



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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DOUGLAS A. DUCEY  
Governor

TOBI ZAVALA  
Executive Director

March 16, 2021

Robert McShane

Dear Mr. McShane:

On March 12, 2021, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as a licensed associate marriage and family therapist 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. 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)(f), engaging in active habitual intemperance in the use of alcohol or active habitual substance abuse.
2. A.R.S. § 32-3251(16)(o), failing to furnish information within a specified time to the board or its investigators or representative if legally requested by the board.

These violations were based on the following findings:

1. On 11/23/20, Applicant submitted an LAMFT application.
2. Applicant answered "yes" to background questions (4) and (9), indicating the following:
  - a. In 12/11, Applicant consumed an unknown quantity of alcoholic beverages.
  - b. Applicant blacked out, but at some point got into his car.
  - c. Applicant was arrested for DUI.
  - d. **NOTE:** Police records indicate that Applicant's breath sample registered a .21 BAC.
  - e. In 01/12, Applicant joined AA and admitted he was an alcoholic.
  - f. In 10/19, Applicant relapsed on alcohol.
  - g. Applicant enrolled in an intensive outpatient program with Psychological Counseling Solutions.
  - h. After completing the intensive outpatient program, Applicant was referred to Prescott House, an inpatient drug and alcohol rehabilitation facility.
3. In a 12/14/20 written statement, Applicant represented the following:
  - a. Applicant received services from Prescott House from 10/19 to 09/20.
  - b. Applicant has been sober since 08/28/20.
4. In 12/20, Board staff attempted to obtain Applicant's records from Psychological Counseling Services and Prescott House.
5. Although Applicant was informed that his clinical records were needed to complete his background investigation, Applicant declined to release his records.

6. Applicant advised Board staff that the records contained personal information he did not want anyone to see.
7. Applicant indicated he understood that by not allowing Board staff to obtain his records, violations would be recommended and his application would likely be denied.
8. Despite being informed that a thorough and proper investigation could not be conducted to determine if he was safe and competent to practice, Applicant declined to release his records and requested to withdraw his application.
9. Applicant represented the following during an investigative interview:
  - a. Applicant's first relapse occurred in 10/19.
  - b. Applicant had the following two (2) additional relapses while at Prescott House:
    - 12/19
    - 08/20
  - c. Applicant currently lives in his own apartment.
  - d. The transition to living on his own has been up and down.
  - e. Applicant usually attends AA meetings approximately 3-5 times per week.
  - f. Applicant also attends Recovery Dharma Meetings; however, he does not work the program or follow the tenants.
  - g. Applicant's family members are a big part of his support system.
  - h. Applicant practices daily meditation in the morning.
10. Applicants following representations are concerning:
  - a. Applicant has not had a sponsor since approximately 12/20 when his sponsor moved out of town.
  - b. Applicant does not plan to find a new sponsor.
  - c. Applicant is not currently on any step because he does not have a sponsor.
  - d. Applicant is not currently seeing a therapist.
11. In a 02/19/21 email, Applicant advised Board staff that he had a substance use relapse sometime between 01/19/21 and 02/19/21.

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 **April 20, 2021**, 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', with a long horizontal flourish extending to the right.

Tobi Zavala  
Executive Director