

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

3 **In the Matter of:**

4 **Matthew D. Greene, LMFT-15556,**
5 **Licensed Marriage and Family Therapist,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2021-0155
CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER

8 In the interest of a prompt and speedy settlement of the above captioned matter,
9 consistent with the public interest, statutory requirements and responsibilities of the Arizona
10 State Board of Behavioral Health Examiners (“Board”), and pursuant to A.R.S. §§ 32-3281(F)
11 and 41-1092.07(F)(5), Matthew D. Greene (“Respondent”) and the Board enter into this
12 Consent Agreement, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as
13 a final disposition of this matter.

14 **RECITALS**

15 Respondent understands and agrees that:

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

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

24 3. Respondent has the right to consult with an attorney prior to entering into this
25 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 The Board issues the following Findings of Fact, Conclusions of Law and Order:

7 **FINDINGS OF FACT**

8 1. Respondent is the holder of License No. LMFT-15556 for the practice of
9 marriage and family therapy in the State of Arizona.

10 2. On 08/31/21, Respondent submitted an application with the Board for a
11 temporary license.

12 3. The application clearly stated that temporary licenses require the applicant
13 practice under direct supervision as prescribed in A.A.C. R4-6-211.

14 4. Respondent signed a certifying statement under the penalty of perjury that he
15 understood all information within the application.

16 5. A.A.C. R4-6-210 indicates that a temporary licensee shall not engage in the
17 independent practice of behavioral health without direct supervision.

18 6. On 09/15/20, Board staff mailed Respondent a letter approving his temporary
19 license, which contained the following information:

20 a. While Respondent is practicing under a temporary license, he must be
21 under direct supervision.

22 b. "Under no circumstances can Respondent practice independently."

23 7. Since at least 09/20, Respondent provided behavioral health services in a private
24 practice setting without direct supervision or Board approval as required by Board rules and
25 regulations.

1 8. From 02/21 – 05/21, Respondent provided behavioral health services to an adult
2 female client (“Client”) at his private practice (“Private Practice”).

3 9. Client presented with social anxiety and reported growing up in a judgmental
4 setting where her father objectified her.

5 10. Despite Client’s vulnerabilities, between 02/22/21 – 05/06/21, Respondent and
6 Client exchanged at least 280 text messages.

7 11. While the text messages initially involved scheduling, the messages evolved to
8 include Respondent sending messages that were inappropriate and crossed boundaries.

9 12. In part, Respondent sent text messages to Client as follows:

10 a. “It was good to see you yesterday.”

11 b. “I was so tempted to do the eye contact game.”

12 c. “If you need me to I could show up and try to look at you in the eyes.”

13 d. “So I think I had too much fun with you yesterday. It’s still making me
14 smile.”

15 e. “It was really hard to concentrate you looked so good!”

16 f. “My mind kept drifting to those snaps on your dress. Lol”

17 13. Respondent represented the following regarding the text message exchanges:

18 a. Respondent admits he was being unprofessional.

19 b. Respondent realizes he crossed a professional boundary.

20 c. Respondent admits his texts during the final session was bordering on
21 dangerous behaviors by crossing therapist-client boundaries.

22 d. Respondent acknowledges the text about the snaps on Client’s dress was
23 sexual in nature and he was kind of flirting with her.

24 e. It never crossed Respondent’s mind that his comments about her clothing
25 could have been considered objectifying Client.

1 roles, therapists document the appropriate precautions taken.

2 3. The conduct and circumstances described in the Findings of Fact constitute a
3 violation of A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs
4 the ability of the licensee to safely and competently practice the licensee's profession.

5 4. 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:

10 General

11 5. The conduct and circumstances described in the Findings of Fact constitute a
12 violation of A.R.S. § 32-3251(16)(q), failing or refusing to maintain adequate records of
13 behavioral health services provided to a client.

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

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

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

19 **ORDER**

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

22 1. Respondent's license, LMFT-15556, shall be surrendered to the Board, effective
23 from the date of entry as signed below.

24 2. The surrender shall be considered a revocation of Respondent's license.

25 ...

1 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

2 *Matthew Greene*
3 Matthew Greene (Aug 8, 2021 09:27 PDT)

4 Matthew D. Greene

5 Aug 8, 2021

6 Date

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

8 By: *Mpli Zavala*

9

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

12 Aug 19, 2021

13 Date

14 **ORIGINAL** of the foregoing filed Aug 19, 2021
15 with:

16 Arizona Board of Behavioral Health Examiners
17 1740 West Adams Street, Suite 3600
18 Phoenix, AZ 85007

19 **EXECUTED COPY** of the foregoing sent electronically Aug 19, 2021
20 to:

21 Mona Baskin
22 Assistant Attorney General
23 2005 North Central Avenue
24 Phoenix, AZ 85004

25 Matthew D. Greene
 Address of Record
 Respondent

 Charles S. Hover III
 Renaud Cook Drury Mesaros, P Law Offices
 One North Central Ste 900
 Phoenix, AZ 85004
 Attorney for Respondent