

1 BEFORE THE ARIZONA STATE BOARD OF BEHAVIORAL HEALTH EXAMINERS

2 In the Matter of:

3 Jeffrey B. Harvey, LPC-11612, LISAC-10884,
4 Licensed Professional Counselor, Licensed
5 Independent Substance Abuse Counselor,
6 In the State of Arizona.

RESPONDENT

CASE NO. 2015-0117

RELEASE FROM
CONSENT AGREEMENT AND ORDER

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8 The Board received a request from Respondent to release them from the terms and
9 conditions of the Consent Agreement and Order dated August 24, 2016. After consideration, the
10 Board voted to release Respondent from the terms and conditions of the Consent Agreement
11 and Order dated August 24, 2016.

12 ORDER

GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:

13 Respondent is hereby released from all terms and conditions of the Consent Agreement
14 and Order dated August 24, 2016.

15 Dated this 10th day of November, 2018.

16
17 By:



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

20 ORIGINAL of the foregoing filed
This 10th day of November, 2018, with:

21 Arizona Board of Behavioral Health Examiners
22 1740 W. Adams St., Suite 3600
23 Phoenix, AZ 85007

24 COPY of the foregoing mailed via
Certified mail no. 9489009000276060239752
This 10th day of November, 2018, to:

25 Jeffrey B. Harvey
Address of Record

1 Respondent

2 **COPY** of the foregoing mailed via Mail
3 This 6th day of November, 2018 to:

4 Charlie Hover
5 1 N Central Ave #900
6 Phoenix, Arizona 85004
7 Attorney for Respondent

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1 3. Respondent has the right to consult with an attorney prior to entering into this
2 Consent Agreement.

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

7 5. The findings contained in the Findings of Fact portion of this Consent Agreement
8 are conclusive evidence of the facts stated herein and may be used for purposes of determining
9 sanctions in any future disciplinary matter.

10 6. This Consent Agreement is subject to the Board's approval, and will be effective
11 only when the Board accepts it. In the event the Board in its discretion does not approve this
12 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,
13 nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except
14 that Respondent agrees that should the Board reject this Consent Agreement and this case
15 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its
16 review and discussion of this document or of any records relating thereto.

17 7. Respondent understands that once the Board approves and signs this Consent
18 Agreement, it is a public record that may be publicly disseminated as a formal action of the
19 Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

20 8. Respondent further understands that any violation of this Consent Agreement
21 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
22 disciplinary action pursuant to A.R.S. § 32-3281.

23 9. The Board therefore retains jurisdiction over Respondent and may initiate
24 disciplinary action against Respondent if it determines that they have failed to comply with the
25 terms of this Consent Agreement or of the practice act.

1 The Board issues the following Findings of Fact, Conclusions of Law and Order:

2 **FINDINGS OF FACT**

3 1. Respondent is the holder of License Nos. LPC-11612 and LISAC-10889 for the
4 practice of counseling in Arizona.

5 2. From 08/12 – 03/15, Respondent provided behavioral health services to a male
6 client ("Client").

7 3. During treatment, Respondent acknowledges using inappropriate and offensive
8 language with Client.

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

10 a. Respondent used different theories and approaches when working with
11 Client.

12 b. Respondent's inappropriate language is supported by literature.

13 c. Respondent recognized Client's background and history and believed the use
14 of language met Client's level of understanding and therapeutic needs.

15 5. Respondent's conduct appears inappropriate for the following reasons:

16 a. There is no documentation in the clinical record that suggests that certain
17 theories or approaches were being utilized, which would require the use of
18 inappropriate language.

19 b. Respondent did not document his intent, therapeutic plan, or desired
20 outcome for using such inappropriate language.

21 c. There is nothing in the clinical record suggesting that Respondent carefully
22 weighed the potential benefits and consequences associated with such an
23 irregular approach.

24 d. Respondent acknowledges that he did not consult with his supervisors
25 regarding the use of such language.

1 Respondent shall submit to the Board an official transcript establishing completion of the
2 required course.

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 Consent Agreement, Respondent shall take and pass a
5 three semester credit hour graduate level behavioral health course in assessment, diagnosis
6 and treatment from an accredited college or university, pre-approved by the Board Chair or
7 designee. Upon completion, Respondent shall submit to the Board an official transcript
8 establishing completion of the required course.

9 6. In addition to the continuing education requirements of A.R.S. § 32-3273, within
10 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
11 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course.
12 All required continuing education shall be pre-approved by the Board Chair or designee. Upon
13 completion, Respondent shall submit a certificate of completion of the required continuing
14 education.

15 Clinical Supervision

16 7. While on probation, Respondent shall submit to clinical supervision for 24 months
17 by a masters or higher level behavioral health professional licensed at the independent level.
18 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a
19 clinical supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the
20 date of this Consent Agreement, the clinical supervisor shall submit a letter disclosing his/her
21 prior relationship to Respondent. In that letter, the clinical supervisor must address why he/she
22 should be approved, acknowledge that he/she has reviewed the Consent Agreement and
23 include the results of an initial assessment and a supervision plan regarding the proposed
24 supervision of Respondent. The letter from the supervisor shall be submitted to the Board.
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Focus and Frequency of Clinical Supervision

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2 8. The focus of the supervision shall relate to documentation, boundaries, ethics,
3 clinical skills and therapy models. Respondent shall meet individually in person with the
4 supervisor twice monthly.

5 **GENERAL PROVISIONS**

6 **Provision of Clinical Supervision**

7 9. Respondent shall not provide clinical supervision while subject to this Consent
8 Agreement.

9 **Civil Penalty**

10 10. Subject to the provisions set forth in paragraph 11, the Board imposes a civil
11 penalty against the Respondent in the amount of \$1,000.00.

12 11. Respondent's payment of the civil penalty shall be stayed so long as Respondent
13 remains compliant with the terms of this Consent Agreement. If Board staff determines that
14 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the
15 exception of the tolling provision under paragraph 3, the stay of the civil penalty payment shall
16 be automatically lifted and payment of the civil penalty shall be made by certified check or
17 money order payable to the Board within 30 days after being notified in writing of the lifting of
18 the stay.

19 12. Within 10 days of being notified of the lifting of the stay, Respondent may request
20 that the matter be reviewed by the Board for the limited purpose of determining whether the
21 automatic lifting of the stay was supported by clear and convincing evidence. If the Board
22 receives the written request within 10 days or less of the next regularly scheduled Board
23 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
24 scheduled Board meeting. The Board's decision on this matter shall not be subject to further
25 review.

1 13. The Board reserves the right to take further disciplinary action against
2 Respondent for noncompliance with this Consent Agreement after affording Respondent notice
3 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply
4 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final
5 and the period of probation shall be extended until the matter is final.

6 14. If Respondent currently sees clients in their own private practice, and obtains any
7 other type of behavioral health position, either as an employee or independent contractor, where
8 they provide behavioral health services to clients of another individual or agency, they shall
9 comply with requirements set forth in paragraphs 15 through 17 below.

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

18 16. If Respondent is not employed as of the effective date of this Order, within 10
19 days of accepting employment in a position where Respondent provides any type of behavioral
20 health related services or in a setting where any type of behavioral health, health care, or social
21 services are provided, Respondent shall provide the Board Chair or designee with a written
22 statement providing the contact information of their new employer and a signed statement from
23 Respondent's new employer confirming Respondent provided the employer with a copy of this
24 Consent Agreement. If Respondent does not provide the employer's statement to the Board
25 within 10 days, as required, Respondent's failure to provide the required statement to the Board

1 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's
2 employer(s) with a copy of the Consent Agreement.

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

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

20 19. Prior to the release of Respondent from probation, Respondent must submit a
21 written request to the Board for release from the terms of this Consent Agreement at least 30
22 days prior to the date they would like to have this matter appear before the Board. Respondent
23 may appear before the Board, either in person or telephonically. Respondent must provide
24 evidence that they have successfully satisfied all terms and conditions in this Consent
25 Agreement. The Board has the sole discretion to determine whether all terms and conditions of

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this Consent Agreement have been met and whether Respondent has adequately demonstrated that they have addressed the issues contained in this Consent Agreement. In the event that the Board determines that any or all terms and conditions of this Consent Agreement have not been met, the Board may conduct such further proceedings as it determines are appropriate to address those matters.

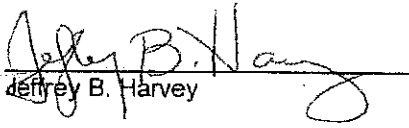
20. Respondent shall bear all costs relating to probation terms required in this Consent Agreement.

21. Respondent shall be responsible for ensuring that all documentation required in this Consent Agreement is provided to the Board in a timely manner.

22. This Consent Agreement shall be effective on the date of entry below.

23. This Consent Agreement is conclusive evidence of the matters described herein and may be considered by the Board in determining appropriate sanctions in the event a subsequent violation occurs.

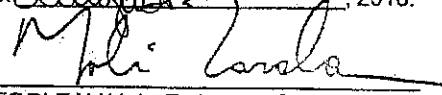
PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT


Jeffrey B. Harvey

8/03/2016
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 24th day of August, 2016.

By: 

TOBIN ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed
This 24th day of August, 2016 with:

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

1 COPY of the foregoing mailed via Interagency Mail

This 24th day of August, 2016, to:

2 Marc Harris
3 Assistant Attorney General
4 1275 West Washington
5 Phoenix, Arizona 85007

6 COPY of the foregoing mailed via

Certified mail no. 7014 2870 0001 P9517420

This 24th day of August, 2016, to:

7 Jeffrey B. Harvey
8 Address of Record
9 Respondent

10 COPY of the foregoing mailed via Mail

This 24th day of August, 2016 to:

11 Charlie Hover
12 One North Central, Ste. 900
13 Phoenix, AZ 85004
14 Attorney for Respondent
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