record
Respondent