



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

TOBI ZAVALA
Executive Director

February 15, 2022



Dear Ms. Miller:

On February 11, 2022, 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)(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)(v), engaging in any sexual conduct between a licensee and a client or former client.
3. A.R.S § 32-3251(16)(y), engaging in a dual relationship with a client that could impair the licensee's objectivity or professional judgment or create a risk of harm to the client. For the purposes of this subdivision, "dual relationship" means a licensee simultaneously engages in both a professional and nonprofessional relationship with a client that is avoidable and not incidental.
4. 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. On 05/27/21, the Board received Applicant’s LMSW application in which Applicant marked yes to the background question whether Applicant has been terminated from a behavioral health agency.
2. Upon receipt of Applicant’s personnel records from Agency, it was noted on a 03/28/18 Payroll Change Notice that it appeared Applicant started a relationship with a client while working at Agency.
3. Furthermore, there were internal email exchanges between Agency staff which indicated a client (Client) came forward and admitted he and Applicant were involved in an

intimate relationship which started while Applicant was working as a group facilitator at Agency.

4. Additionally, Applicant provided a written statement to the Board within her LMSW application and indicated her “boyfriend” who she named by first name only, was a support for in her recovery and they had been together for over 3 years.
5. The first name of Applicant’s boyfriend aligned with the first name of the client (Client) who came forward at Agency and relayed that he and Applicant had been in an intimate relationship that began while she was the group facilitator at Agency.
6. Since 02/14, Client has been receiving a variety of services from Agency which included inpatient services.
7. A 05/20/19 annual behavioral health update and review summary indicated Client was at risk for exploitation due to vulnerability related to limitations in freedom and economic and status opportunities.
8. From 11/20/17 – 03/23/18, Applicant facilitated a total of 72 group sessions where Client was a participant.
9. During an investigative interview with Board staff, Applicant represented the following:
 - a. Applicant met Client while he was a client at Agency and Applicant was working at Agency simultaneously.
 - b. Client was a participant in the groups Applicant facilitated at Agency.
 - c. While facilitating groups at Agency, Applicant began an inappropriate relationship with Client.
 - d. Applicant “absolutely” sees concerns with having a dual relationship with Client and agrees it was inappropriate and wrong.
 - e. Applicant was fully aware she was engaging in a dual relationship with Client and could not provide any justification or excuse for continuing an inappropriate relationship with Client.
 - f. Initially Applicant represented she did not feel Client was a vulnerable client but later changed her representation to state Client was in fact vulnerable because he was in need of services.
 - g. Applicant’s relationship with Client did not become sexual until after her termination from Agency.
 - h. Applicant admits the relationship with Client was harmful to Client and took advantage of Client.
10. Applicant not only engaged in a dual relationship with a current client, but undeniably knew she was engaging in a dual relationship and proceeded to continue her inappropriate relationship for over 3 years even after her termination from Agency.
11. Despite Applicant applying for licensure with the Board and acknowledging reviewing the NASW code of ethics and studying for her LMSW examination, Applicant continued to engaged in an inappropriate romantic and sexual relationship with a former client without disclosing this information to Board staff until confronted during an investigative interview.
12. Applicant was not being fully transparent with Board staff about knowingly engaging in unprofessional conduct by having a dual relationship and subsequent sexual relationship with a former client.
13. On Applicant’s LMSW application, she marked yes to background questions regarding previous arrests and terminations from prior employers.

14. Applicant marked no to the question around receiving any treatment over the past 5 years for alcohol use or a mental or emotional disorder that current affects her ability to competently and safely perform the essentials functions of her profession.
15. Upon review of Applicant's statements within her LMSW application, she indicated she had been seeing a psychiatric nurse practitioner for medication management.
16. Upon further investigation, Applicant had been involved in behavioral health services since roughly 06/14.
17. Specifically, Applicant's clinical records from COPE Community Services indicated she was diagnosed with bipolar disorder, PTSD, alcohol abuse, and generalized anxiety disorder.
18. From 06/14 – 07/16, Applicant received behavioral health services related to her substance use and mental health.
19. Since 10/14, Applicant has been receiving primary care services from El Rio Community Health Center.
20. Since 02/18, Applicant has been receiving behavioral health services from El Rio Community Health Center as well for her substance use and mental health.
21. During an investigative interview with Board staff Applicant indicated she marked no the question on her application because she did not feel the services she received negatively impacted her ability to perform her job.
22. In fact, in 03/18 Applicant was involuntarily terminated from Agency due to missing work caused by her substance use.
23. Applicant's statements that her behavioral health services and treatment did not negatively impact her ability to perform her duties appear contradictory since Applicant was ultimately terminated due to her substance use preventing her from going to work for her scheduled shifts.
24. Applicant misrepresented on multiple job applications with other agencies indicating she left certain agencies for personal reasons, when she was in fact involuntarily terminated.
25. Additionally, during an investigative interview with Board staff Applicant acknowledged she was misleading on her job applications.
26. Applicant represented during an investigative interview with Board staff that if the employers would have asked about her departure from previous agencies, she would have explained her termination to them.
27. Applicant mislead employers by indicating she left previous employers for personal reasons instead of identifying that she was involuntarily terminated.
28. Applicant further mislead Board staff during an investigative interview by representing initially that Client was a huge support for her, but later within the interview reported she was not being honest.
29. Applicant reported she and Client had broken up a few months prior and they talk minimally at this point, and mislead Board staff because she was nervous.
30. Applicant was dishonest with Board staff initially but eventually relayed the truth regarding her current relationship status with Client.

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 **March 22, 2022**, 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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tobi Zavala
Executive Director