

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

2 **In the Matter of:**

3 **Josue C. Bustos, LCSW-17968,**
4 **Licensed Clinical Social Worker,**
5 **In the State of Arizona.**

6 **RESPONDENT**

CASE NO. 2023-0049


**RELEASE FROM
NON-DISCIPLINARY CONSENT
AGREEMENT AND ORDER**

7 The Board received a request from Respondent to release them from the terms and
8 conditions of the Non-Disciplinary Consent Agreement and Order dated June 15th, 2023. After
9 consideration, the Board voted to release Respondent from the terms and conditions of the
10 Non-Disciplinary Consent Agreement and Order dated June 15th, 2023.

11 **ORDER**

12 **GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:**

13 Respondent is hereby released from all terms and conditions of the Non-Disciplinary
14 Consent Agreement and Order dated June 15th, 2023.

15 By:  Jul 25, 2023
16 **TOBI ZAVALA, Executive Director** **Date**
Arizona Board of Behavioral Health Examiners

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

20 Arizona Board of Behavioral Health Examiners
21 1740 West Adams Street, Suite 3600
22 Phoenix, AZ 85007

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

25 Josue C. Bustos
Address of Record
Respondent

1 Michael J. Ryan
2 Holden & Armer, PC
3 505 E Chandler Blvd Suite 210
4 Phoenix, AZ 85048
5 Attorney for Respondent

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2 **OF BEHAVIORAL HEALTH EXAMINERS**

3 **In the Matter of:**

4 **Josue C. Bustos, LCSW-17968,**
5 **Licensed Clinical Social Worker,**
6 **In the State of Arizona.**

7 **Respondent**

CASE NO. 2023-0049

**NON-DISCIPLINARY CONSENT
AGREEMENT**

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(D)(3)
11 and 41-1092.07(F)(5), Josue C. Bustos (“Respondent”) and the Board enter into this Non-
12 Disciplinary Consent Agreement, Findings of Fact, Conclusions of Law and Order (“Consent
13 Agreement”) as 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

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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 shall constitute a public record that may be disseminated as a formal action of the
5 Board.

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 the 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. LCSW-17968 for the practice of Social
15 Work in the State of Arizona.

16 2. From 09/21 – 01/23, Respondent was employed at Agency as a Lead Therapist.

17 3. From 08/21 – 04/22, Respondent provided direct behavioral health services to
18 Client through a separate behavioral health agency.

19 4. In 05/22, Client was interviewed for an employment position at Agency in which
20 Respondent conducted the interview.

21 5. Respondent subsequently hired Client without informing anyone at Agency at the
22 time of hire that Client was his former client at a separate agency.

23 6. It was not until roughly 09/19/22 when Client filed a complaint with Agency
24 against Respondent, that Agency became aware Client was a former client of Respondent's.

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1 **ORDER**

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

4 **Continuing Education**

5 1. In addition to the continuing education requirements of A.R.S. § 32-3273, within
6 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
7 hours of continuing education in dual and multiple relationships and therapeutic boundaries. All
8 required continuing education shall be pre-approved by the Board Chair or designee. Upon
9 completion, Respondent shall submit a certificate of completion of the required continuing
10 education.

11 **Licensee Name**

12 2. Respondent shall practice behavioral health using the name under which they
13 are licensed. If Respondent changes their name, they shall advise the Board of the name
14 change as prescribed under the Board's regulations and rules.

15 **Early Release**

16 3. After completion of the required continuing education, Respondent may request
17 early release from this Consent Agreement.

18 **General Provisions**

19 4. Respondent must submit a written request to the Board for release from the
20 terms of this Consent Agreement at least 30 days prior to the date they would like to have this
21 matter presented before the Board. Respondent may appear before the Board, either in person
22 or telephonically. Respondent must provide evidence that they have successfully satisfied all
23 terms and conditions in this Consent Agreement. The Board has the sole discretion to
24 determine whether all terms and conditions of this Consent Agreement have been met and

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1 whether Respondent has adequately demonstrated that they have addressed the issues
2 contained in this Consent Agreement. In the event that the Board determines that any or all
3 terms and conditions of this Consent Agreement have not been met, the Board may open up a
4 complaint which will be subject to the provisions of A.R.S. § 32-3281.

5 5. Respondent shall bear all costs relating to completion of all terms required in this
6 Consent Agreement.

7 6. Respondent shall be responsible for ensuring that all documentation required in
8 this Consent Agreement is provided to the Board in a timely manner.


9 7. This Consent Agreement shall be effective on the date of entry below.

10 8. This Consent Agreement is conclusive evidence of the matters described herein
11 and may be considered by the Board in determining appropriate sanctions in future cases.

12
13 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

14  Jun 15, 2023
Josue C. Bustos (Jun 15, 2023 12:15 PDT)
15 _____ Date
16 Josue C. Bustos

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

18 By:  Jun 15, 2023
19 _____ Date
20 TOBÍ ZAVALA, Executive Director
21 Arizona Board of Behavioral Health Examiners

22 **ORIGINAL** of the foregoing filed Jun 15, 2023
23 with: _____

24 Arizona Board of Behavioral Health Examiners
25 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

EXECUTED COPY of the foregoing sent electronically Jun 15, 2023
to: _____

1 Mona Baskin
Assistant Attorney General
2 2005 North Central Avenue
Phoenix, AZ 85004

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4 Josue C. Bustos
Address of Record
Respondent

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6 Michael J. Ryan
Holden & Armer, PC
505 E Chandler Blvd Suite 210
7 Phoenix, AZ 85048
Attorney for Respondent

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