



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

TOBI ZAVALA  
Executive Director

September 16, 2020

Myrio K. Jones

Dear Mr. Jones:

On September 11, 2020, 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)(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)(l), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.
3. A.R.S. § 32-3251(16)(c)(ii), making any oral or written misrepresentation of a fact in any statements provided during an investigation or disciplinary proceeding by the board.

These violations were based on the following findings:

1. Since the age of 17, Applicant acknowledges having problems with alcohol.
2. In review of Applicant's clinical records, he acknowledges receiving both inpatient and outpatient treatment in the past for alcohol use.
3. According to Applicant's extensive criminal history records, he has demonstrated a serious pattern of criminal behavior from at least 2004 – 2018 that mostly involved alcohol.
4. At least five (5) of Applicant's arrests have been for DUI/DWI, with his most recent DUI occurring in 2014 where he was arrested for aggravated DUI with a BAC of 0.278, and spent approximately 5 months in jail.
5. As a result of the 2014 arrest, in 05/16, Applicant was ordered to complete a DUI screening and biopsychosocial assessment where it was reported "He meets DSM-5 criteria for severe alcohol use disorder."
6. Aside from Applicant's DUI/DWI arrests, Applicant's criminal history includes other highly concerning conduct such as driving on a suspended or revoked license, and discharging an AK-47 in front of his residence while being under the influence of alcohol.
7. On 03/28/17, Applicant submitted an application for an LMSW.
8. On 02/02/18, Applicant executed a Consent Agreement acknowledging the Board's finding of A.R.S. § 32-3251(16)(l), based on the conduct referenced above.

9. Due to Applicant's inability to pass social work examination, the 02/02/18 Consent Agreement never went into effect and his application was denied for failure to qualify.
10. In 03/18, one month after Applicant was offered a consent agreement for the issuance of his license, Applicant was arrested for disorderly conduct, criminal damage, assault and assault with a knife.
11. In 05/18, Applicant was arrested for domestic violence assault, statements made regarding alcohol involved:
  - a. Applicant told the police that he and Victim were driving home from an unknown bar when they began to argue and Victim told Applicant to pull over.
  - b. Applicant told Board staff that he and his girlfriend picked up his Father from a bar because he was intoxicated. Applicant stated he was not intoxicated and had not been drinking.
  - c. Applicant's fiancée eventually admitted to the police she went to the bar to pick up Applicant and Victim after they were both drinking.
  - d. Responding officers noted that Applicant was under the influence of alcohol at the time of his arrest.
12. On 12/16/19, Applicant submitted a new LMSW application.
13. In a 03/01/20 email to Board staff, Applicant reported:
  - a. He has been sober for five years.
  - b. He is not currently receiving any alcohol treatment.
  - c. Due to his schedule he does not attend AA very often.
  - d. He attends weekly individual and group counseling.
  - e. He currently does not have a sponsor.
14. Clinical records and statements made during the investigative interview indicate Applicant had alcohol as late as 02/20.
15. During his 06/09/20 investigative interview with Board Staff, Applicant disclosed that he still drinks on occasion.
16. Applicant has attended 8 of 17 sessions since the onset of therapy.
17. Given Applicant's criminal history and extensive abuse of alcohol it appears concerning that Applicant still engages in the consumption of alcohol.
18. Furthermore, Applicant's 07/30/20 hair follicle test results reflected levels of cocaine substantially higher than the screen cutoff.
19. Applicant acknowledged that as of 05/29/20, Applicant was not employed at Destiny Springs Healthcare.
20. In his correspondence with Board Staff, Applicant indicated he resigned voluntarily as a result of inconsistent paychecks and a lack of healthcare.
21. Board Staff were notified by Destiny Springs Healthcare that Applicant voluntarily resigned in lieu of termination.
22. According to Applicant's personnel records, the final incident which caused Applicant's discharge was inappropriate language and touching.
23. In a 08/05/20 email to Board Staff, Applicant indicated that he declined an employment offer from Aurora; however, personnel records obtained indicate Applicant accepted an offer from Aurora and quit after one day of employment.

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 **October 21, 2020**, 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