

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

2
3 **In the Matter of:**

4 **Willis J. Beasley,**
5 **Applicant for Licensure as a Licensed**
6 **Associate Counselor, in the State of Arizona**

7
8 **Respondent**

9 **ORDER ON RESPONDENT'S REQUEST**
10 **FOR REVIEW OR REHEARING**

11 On July 17, 2017, the Arizona Board of Behavioral Health Examiners ("Board") received
12 Respondent's Request for Review or Rehearing regarding the Board Order dated June 19, 2017.

13 See Attachment 1. On July 27, 2017, the Board received the State's response to Respondent's
14 Request for Review or Rehearing. This matter came before the Board for oral argument and
15 decision on August 4, 2017. The state was represented by Assistant Attorney General Marc H.
16 Harris and the Board was advised independently by Assistant Attorney General Anne Froedge.
17 Respondent was present. After having considered all the evidence and the arguments of the
18 parties, the Board moved to deny Respondent's request for review or rehearing for the reason
19 that he failed to demonstrate that he was entitled to a review or rehearing for any of the reasons
20 set forth in A.A.C. R4-6-1002.

21 **ORDER**

22 Respondent's Request for Review or Rehearing is DENIED. The Board's Order dated June
23 19, 2017, is now effective.

24 **RIGHT TO APPEAL TO SUPERIOR COURT**

25 Respondent is hereby notified that this Order is the final administrative decision of the
Board and that Respondent has exhausted his administrative remedies. Respondent is advised
that an appeal to superior court in Maricopa County may be taken from this decision pursuant to

1 Title 12, Chapter 7, article 6, within thirty-five (35) days from the date this decision is served.

2 Dated this 7th of September, 2017

3 Tobi Zavala
4 Tobi Zavala, Executive Director
5 Arizona Board of Behavioral Health Examiners

6 **ORIGINAL** of the foregoing filed

The 7th day of September, 2017, with:

7 The Board of Behavioral Health Examiners
8 3443 North Central Avenue, Suite 1700
9 Phoenix, AZ 85012

10 **COPY** of the foregoing sent certified mail

Certified mail no. 70171450000086887608
11 This 7th day of September, 2017, to:

12 Willis J. Beasley
13 Address of Record
14 Respondent

15 **COPY** sent via interagency mail

This 7th day of September, 2017, to:

16 March Harris
17 Assistant Attorney General
18 1275 West Washington CIV/LES
19 Phoenix, AZ 85007

20 Anne Froedge
21 Assistant Attorney General
22 1275 West Washington
23 Phoenix, AZ 85007
24
25

ATTACHMENT

(1)

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

2 **In the Matter of:**

3 **WILLIS J. BEASLEY, Applicant for**
4 **Licensure as a Licensed Associate Counselor,**
5 **In the State of Arizona.**

Complaint No. 2017-0110

ORDER OF DENIAL OF LICENSURE

6 **Respondent.**

7 Willis J. Beasley ("Respondent") applied for licensure as a Licensed Associate Counselor
8 in the State of Arizona on July 1, 2016. On March 3, 2017, the Board of Behavioral Health
9 Examiners ("Board") determined that Respondent was not eligible for licensure and denied the
10 application because of past unprofessional conduct resulting in license revocation that had not
11 been corrected, monitored, and resolved. On June 9, 2017, the Board met to conduct the formal
12 hearing on the appeal filed by Respondent in the above referenced matter. The matter was
13 prosecuted by Assistant Attorney General Marc Harris. Assistant Attorney General Anne
14 Froedje was present to provide independent legal advice to the Board. Respondent was present.

15 **FINDINGS OF FACT**

- 16 1. In April of 2011, Respondent entered into a Consent Agreement with the Board which
17 included several stipulations and a stayed revocation.
18 2. In October of 2012, based on Respondent's non-compliance with the terms set forth in
19 the Consent Agreement, the stay of revocation was lifted and Respondent's license was
20 revoked.
21 3. In July of 2016, Respondent submitted a new application for Licensed Associate
22 Counselor licensure.
23 4. Upon re-application, Respondent failed to present any information indicating the
24 conduct that was addressed in the 2011 Consent Agreement, including compliance with
25

1 the terms of probation, had been corrected, monitored and resolved.

- 2 5. Specifically, Respondent failed to present any evidence that he had completed and
3 passed a three semester credit hour graduate level behavioral health ethics course from
4 an accredited college or university.

5 **CONCLUSIONS OF LAW**

- 6 1. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(A)(6) as it relates
7 to a violation of A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs
8 the ability of the licensee to safely and competently practice.
9
10 2. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(A)(6) as it relates
11 to a violation of A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting
12 to violate or assisting in or abetting the violation of any provision of this chapter, any
13 rule adopted pursuant to this chapter, any lawful order of the board, or any formal order,
14 consent agreement, term of probation or stipulated agreement issued under this chapter.
15 3. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(A)(7), having had
16 a professional license revoked by this state for reasons that relate to unprofessional
17 conduct that has not been corrected, monitored and resolved.

18 **ORDER**

19 Based on the evidence and testimony presented, and having heard the arguments of the
20 parties, the Board hereby DENIES Respondent's appeal and affirms its previous decision to deny
21 licensure.
22

23 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

24 Respondent is hereby notified of the right to petition for a rehearing or review by filing a
25 petition with the Board's Executive Director within thirty (30) days after service of this Order.

1 A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a
2 rehearing. A.A.C. R4-6-1002. Service of this order is effective five (5) days after date of
3 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five
4 (35) days after it is mailed to Respondent.

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

8 Dated this 19th day of June, 2017

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10 

11 Tobi Zavala, Executive Director
Arizona Board of Behavioral Health Examiners

12 ORIGINAL of the foregoing filed

13 The 19th day of June, 2017, with:

14 The Board of Behavioral Health Examiners
15 3443 North Central Avenue, Suite 1700
Phoenix, AZ 85012

16 COPY of the foregoing sent certified mail via

17 Certified mail no. 7016214000010041928

18 This 19th day of June, 2017, to:

19 Willis J. Beasley
20 Address of Record
Respondent

21 COPY of the foregoing sent by mail this

22 19th day of June, 2017 to:

23 Marc Harris
24 Assistant Attorney General
1275 W. Washington, CIV/LES
25 Phoenix, Arizona 85007

1 Anne Froedge
Assistant Attorney General
2 1275 W. Washington
3 Phoenix, Arizona 85007
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4 Licensure as a Licensed Associate Counselor,
In the State of Arizona.

Complaint No. 2017-0110
ORDER OF DENIAL OF LICENSURE

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15 FINDINGS OF FACT

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19 2. In October of 2012, based on Respondent's non-compliance with the terms set forth in
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24 Counselor licensure.
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4. Upon re-application, Respondent failed to present any information indicating the
conduct that was addressed in the 2011 Consent Agreement, including compliance with

1 the terms of probation, had been corrected, monitored and resolved.

- 2 5. Specifically, Respondent failed to present any evidence that he had completed and
3 passed a three semester credit hour graduate level behavioral health ethics course from
4 an accredited college or university.

5 CONCLUSIONS OF LAW

- 6 1. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(A)(6) as it relates
7 to a violation of A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs
8 the ability of the licensee to safely and competently practice.
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10 2. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(A)(6) as it relates
11 to a violation of A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting
12 to violate or assisting in or abetting the violation of any provision of this chapter, any
13 rule adopted pursuant to this chapter, any lawful order of the board, or any formal order,
14 consent agreement, term of probation or stipulated agreement issued under this chapter.
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16 3. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(A)(7), having had
17 a professional license revoked by this state for reasons that relate to unprofessional
18 conduct that has not been corrected, monitored and resolved.

19 ORDER

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

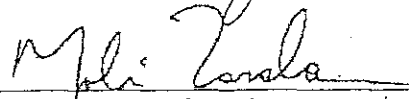
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8 Dated this 19th day of June, 2017

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11 Tobi Zavala, Executive Director
Arizona Board of Behavioral Health Examiners

12 ORIGINAL of the foregoing filed

13 The 19th day of June, 2017, with:

14 The Board of Behavioral Health Examiners
15 3443 North Central Avenue, Suite 1700
Phoenix, AZ 85012

16 COPY of the foregoing sent certified mail via

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18 This 19th day of June, 2017, to:

19 Willis J. Beasley
20 Address of Record
Respondent

21 COPY of the foregoing sent by mail this

22 19th day of June, 2017 to:

23 Marc Harris
Assistant Attorney General
24 1275 W. Washington, CIV/LES
Phoenix, Arizona 85007
25

1 Anne Froedge
2 Assistant Attorney General
3 1275 W. Washington
4 Phoenix, Arizona 85007
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STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
3443 NORTH CENTRAL AVENUE, SUITE 1700
PHOENIX, AZ 85012
PHONE: 602.542.1882 FAX: 602.364.0890
Board Website: www.azbbhe.us
Email Address: information@azbbhe.us

DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

March 24, 2017

Mr. Willis Beasley
[REDACTED]

Dear Mr. Beasley:

On March 3, 2017, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as an associate counselor and determined that you failed to meet the eligibility requirements set forth in A.R.S. § 32-3275(A)(6) and A.R.S. § 32-3275(A)(7). 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)(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.
2. A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

In denying your application, the Board found that in April of 2011 you entered into a Consent Agreement with the Board. The Consent Agreement resolved a complaint involving multiple issues in the practice of behavioral health including deficient documentation and billing records, inappropriate termination of services with a client, failure to report abuse of a minor, proper record storage, and timely reporting to the Board.

Pursuant to the express terms of the Consent Agreement, your license was revoked, but the revocation was stayed and your license was suspended for 12 months. During the 12 month suspension, you agreed to submit a written plan for terminating your private practice, complete six clock hours of pre-approved continuing education addressing high conflict divorce, custody and visitation cases, and three clock hours of continuing education addressing behavioral health recordkeeping requirements. You also agreed to take and pass a three semester credit hour graduate level behavioral health ethics course from an accredited college or university.

On October 29, 2012, due to your non-compliance with the terms set forth in the 2011 Consent Agreement, the stay of revocation of your license was lifted and your license was revoked.

In July of 2016 you submitted a new application for licensure. In addition to having your professional license restricted, and subsequently revoked, as evidenced by the Consent Agreement, upon re-application for licensure, you failed to present any information indicating that the conduct that was addressed in the Consent Agreement, including compliance with the terms of probation, had been corrected, monitored and resolved. Specifically, you failed to present any evidence establishing that you completed six clock hours of pre-approved continuing education addressing high conflict divorce, custody and visitation cases, or three clock hours of continuing education addressing behavioral health recordkeeping requirements, or that you took and passed a three semester credit hour graduate level behavioral health ethics course from an accredited college or university.

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 April 28, 2017 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 professional 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