



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

September 7, 2016

Ms. Jenise Johnson
[REDACTED]

Dear Ms. Johnson:

On August 5, 2016, the Arizona Board of Behavioral Health Examiners ("Board") reviewed Jenise Johnson's ("Applicant") application for licensure as a licensed associate counselor ("LAC") and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(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)(b), use of fraud or deceit in connection with rendering services as a licensee or in establishing qualifications pursuant to this chapter.
2. A.R.S § 32-3251(16)(n), failing to comply with or violating, attempting to violate or assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant to this chapter, any lawful order of the Board, or any formal order, consent agreement, term of probation or stipulated agreement issued under this chapter, as it relates to A.R.S § 32-3286(B): Unlawful use of title.

These violations were based on the following findings:

1. Applicant works as a therapist at a behavioral health agency ("Agency").
2. According to Agency HR as well as Applicant's job description, her position in the Sex Offender Treatment Program requires behavioral health licensure.
3. From 01/12 – 12/15, Applicant was licensed as an LAC.
4. In 12/15, Applicant's LAC expired while subject to a Consent Agreement.
5. In 05/16, Applicant submitted a new LAC application to the Board.
6. Despite the expiration of her license, Applicant continued to provide behavioral health services at Agency.
7. According to Agency's HR Director, Agency was unaware that Applicant's LAC license had expired.
8. Applicant represents the following on this issue:
 - a. On 04/28/16, Applicant made her clinical supervisor ("CS") aware that her license expired when she called him to inform him of it.
 - b. CS knowingly allowed Applicant to continue providing psychotherapy in a position requiring licensure, despite the fact that her license was expired.

- c. Applicant did not notify Agency HR that her license expired because she assumed CS would do so.
 - d. While her license has been expired, Applicant has not been signing documents with an LAC credential.
9. During an interview with Board staff, CS indicated the following:
- a. On 07/27/16, during their clinical supervision session, CS learned that Applicant's license was expired.
 - b. Applicant has been providing therapy and signing documents with her LAC credential and license number, despite having an expired license.
10. Applicant's conduct appears concerning for the following reasons:
- a. At no time did Applicant inform Agency HR that her license expired on 12/31/15.
 - b. While having no valid behavioral health license:
 - Applicant continued providing behavioral health services in a position that requires licensure.
 - Applicant continued signing behavioral health documents with the credential, LAC.
 - c. Although Applicant represents that on 04/28/16, she made CS aware that her license expired, it is clearly evident that CS had no knowledge of her expired license.
 - d. Regardless, 04/28/16 would have still been several months beyond the expiration of her license.
 - e. The duties and responsibilities associated with being a licensed behavioral health professional fall solely on the individual who is licensed, and no other.
 - f. As such, it was exclusively Applicant's responsibility to fully and sufficiently inform her employer, including HR, that she did not possess a valid behavioral health license so that the employer may take appropriate actions regarding the safety and wellbeing of their clients and the liability of their organization.
 - g. This information would seemingly be crucial to any employer who strictly requires behavioral health licensure as a condition of employment, such as Agency.
11. In addition to the above stated concerns, it should be noted that Applicant was formerly placed on a Consent Agreement in part, for deceit in connection with rendering behavioral health services.

Per A.R.S. §41.1092.03.B, you may request a Formal Hearing by notifying the agency in writing within thirty-five (35) days from the date of this letter. If you do request a Formal Hearing, you also have the right, pursuant to A.R.S. §41-1092.06, to request a settlement conference. If you do not request a Formal Hearing by the close of business on October 12, 2016, your file will be closed without further recourse to appeal and the licensure denial will be reported to the federal data banks that record this information. If you desire licensure at a later date, you must submit a new application and fee.

PLEASE BE FURTHER ADVISED that, pursuant to the Board's new licensure statute, as of July 1, 2004, only persons holding licenses to practice counseling may do so unless they are exempt from licensure pursuant to A.R.S. § 32-3271.

If you have any questions, I can be reached at (602) 542-1617.

Sincerely,



Tobi Zavala
Executive Director