BEFORE THE ARIZONA BOARD OF BEHAVIORAL HEALTH EXAMINERS

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CASE NO. 2013-0054

ORDER OF SUSPENSION

Jon G. Longoria, LSAT-12057,

In the Matter of:

Licensed Substance Abuse Technician, In the State of Arizona,

Respondent

On March 24, 2015, the Arizona Board of Behavioral Health Examiners ("Board") accepted a Consent Agreement placing Jon G. Longoria ("Respondent") on probation subject to terms and conditions set forth in the Consent Agreement. The Consent Agreement included the following provisions:

- 1. Respondent's license, LSAT-12057, was suspended.
- 2. The suspension was stayed and Respondent's license was placed on probation.
- If Respondent was noncompliant with the terms of the Consent Agreement in any way, the stay of the suspension would be lifted and Respondent's license would be automatically suspended.
- 4. Respondent had the right to contest the lifting of the stay by requesting in writing, within 10 days of being notified of the automatic suspension of licensure, that the matter be placed on a Board agenda for the Board to review and determine if the automatic suspension of Respondent's license was supported by substantial evidence.

On June 10, 2016, the Board mailed Respondent written notice that, because he failed to comply with the terms of the Consent Agreement, the stay of the suspension of his license was lifted and his license was suspended. Respondent was further advised that he had the right to contest the lifting of the stay by submitting a written request for Board review within 10 days of the date of the letter. Respondent did not submit such a request.

ORDER

2	Therefore, IT IS ORDERED that License No. LSAT-12057 issued to Jon G. Longoria
3	hereby SUSPENDED for 24 months.
4	Dated this 3 day of, 2016
5	Merce
6	Tobi Zavala, Executive Director
7	Arizona Board of Behavioral Health Examiners
8	ORIGINAL of the foregoing filed
9	The 23 day of, 2016, with:
10	Arizona Board of Behavioral Health Examiners
11	3443 North Central Avenue, Suite 1700 Phoenix, AZ 85012
12	COPY of the foregoing mailed via Interagency Mail
13	This
14	Marc Harris Assistant Attorney General
15	1275 West Washington Phoenix, Arizona 85007
16	COPY of the foregoing mailed via
17	Certified mail no 1/1/5 0640 0005 0661 02/8
18	Jon G. Longoria
19	Address of Record Respondent
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BEFORE THE ARIZONA BOARD

OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of: Jon G. Longoria, LSAT-12057,

Licensed Substance Abuse Technician. In the State of Arizona.

CASE NO. 2013-0054 CONSENT AGREEMENT

RESPONDENT

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 Arizonal State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. & 32-3281(H) and 41-1092.07(F)(5), Jon G. Longoria ("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 his right to such formal hearing concerning these allegations and irrevocably waives his 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.

- 4. Respondent acknowledges and agrees that upon signing this Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke his acceptance of this Consent Agreement or make any modifications to it. Any modification of this original document is ineffective and void unless mutually approved by the parties in writing.
- 5. The findings contained in the Findings of Fact portion of this Consent Agreement are conclusive evidence of the facts stated herein and may be used for purposes of determining sanctions in any future disciplinary matter.
- 6. This Consent Agreement is subject to the Board's approval, and will be effective only when the Board accepts it. In the event the Board in its discretion does not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or of any records relating thereto.
- 7. Respondent understands that once the Board approves and signs this Consent Agreement, it is a public record that may be publicly disseminated as a formal action of the Board, and that it shall be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.
- 8. Respondent further understands that any violation of this Consent Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(15)(n) and may result in disciplinary action pursuant to A.R.S. § 32-3281.
- 9. The Board therefore retains jurisdiction over Respondent and may initiate disciplinary action against Respondent if it determines that he has failed to comply with the terms of this Consent Agreement or of the practice act.

The Board issues the following Findings of Fact, Conclusions of Law and Order:

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FINDINGS OF FACT

- 1. Respondent is the holder of License No. LSAT-12057 for the practice of substance abuse counseling in Arizona.
 - 2. Respondent's license was issued by the Board on 10/01/12.
 - 3. On 11/20/12, Respondent self-reported his 11/15/12 arrest for DUI.
 - 4. The 11/15/12 police report indicated the following:
 - a. Respondent was involved in a single vehicle accident.
 - b. Several small bottles of vodka were observed in his vehicle.
 - c. Respondent reported that he had also taken prescription medications, including benzodiazepines and narcotic pain medication.
 - d. Respondent was not able to complete the field sobriety tests due to his level of intoxication.
 - 5. On 12/10/12, Respondent self-reported his 12/06/12 arrest for DUI.
- 6. On 01/04/2013, Respondent entered into an Interim Consent Agreement ("ICA") with the Board agreeing not to practice under his license.
 - 7. In 08/14, Respondent submitted a request for release from the ICA.
- 8. Respondent reports that he is in compliance with all terms set forth in the ICA and has maintained sobriety since January of 2014.

CONCLUSIONS OF LAW

- 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 et seq. and the rules promulgated by the Board relating to Respondent's professional practice as a licensed behavioral health professional.
- 2. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-3251(12)(I), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

<u>ORDER</u>

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

Stayed Suspension

- As of the effective date of this Consent Agreement, Respondent's license,
 LSAT-12057, shall be SUSPENDED for 24 months. However, the suspension shall be stayed
 and Respondent's license shall be placed on probation.
- 2. During the stayed suspension portion of the Order, if Respondent is noncompliant with the terms of the Order in any way, the stay of the suspension shall be lifted and Respondent's license shall be automatically suspended as set forth above.
- 3. If Respondent contests the lifting of the stay as it relates to this paragraph, Respondent shall request in writing, within 10 days of being notified of the automatic suspension of licensure, that the matter be placed on the Board agenda for the Board to review and determine if the automatic suspension of Respondent's license was supported by substantial evidence.
- 4. If the written request is received within 10 days of a regularly scheduled Board meeting, the request will not be heard at that meeting, but will be heard at the next regularly scheduled Board meeting.
- 5. Pending the Board's review, Respondent's license shall be reported as suspended under review. Respondent may not work in any capacity as a licensed behavioral health professional pending the Board's review. The Board's decision and Order shall not be subject to further review.

Probation

 Respondent's license, LSAT-12057, will be placed on probation, effective from the date of entry as signed below.

- 7. Respondent shall not practice under his license, LSAT-12057, unless he is fully compliant with all terms and conditions in this Consent Agreement. If, for any reason, Respondent is unable to comply with the terms and conditions of this Consent Agreement, he shall immediately notify the Board in writing and shall not practice under his license until he submits a written request to the Board to re-commence compliance with this Consent Agreement. All such requests shall be pre-approved by the Board Chair or designee.
- 8. In the event that Respondent is unable to comply with the terms and conditions of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until such time as he is granted approval to re-commence compliance with the Consent Agreement.

Continuing Education

9. In addition to the continuing education requirements of A.R.S. § 32-3273, within 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a three semester credit hour graduate level behavioral health course in substance abuse from an accredited college or university, pre-approved by the Board Chair or designee. Upon completion, Respondent shall submit to the Board an official transcript establishing completion of the required course.

Clinical Supervision

10. While on probation, Respondent shall submit to clinical supervision for 24 months by a masters or higher level behavioral health professional licensed at the independent level. Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a clinical supervisor for pre-approval by the Board Chair or designee. Also within 30 days of the date of this Consent Agreement, the clinical supervisor shall submit a letter disclosing his/her prior relationship to Respondent. In that letter, the clinical supervisor must address why he/she should be approved, acknowledge that he/she has reviewed the Consent Agreement and

include the results of an initial assessment and a supervision plan regarding the proposed supervision of Respondent. The letter from the supervisor shall be submitted to the Board.

Focus and Frequency of Clinical Supervision

11. The focus of the supervision shall relate to substance abuse issues, relapse and addiction. Respondent shall meet individually in person with the supervisor for a minimum of one hour at least twice a month.

Recovery Program

- 12. While on probation, Respondent shall attend recovery support meetings at a minimum of 2 times per week. Respondent shall obtain a sponsor, mentor, or group leader and that individual shall provide quarterly reports to the Board Chair or designee attesting to Respondent's attendance and participation.
- 13. While on probation, Respondent shall attend monthly Mothers Against Drunk Driving ("M.A.D.D.") meetings in person for 12 months. Respondent shall provide quarterly reports to the Board Chair or designee substantiating his attendance at M.A.D.D meetings.

GENERAL PROVISIONS

Provision of Clinical Supervision

 Respondent shall not provide clinical supervision while subject to this Consent Agreement.

Civil Penalty

- 15. Subject to the provisions set forth in paragraph 16, the Board imposes a civil penalty against the Respondent in the amount of \$1,000.00.
- 16. Respondent's payment of the civil penalty shall be stayed so long as Respondent remains compliant with the terms of this Consent Agreement. If Board staff determines that Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the exception of the tolling provision under Paragraph 8, the stay of the civil penalty payment shall

be automatically lifted and payment of the civil penalty shall be made by certified check of money order payable to the Board within 30 days after being notified in writing of the lifting of the stay.

- 17. Within 10 days of being notified of the lifting of the stay, Respondent may request that the matter be reviewed by the Board for the limited purpose of determining whether the automatic lifting of the stay was supported by substantial evidence. If the Board receives the written request within 10 days or less of the next regularly scheduled Board meeting, the request will not be heard at that meeting, but will be heard at the next regularly scheduled Board meeting. The Board's decision on this matter shall not be subject to further review.
- 18. The Board reserves the right to take further disciplinary action against Respondent for noncompliance with this Consent Agreement after affording Respondent notice and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final and the period of probation shall be extended until the matter is final.
- 19. If Respondent currently sees clients in their own private practice, and obtains any other type of behavioral health position, either as an employee or independent contractor, where he provides behavioral health services to clients of another individual or agency, he shall comply with requirements set forth in Paragraphs 20 through 21 below.
- 20. Within 10 days of the effective date of this Order, if Respondent is working in a position where Respondent provides any type of behavioral health related services or works in a setting where any type of behavioral health, health care, or social services are provided, Respondent shall provide the Board Chair or designee with a signed statement from Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this Consent Agreement. If Respondent does not provide the employer's statement to the Board

within 10 days of the effective date, the Board will provide Respondent's employer(s) with a copy of the Consent Agreement.

- 21. If Respondent is not employed as of the effective date of this Order, within 10 days of accepting employment in a position where Respondent provides any type of behavioral health related services or in a setting where any type of behavioral health, health care, or social services are provided, Respondent shall provide the Board Chair or designee with a written statement providing the contact information of his new employer and a signed statement from Respondent's new employer confirming Respondent provided the employer with a copy of this Consent Agreement. If Respondent does not provide the employer's statement to the Board within 10 days, as required, Respondent's failure to provide the required statement to the Board shall be deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's employer(s) with a copy of the Consent Agreement.
- 22. If, during the period of Respondent's probation, Respondent changes employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on extended leave of absence for whatever reason that may impact his ability to timely comply with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the Board of his change of employment status. After the change and within 10 days of accepting employment in a position where Respondent provides any type of behavioral health related services or in a setting where any type of behavioral health, health care, or social services are provided, Respondent shall provide the Board Chair or designee a written statement providing the contact information of his new employer(s) and a signed statement from Respondent's new employer(s) confirming Respondent provided the employer(s) with a copy of this Consent Agreement. If Respondent does not provide the employer's statement to the Board within 10 days, as required, Respondent's failure to provide the required statement to the Board shall be

deemed a violation of A.R.S. § 32-3251(15)(n) and the Board will provide Respondent's employer(s) with a copy of the Consent Agreement.

- 23. Respondent shall practice behavioral health using the name under which he is licensed. If Respondent changes his name, he shall advise the Board of the name change as prescribed under the Board's regulations and rules.
- 24. Prior to the release of Respondent from probation, Respondent must submit a written request to the Board for release from the terms of this Consent Agreement at least 30 days prior to the date he would like to have this matter appear before the Board. Respondent may appear before the Board, either in person or telephonically. Respondent must provide evidence that he has successfully satisfied all terms and conditions in this Consent Agreement. The Board has the sole discretion to determine whether all terms and conditions of this Consent Agreement have been met and whether Respondent has adequately demonstrated that he has addressed the issues contained in this Consent Agreement. In the event that the Board determines that any or all terms and conditions of this Consent Agreement have not been met, the Board may conduct such further proceedings as it determines are appropriate to address those matters.
- 25. Respondent shall bear all costs relating to probation terms required in this Consent Agreement.
- 26. Respondent shall be responsible for ensuring that all documentation required in this Consent Agreement is provided to the Board in a timely manner.
 - 27. This Consent Agreement shall be effective on the date of entry below.
- 28. 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
1	Son Longoua 3/14/2015
2	Jon G. Longoria Date
3	
4	BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT
5	Dated this 24th day of March , 2015.
6	
7	By: TOBI ZAVALA, Executive Director
8	Arizona Board of Behavioral Health Examiners
9	ORIGINAL of the foregoing filed This day of, 2015 with:
10	Arizona Board of Behavioral Health Examiners
1,1	3443 N. Central Ave., Suite 1700 Phoenix, AZ 85012
12	COPY of the foregoing mailed via Interagency Mail This, 2015, to:
13	This, 2015, to:
14	Marc Harris Assistant Attorney General
15	1275 West Washington Phoenix, Arizona 85007
16	
	COPY of the foregoing mailed via Certified mail no. 701478700001 89570179 This 44 day of 701600 , 2015, to:
17	This Alay of March, 2015, to:
18	Jon G. Longoria Address of Record
19	Respondent
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BEFORE THE ARIZONA BOARD OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:

JON G. LONGORIA, LSAT-12057, Licensed Substance Abuse Technician, In the State of Arizona.

Respondent

2013-0054 INTERIM CONSENT AGREEMENT

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(H) and 41-1092.07(F)(5), Jon G. Longoria ("Respondent") and the Board enter into this Interim Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement") as an interim disposition of this matter.

RECITALS

Respondent understands and agrees that:

- 1. The Board may adopt this Interim Consent Agreement, or any part thereof, pursuant to A.R.S. § 32-3251 et seq. and A.R.S. § 41-1092.07(F)(5).
- 2. Respondent has read and understands this Interim Consent Agreement as set forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an attorney or has waived the opportunity to discuss this Interim Consent Agreement with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so agrees not to practice as a licensed substance abuse technician in Arizona until after he receives the Board's affirmative approval to resume practicing.
- 3. By entering into this Interim Consent Agreement, Respondent freely and voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as well as all

rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the rnatters as set forth herein.

- 4. Respondent understands that this Interim Consent Agreement does not constitute a dismissal or resolution of any matters that may be currently pending before the Board and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigations, actions, or proceedings. Respondent also understands that acceptance of this Interim Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting civil or criminal proceedings, with respect to the conduct that is the subject of this Interim Consent Agreement. Respondent does not intend his acceptance of this Interim Consent Agreement to constitute an admission of any fact or facts and he enters into this agreement as an interim compromise of a pending matter.
- 5. Respondent acknowledges and agrees that upon signing this Interim Consent Agreement and returning it to the Board's Executive Director, Respondent may not revoke his acceptance of this Interim Consent Agreement or make any modifications to it. Any modification of this original document is ineffective and void unless mutually approved by the parties in writing.
- 6. Respondent understands that this Interim Consent Agreement shall not become effective unless and until it is adopted by the Board and signed by its Executive Director.
- 7. Respondent understands and agrees that if the Board does not adopt this Interim Consent Agreement, he will not assert in any future proceedings that the Board's consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or other similar defense.
- 8. Respondent understands that this Interim Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board, and that it shall be reported as

required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

- 9. Respondent understands that this Interim Consent Agreement does not alleviate his responsibility to comply with the applicable license-renewal statutes and rules. If this Interim Consent Agreement remains in effect at the time Respondent's behavioral health license comes up for renewal, he must renew his license if Respondent wishes to retain his license. If Respondent elects not to renew his license as prescribed by statute and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-3202), remain suspended until the Board takes final action in this matter. Once the Board takes final action, in order for Respondent to be licensed in the future, he must submit a new application for licensure and meet all of the requirements set forth in the statutes and rules at that time.
- 10. Respondent understands that any violation of this Interim Consent Agreement constitutes unprofessional conduct under A.R.S. § 32-3251(12)(n), violating a formal order, consent agreement, term of probation or stipulated agreement, and may result in disciplinary action under A.R.S.§ 32-3281.

INTERIM FINDINGS OF FACT

- The Board is the duly constituted authority for licensing and regulating the practice of substance abuse counseling in the State of Arizona.
 - 2. Respondent is the holder of License No. LSAT-12057.
 - 3. Respondent's license was issued by the Board on 10/01/12.
 - 4. On 11/20/12, Respondent self-reported his 11/15/12 arrest for DUI.
 - 5. The 11/15/12 police report indicated the following:
 - a. Licensee was involved in a single vehicle accident.
 - b. Several small bottles of Vodka were observed in his vehicle.

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- Licensee reported that he had also taken prescription medications, including benzodiazepines and narcotic pain medication.
- d. Licensee was not able to complete the field sobriety tests due to his level of intoxication.
- 6. On 12/10/12, Licensee self-reported his 12/06/12 arrest for DUI.

INTÉRIM CONCLUSIONS OF LAW

- 1. The Board possesses subject matter and personal jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq*.
- 2. The Board is authorized to enter into an interim consent agreement with an substance abuse technician to limit or restrict the professional's practice in order to protect the public and ensure that the professional is able to safely engage in the practice of substance abuse counseling. A.R.S. § 32-3281.

INTERIM ORDER

Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to the authority granted to the Board under A.R.S. § 32-3281:

IT IS HEREBY ORDERED that Respondent shall not practice under his license until such time as he submits a written request for the reinstatement of his license to the Board and the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its discretion, require any combination of staff-approved physical, psychiatric, or psychological examinations, or other types of examinations, evaluations or interviews it believes are necessary to assist the Board in determining whether Respondent is able to safely and competently return to the practice of substance abuse counseling. The Board's affirmative approval to permit Respondent to return to practicing under his license shall not preclude the Board from taking any other action it deems appropriate based upon the conduct set forth in the Interim Findings of Fact.

' [Respondents agreement not to practice under License No. Low1-12007 with
.2	considered an interim suspension of his license.
3	
4	PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT
5	Jon Engova 12/15/12
6	Jon G. Longoria Date
7	BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT
8	Dated this 4th day of January, 2012.
9	
10	By: Olea Renaido
11	DEBRA RINAUDO, Executive Director Arizona Board of Behavioral Health Examiners
12	
13	ORIGINAL of the foregoing filed
14	This 4th day of January, 2012, with:
15	Arizona Board of Behavioral Health Examiners 3443 N. Central Ave., Suite 1700
16	Phoenix, AZ 85012
17	COPY of the foregoing mailed via Certified mail no. 7012 1640 0001 9941 9952,
18	This 4th day of January, 2012, to:
19	Jon G. Longoria Address of Record
20	Respondent
21	MOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOO
22	Tabi Zavala Compliance Officer
23	Tobi Zavala, Compliance Officer 602-542-1617
24	
25	