

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12 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. On 01/10/18, Respondent submitted his application for Licensed Associate
4 Counselor in the state of Arizona.

5 2. On his 01/18 LAC application, Respondent disclosed a 03/17 involuntary
6 termination from a behavioral health agency ("Agency 1").

7 3. According to Respondent's personnel records from Agency 1:

8 a. Agency 1 learned that on at least two occasions in 12/16, Respondent
9 documented that he spoke with clients at different facilities, when he in fact
10 did not.

11 b. Additionally, on both of those occasions, Respondent requested mileage
12 reimbursement for the clients that he falsely claimed he met with.

13 c. Respondent violated agency policies regarding clinical documentation
14 standards and the code of ethics.

15 d. On 03/06/17, Respondent was involuntarily terminated.

16 4. Immediately following his termination, Respondent submitted a 03/21/17
17 employment application to another behavioral health agency ("Agency 2").

18 5. On that employment application, Respondent inaccurately listed his reason for
19 leaving Agency 1 as "Differences in client care philosophy," when he was in fact involuntarily
20 terminated for violating agency policies and the code of ethics.

21 6. In 06/17, Respondent submitted an employment application to another
22 behavioral health agency ("Agency 3").

23 7. On the Agency 3 employment application, Respondent omitted the fact that he
24 was previously terminated from Agency 1, despite the employment application containing a
25 question about his past involuntary terminations.

1 **CONCLUSIONS OF LAW**

2 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.*
3 and the rules promulgated by the Board relating to Respondent's professional practice as a
4 licensed behavioral health professional.

5 2. The conduct and circumstances described in the Findings of Fact constitute a
6 violation of A.R.S. § 32-3251(16)(b), using fraud or deceit in connection with rendering services
7 as a licensee or in establishing qualifications pursuant to this chapter.

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

11 **ORDER of CENSURE**

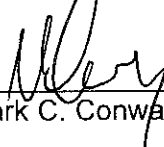
12 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to
13 the provisions and penalties imposed as follows:

14 1. Respondent is hereby censured, which is an official action against their license,
15 for their conduct as set forth in the Findings of Fact.

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

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

20 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**


21 
22 _____
23 Mark C. Conway

21 08/23/2018
22 _____
23 Date

24 ...
25 ...

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

2 Dated this 18th day of September, 2018.

3 By: 
4 TOBI ZAVALA, Executive Director
5 Arizona Board of Behavioral Health Examiners

6 **ORIGINAL** of the foregoing filed
7 This 18th day of September, 2018 with:

8 Arizona Board of Behavioral Health Examiners
9 1740 West Adams, Suite 3600
 Phoenix, AZ 85007

10 **COPY** of the foregoing mailed via Interagency Mail
 This 18th day of September, 2018, to:

11 Marc Harris
12 Assistant Attorney General
13 2005 North Central Avenue
 Phoenix, AZ 85004

14 **COPY** of the foregoing mailed via
 Certified mail no. 94890090000716043657702
15 This 18th day of September, 2018, to:

16 Mark C. Conway
17 Address of Record
 Respondent