



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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KATIE HOBBS
Governor

TOBI ZAVALA
Executive Director

July 31, 2023

Russell A. Enright



Dear Mr. Enright:

On July 21, 2023, the Arizona Board of Behavioral Health Examiners (“Board”) reviewed your application for licensure as a licensed professional counselor and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(A)(6). Specifically, the Board found that you engaged in conduct that had you been licensed would have constituted grounds for disciplinary action pursuant to A.R.S. § 32-3275(A)(5). 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)(l), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee’s profession.

These violations were based on the following findings:

1. On 11/08/22, the Board received Applicant’s LPC application where he answered affirmative to one of the background questions within the background questionnaire.
2. Specifically, Applicant answered yes to the question regarding ever surrendering a license to any regulatory board.
3. Within his application, Applicant provided an explanation that he surrendered his LPC to the Board in 10/11 after having a relationship with a client (“Client”).
4. The Consent Agreement regarding complaint 2012-0001 included the following:
 - a. Applicant was Client’s primary therapist at Agency.
 - b. On the day of or the day after Client’s discharge from Agency, Applicant began a sexual relationship with Client which continued for several months.
 - c. Applicant was found in violation of the following sections of unprofessional conduct:
 - A.R.S. § 32-3251(12)(v), engaging in any sexual conduct between a licensee and a client or former client.
 - A.R.S § 32-3251 (12)(c)(i), any oral or written misrepresentation of a fact by an applicant or licensee to secure or attempt to secure the issuance or renewal of a license.
 - d. The surrender shall be considered a revocation of license.
 - e. The Consent Agreement is conclusive evidence of the matters described herein and may be considered by the Board appropriate sanctions in the event of subsequent violation occurs.
 - f. Applicant signed the Consent Agreement and it was executed and went into effect on 11/03/11.
5. This action was also reported to the National Practitioner’s Data Bank with the same information in 11/11.
6. In various written statements to Board staff during the background investigation into Applicant’s application, he represented the following in part:
 - a. Applicant has been working the sales field but wants to return to the behavioral health field.
 - b. Applicant has attended counseling and received a diagnosis 3 years ago.
 - c. Applicant has been taking medication which has reduced mood swings and his desire to engage in risky or impulsive behavior.

- d. Applicant regrets his choices which led to the surrender of his license.
- e. Applicant has been sober for 14 years, since 04/24/09.
7. From 05/19 – 02/20, Applicant engaged in behavioral health services with a therapist (“Therapist”) and the records did not indicate that Applicant’s focus of therapy had anything to do with his prior conduct with Client. included the following in part:
8. From 08/19 – 02/22, Applicant received behavioral health services from Psychiatrist 1 which included medication management services and there was no mention of Applicant’s prior Board action and license revocation.
9. Since 05/22, Applicant has been receiving psychiatric services from Psychiatrist 2 in which the focus of services had nothing to do with his prior boundary issues with Client.
10. Applicant represented the following during an investigative interview:
 - a. Applicant previously engaged in a sexual relationship with Client knowing it was against Board rules.
 - b. At the time the relationship occurred, Applicant was lonely and had low self-esteem.
 - c. Applicant plans to prevent anything like this from happening again by keeping solid boundaries and accountability.
 - d. Applicant only told Psychiatrist 2 about his prior Board action when Board staff requested his records from Psychiatrist 2.
 - e. Applicant did not discuss ways to prevent misconduct from occurring again with Therapist.
 - f. Applicant never truly addressed the issues of the relationship with Client in any of his treatment.
 - g. Applicant feels he has addressed the past misconduct with Client by growing up, taking medication to prevent impulsive behavior, and realizing he is more human than he thought he was.
 - h. Applicant would like to get his license back so her can return to the field and make a decent income.
11. Applicant never received formal services regarding his previous inappropriate sexual relationship with Client yet believes he has addressed it by simply growing up and taking medication.
12. Applicant did not even engage in any sort of behavioral health services until 2019, roughly 8 years following the revocation of his license.
13. Applicant appears to minimize his prior sexually inappropriate relationship with Client by stating he was lonely and had low self-esteem at that time and that moving forward he will merely keep solid boundaries.

Notice of Appealable Agency Action:

Pursuant to A.R.S. § 41.1092.03 (B), you may request a formal hearing by notifying the Board, in writing, within 35 days from the date of this letter. The hearing will be held within 60 days after the Board receives your request. (A.R.S. § 41-1092.05)(A)) At the hearing, you will have the burden of proof to demonstrate that you are qualified for licensure regarding the matters set forth above. The Office of the Attorney General will represent the State of Arizona at the hearing. In addition, if you request a hearing, you have the right to request a settlement conference. (A.R.S. § 41-1092.06) Please note that if you do not request a hearing by the close of business on **September 4, 2023**, your file will be closed without recourse to appeal. If you desire licensure in the future you will be required to submit a new application and fee. Please be further advised that pursuant to the Board’s licensure statutes only persons holding licenses to practice behavioral health may do so unless they are exempt from licensure pursuant to A.R.S. § 32-3271.

Notice to Licensure Applicant:

Pursuant to A.R.S. § 41-1093.01, an agency shall limit all occupational regulations to regulations that are demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern. Pursuant to A.R.S. § 41-1093.02 and A.R.S. § 41-1093.03, you have the right to petition this agency to repeal or modify the occupational regulation or bring an action in a court of general jurisdiction to challenge the occupational regulation and to ensure compliance with A.R.S. § 41-1093.01.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tobi Zavala". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tobi Zavala
Executive Director