

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

In the Matter of:

**Basil Argento, LAC-20036,
Licensed Associate Counselor,
In the State of Arizona.**

RESPONDENT

CASE NO. 2022-0088

DECREE OF CENSURE

In the interest of a prompt and speedy settlement of the above captioned matter, consistent with the public interest, statutory requirements and responsibilities of the Arizona State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F) and 41-1092.07(F)(5), Basil Argento ("Respondent") and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

Respondent understands and agrees that:

1. Any record prepared in this matter, all investigative materials prepared or received by the Board concerning the allegations, and all related materials and exhibits may be retained in the Board's file pertaining to this matter.

2. Respondent has the right to a formal administrative hearing at which Respondent can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably waives their right to such formal hearing concerning these allegations and irrevocably waives their right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.

3. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement.

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 between only Respondent and the Board for
7 the final disposition of this matter and may be used for purposes of determining sanctions in any
8 future disciplinary matter.

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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

16 7. Respondent acknowledges and agrees that the acceptance of this Consent
17 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
18 other proceedings as may be appropriate now or in the future. Furthermore, and
19 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
20 preclude in any way any other state agency or officer or political subdivision of this state from
21 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
22 in the future relating to this matter or other matters concerning Respondent, including but not
23 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
24 than with respect to the Board, this Consent Agreement makes no representations, implied or
25 ...

1 otherwise, about the views or intended actions of any other state agency or officer or political
2 subdivision of the state relating to this matter or other matters concerning Respondent.

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

6 9. Respondent further understands that any violation of this Consent Agreement
7 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
8 disciplinary action pursuant to A.R.S. § 32-3281.

9 10. The Board therefore retains jurisdiction over Respondent and may initiate
10 disciplinary action against Respondent if it determines that they have failed to comply with the
11 terms of this Consent Agreement or of the practice act.

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

13 **FINDINGS OF FACT**

14 1. Respondent is the holder of License No. LAC-20036 for the practice of
15 counseling in Arizona.

16 2. On 07/01/21, Respondent obtained his LAC license with the Board.

17 3. With the issuance of Respondent's LAC license, he received a letter from Board
18 staff notifying him that as an associate level licensee he must practice under direct supervision
19 pursuant to A.A.C. R4-6-211.

20 4. On 09/28/21, Respondent submitted a Supervised Private Practice ("SPP")
21 application and upon Board staff research, it appeared Respondent had already been providing
22 psychotherapy services within a private practice setting ("Private Practice") without prior Board
23 approval.

24 5. On Respondent's SPP application, he signed an attestation that he understood
25 he could not practice until the proposed supervisor was approved.

1 6. In 10/21, Board staff subsequently contacted Respondent who admitted to
2 treating clients through Private Practice and misunderstood the rules regarding independent
3 practice as an associate level licensee.

4 7. Prior to Board approval to provide services in a private practice setting,
5 Respondent was actively advertising as a practicing therapist accepting clients in Arizona.

6 8. Respondent acknowledged seeing approximately 18 clients through Private
7 Practice prior to Board approval to do so.

8 9. Board staff subsequently collected 3 random clinical records for clients
9 Respondent treated through Private Practice which showed Respondent provided
10 psychotherapy services to these clients from 07/21 – 10/21 without required supervision or
11 Board approval.

12 10. Respondent represented during an investigative interview that he was under the
13 impression he had 60 days to find a clinical supervisor and believes he misunderstood Board
14 rules.

15 11. Respondent felt he understood Board rules and statutes but acknowledges he
16 did not do enough research.

17 12. Once the Board made Respondent aware he was seeing clients unlawfully,
18 Respondent contacted all of his clients and offered to refer them to another therapist but a
19 majority of the clients chose to pause their therapy and wait until Respondent could provide
20 services through Private Practice.

21 13. Since 10/21, Respondent has ceased any unlawful practice in a private practice
22 setting.

23 14. Despite Respondent ceasing psychotherapy services, he failed to notify the
24 Board within 10 days of the termination of his supervision agreement with the proposed
25 supervisor.

1 15. Furthermore, Licensee had several documentation deficiencies within his clinical
2 records.

3 16. Upon review of the clinical records obtained, Respondent's informed consent for
4 all three clients failed to include three Board requirements.

5 17. Respondent's informed consent documents also included Colorado rather than
6 Arizona and cited a crisis hotline for Colorado.

7 18. None of the three clinical records included a treatment plan.

8 19. The progress notes for the three clients failed to include three telehealth
9 requirements per Board rules.

10 20. The progress notes do not indicate whether the services provided were
11 telehealth and Board staff was only aware they were telehealth by confirming with Respondent
12 during an investigative interview.

13 21. Board staff requested Respondent to provide a treatment plan template and upon
14 receipt, Respondent's treatment plan template failed to include four minimum Board
15 requirements.

16 22. Respondent represented he conducted his own research when opening his
17 practice and read the Board's rules and statutes.

18 23. During an investigative interview, Respondent represented he was not aware a
19 treatment plan was required for every client.

20 24. Respondent acknowledged not paying close attention to the details of all of the
21 Board rules on documentation.

22 25. Respondent began his own private practice without knowing the minimum
23 requirements for clinical documentation.

24 ...

25 ...

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)(ii), violating any federal or state law, rule or regulation
7 applicable to the practice of behavioral health, as it relates to:

8 A.A.C. R4-6-210, Practice Limitations

9 A.A.C. R4-6-211, Direct Supervision: Supervised Work Experience: General

10 3. The conduct and circumstances described in the Findings of Fact constitute a
11 violation of A.R.S. § 32-3251(16)(p), failing to conform to minimum practice standards as
12 developed by the board., as it relates to:

13 A.A.C. R4-6-1101, Consent for Treatment

14 A.A.C. R4-6-1102, Treatment Plan

15 A.A.C. R4-6-1106, Telepractice

16 **ORDER**

17 Based upon the foregoing Findings of Fact and Conclusion of Law, the parties agree to
18 the provision and penalties imposed as follows:

19 **ORDER of CENSURE**

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

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

24 2. This Consent Agreement shall be effective on the date of entry below.
25

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

4
5 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

6 *Basil Argento*

Basil Argento (Apr 12, 2022 18:17 PDT)

7 Basil Argento

Apr 12, 2022

Date

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

9 By:

M. Zaval

10 TOBI ZAVALA, Executive Director
11 Arizona Board of Behavioral Health Examiners

May 17, 2022

Date

12 **ORIGINAL** of the foregoing filed
13 with:

May 17, 2022

14 Arizona Board of Behavioral Health Examiners
15 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

16 **EXECUTED COPY** of the foregoing sent electronically
17 to:

May 17, 2022

18 Mona Baskin
19 Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

21 Basil Argento
Address of Record
Respondent

22 Bretton Barber
23 Renaissance Square Tower One
2 N. Central Ave., #1800
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24 Attorney for Respondent
25