



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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KATIE HOBBS
Governor

TOBI ZAVALA
Executive Director

June 14, 2023

Myrio K. Jones
[REDACTED]

Dear Mr. Jones:

On June 9, 2023, the Arizona Board of Behavioral Health Examiners (“Board”) reviewed your application for licensure as a licensed master social worker and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(A)(5). 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)(l), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee’s profession.
2. A.R.S. § 32-3251(16)(f), engaging in active habitual intemperance in the use of alcohol or active habitual substance abuse.
3. A.R.S. § 32-3251(16)(c)(i), making any oral or written misrepresentation of a fact to secure or attempt to secure the issuance or renewal of a license.

These violations were based on the following findings:

1. On 11/10/22, the Board received Applicant’s LMSW application where he answered affirmative to multiple background questions regarding previous arrests and terminations from behavioral health positions.
2. Applicant marked no to the question regarding ever being denied a license by any state regulatory board.
3. In 03/17, Applicant applied with the Board where he disclosed alcohol issues since the age of 17 and participation in inpatient and outpatient services for alcohol in the past.
4. Numerous arrests from 2004 – 2018 involved alcohol as well.
5. In 2017, Applicant was offered a Consent Agreement once he passed the required examination due to the criminal history and substance use history, but it never went into effect since Applicant failed to pass the required examination.
6. In 12/19, Applicant submitted another application where he reported 5 years of sobriety but conflicting information was provided during the investigation and within various clinical records for Applicant.
7. Clinical records and subsequent statements by Applicant during the 2019 application indicated Applicant still drank on occasion and a 07/30/20 hair follicle test yielded positive results for cocaine.
8. Applicant’s 12/16/19 LMSW application was subsequently denied for unprofessional conduct for misrepresenting during an investigation and habitual substance use.
9. Applicant in fact misrepresented in his 11/10/22 application by marking no to the question regarding whether he has ever been denied a license when in fact Applicant was denied by the Board in 2020 which included various violations of unprofessional conduct as the basis for the denial.
10. After receiving Applicant’s current LMSW application, Board staff presented background information to the members at its 04/14/23 Board meeting.

11. At this meeting, the members voted to open a complaint and formally request Applicant to submit to a 10-panel hair follicle test within 10 days and if he did not, would be denied for unprofessional conduct.
12. Applicant signed a certifying statement within his LMSW application indicating all information within the application was true and correct to the best of his knowledge and belief.
13. Additionally, on 03/14/23, Applicant provided a written statement to Board staff attesting that he had not consumed alcohol since 09/22 and has remained sober since then.
14. On 04/24/23, Applicant completed a 10-panel hair follicle test which showed positive results for cocaine.
15. Applicant against misrepresented in his application by stating he had abstained from substance use yet tested positive within 5 months of his application submission.
16. Applicant again represented he had a period of sobriety during this application process yet tested positive for cocaine.
17. Applicant has had consistent substance use issues for a number of years based on prior Board investigations.

Notice of Appealable Agency Action:

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 **July 19, 2023**, 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,



Tobi Zavala
Executive Director