

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

2 **IN THE MATTER OF:**

3 **DR. MITCH MITCHELL,**  
4 **An Unlicensed Individual**  
5 **in the State of Arizona,**

6 **Respondent.**

**CEASE AND DESIST ORDER**

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8 The above-captioned matter came before the Arizona State Board of Behavioral Health  
9 Examiners ("Board") on September 3, 2015, for the purposes of determining whether grounds  
10 existed to issue a Cease and Desist Order to Dr. Mitch Mitchell ("Respondent"). Respondent  
11 appeared and addressed the Board.

12 **FACTS REVIEWED**

- 13 1. Dr. Mitchell has never been credentialed by this Board.
- 14 2. The Board received information that indicated Dr. Mitchell:
- 15 a. Is offering counseling services without a license.
- 16 b. Describes himself as a doctoral level counselor utilizing therapeutic
- 17 intervention.
- 18 c. Is not documenting services provided.
- 19 d. Is listed as a Kink Aware Professional ("KAP") on the National Coalition
- 20 for Sexual Freedom ("NCSF") website.
- 21
- 22 3. Board staff sent Dr. Mitchell a letter requesting information on the nature of his
- 23 practice including his use of psychotherapy.
- 24 4. Dr. Mitchell's response indicated:
- 25 a. He is a Nationally Certified Counselor through the National Board for
- 26 Certified Counselors.

- b. He works with the LGBTQ population through the Phoenix Pride center.
- c. He has never known of a law prohibiting the practice of counseling without a license.
- d. He is providing services pro bono.

**VIOLATION**

1. The services Respondent is providing constitute the unauthorized practice of behavioral health as defined at A.R.S. § 32-3286(A).

**ORDER**

1. Under authority set forth in A.R.S. § 32-3284(A), the Board orders Respondent to immediately **Cease and Desist** from practicing behavioral health services as defined at A.R.S. § 32-3286(A) until such time he is licensed to do so.

**RIGHT TO PETITION FOR REHEARING OR REVIEW**

Pursuant to A.R.S. § 41-1092.03 and § 32-3284(A), Respondent has the right to obtain an administrative hearing in this matter by submitting a written request to the Board. The Board must receive the request at its office within thirty (30) days after service of this Order. A.R.S. § 41-1092.03(B). Service of this order is effective five (5) days after date of mailing. The request must contain a concise statement of the reasons for the hearing. If Respondent requests a hearing, pursuant to A.R.S. § 41-1092.06, Respondent has the additional right to request that the Board conduct an informal settlement conference. To request an informal settlement conference, Respondent must submit a written request to the Board no later than 20 days before the hearing that may be scheduled in this matter. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

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

1 Dated this 10<sup>th</sup> day of September, 2015

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

6 **ORIGINAL** filed this  
7 10<sup>th</sup> day of September, 2015, with

8 Arizona Board of Behavioral Health Examiners  
9 3443 North Central Ave., Suite 1700  
10 Phoenix, Arizona 85012

11 **COPY** of the foregoing mailed by certified mail

12 No. 70142870000189571145 this  
13 10<sup>th</sup> day of September, 2015 to:

14 Dr. Mitch Mitchell  
15 Address of Record  
16 Respondent

17 **COPY** of the foregoing mailed this  
18 10<sup>th</sup> day of September 2015 to:

19 Marc Harris  
20 Assistant Attorney General  
21 Office of the Attorney General  
22 Licensing and Enforcement Section  
23 1275 W. Washington  
24 Phoenix, Arizona 85007  
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