

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

**In the Matter of:**

**Roxanne DalPos, LPC-13318,  
Licensed Professional Counselor,  
In the State of Arizona.**

**RESPONDENT**

**CASE NO. 2023-0202**

**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), Roxanne DalPos ("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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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. LPC-13318 for the practice of  
15 counseling in Arizona.

16 2. Respondent is the Clinical Director at a behavioral health agency ("Agency")

17 3. Although presently licensed as an LPC, Respondent held a LASAC license from  
18 11/06 – 10/10.

19 4. Since 05/18, an employee ("Supervisee") has worked at Agency.

20 5. Since 09/20, Supervisee has been licensed as a LASAC.

21 6. As a LASAC, Supervisee's scope of practice is codified A.R.S. § 32-3251(12),  
22 which includes the following:

- 23 a. Practice of substance abuse counseling means the professional application of  
24 general counseling theories, principles and techniques as specifically adapted,  
25 based on research and clinical experience, to the specialized needs and

1 characteristics of persons who are experiencing substance abuse, chemical  
2 dependency and related problems and to the families of those persons. The  
3 practice of substance abuse counseling includes the following as they relate to  
4 substance abuse and chemical dependency issues:

- 5 • Assessment, appraisal and diagnosis.
- 6 • The use of psychotherapy for the purpose of evaluation, diagnosis and  
7 treatment of individual, couples, families, and groups.

8 7. Prior to being licensed, Supervisee worked at Agency for two years as a BHT  
9 and intern, providing mental health and substance use services with oversight, as Agency was  
10 licensed with the Department of Health Services.

11 8. After obtaining licensure, Supervisee continued providing mental health services,  
12 meaning Supervisee was practicing outside the scope of her LASAC license.

13 9. While investigating a Board matter involving Supervisee, she disclosed the  
14 following in an investigative interview:

- 15 a. During supervision, Supervisee would discuss her scope of practice as a  
16 substance abuse counselor and what cases may not fall into that realm.
- 17 b. Supervisee's current supervisors include Respondent for substance abuse  
18 and a different supervisor for mental health.

19 10. Respondent provides supervision to Supervisee for only part of Supervisee's  
20 workload, as it relates to substance abuse, while the remaining of Supervisee's mental health  
21 clients are discussed with a secondary supervisor.

22 11. Respondent was aware Supervisee was practicing outside the scope of her  
23 LASAC license.

24 12. Respondent represents the following:  
25

1 a. Respondent did not knowingly or intentionally allow Supervisee to practice  
2 outside the scope of her license and believed she had complied with A.R.S. §  
3 32-3271.

4 b. When Supervisee obtained her license, she did not provide any new services  
5 or therapy she had not provided in the past.

6 c. Respondent believed Supervisee's prior training and experience had been  
7 sufficient to allow her to separately practice as a BHTMH.

8 13. Despite previously holding a LASAC license herself, Respondent supervised and  
9 allowed Supervisee to practice outside the scope of her license as a LASAC.

10 **CONCLUSIONS OF LAW**

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

14 2. The conduct and circumstances described in the Findings of Fact constitute a  
15 violation of A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting to violate or  
16 assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant  
17 to this chapter, any lawful order of the board, or any formal order, consent agreement, term of  
18 probation or stipulated agreement issued under this chapter.

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 ...

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

## PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Roxanne DalPos  
Roxanne DalPos (Jun 21, 2023 15:24 PDT)

Roxanne DalPos

Jun 21, 2023

Date \_\_\_\_\_

### BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

By: M. J. Zenda

By:

Jul 25, 2023

Date

TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

**ORIGINAL** of the foregoing filed Jul 25, 2023  
with:

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

**EXECUTED COPY** of the foregoing sent electronically Jul 25, 2023  
to:

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

Roxanne DalPos  
Address of Record  
Respondent

Fatima Badreddine  
Zelms Erlich & Mack  
11811 N. Tatum Blvd., Ste. 3031  
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