

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

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

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

18 8. Although Respondent does not agree that all the Findings of Fact set forth in this
19 Consent Agreement are supported by the evidence, Respondent acknowledges that it is the
20 Board's position that, if this matter proceeded to formal hearing, the Board could establish
21 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted
22 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent
23 Agreement as an economical and practical means of resolving the issues associated with the
24 complaint filed against Respondent. Further, Respondent acknowledges that the Board may use
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1 the evidence in its possession relating to this Consent Agreement for purposes of determining
2 sanctions in any further disciplinary matter.

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

4 **FINDINGS OF FACT**

5 1. Respondent is the holder of License No. LCSW-11475 for the practice of social
6 work in Arizona.

7 2. Respondent provided behavioral health services to an adult female client
8 ("Client") through his private practice.

9 3. In 03/17, the Board received a complaint alleging that Client and Respondent
10 engaged in a physically romantic relationship.

11 4. In response to the complaint, Respondent denied the allegations stating, "I never
12 engaged in any inappropriate conduct with [Client]."

13 5. Contrary to Respondent's statement denying any inappropriate conduct, Client
14 submitted copies of text messages between Client and Respondent, which appeared to
15 demonstrate a highly inappropriate relationship between Respondent and Client, reflecting
16 various flirtatious and sexually suggestive comments.

17 6. In review of the numerous text messages and phone calls between Client and
18 Respondent, their inappropriate relationship occurred simultaneously during the time
19 Respondent was providing Client with behavioral health services.

20 7. During an investigative interview with Board staff, Client described various sexual
21 acts which occurred between Respondent and Client, which were reported to have all occurred
22 at Respondent's behavioral health office.

23 8. As a result of her and Respondent's relationship, Client relayed the following:

24 a. Client now feels that her self-worth has plummeted.
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1 applicant or licensee in any statements provided during an investigation or disciplinary
2 proceeding by the Board.

3 6. The conduct and circumstances described in the Findings of Fact constitute a
4 violation of A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs the ability of
5 the licensee to safely and competently practice the licensee's profession.

6 7. The conduct and circumstances described in the Findings of Fact constitute a
7 violation of A.R.S. § 32-3251(16)(hh), failing to retain records pursuant to section 12-2297.

8 **ORDER**

9 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to
10 the provision and penalties imposed as follows:

11 1. Respondent's license, LCSW-11475, shall be surrendered to the Board, effective
12 from the date of entry as signed below.

13 2. The surrender shall be considered a revocation of Respondent's license.

14
15 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

16 *Bruce K. Harvey*
17 Bruce K. Harvey

24 July 2017
Date

18 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

19 Dated this 25th day of July, 2017.

20
21 By: *Tobi Zavala*
22 TOBI ZAVALA, Executive Director
23 Arizona Board of Behavioral Health Examiners
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25

1 ORIGINAL of the foregoing filed
This 25th day of July, 2017 with:

2 Arizona Board of Behavioral Health Examiners
3 3443 N. Central Ave., Suite 1700
4 Phoenix, AZ 85012

5 COPY of the foregoing mailed via Interagency Mail
This 25th day of July, 2017, to:

6 Marc Harris
7 Assistant Attorney General
8 1275 West Washington
9 Phoenix, Arizona 85007

10 COPY of the foregoing mailed via
11 Certified mail no. 7017145000086887547
12 This 25th day of July, 2017, to:

13 Bruce K. Harvey
14 Address of Record
15 Respondent

16 COPY of the foregoing mailed via Mail
17 This 25th day of July, 2017, to:

18 Stephen W. Myers
19 One Renaissance Square
20 2 North Central Ave. #1900
21 Phoenix, AZ 85004
22 Attorney for Respondent

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