



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

MICHAEL SALAZAR
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
December 3, 2004

Members Present: Michael Salazar, Cedric Davis, Steve LeGendre (arrived at 8:34 a.m.), Laura Waterman (arrived at 8:34 a.m.), Jose Herrera, Kathleen Phillips, Ruth Lee

Members Absent: Dan Wright

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor General's Office, Amy Shelton, Becky Edstrom

Public Present: Alicia Magera, Sande Roberts

Public by telephone: Sharon Katz, Cathy Cousineau

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 3, 2004, at 8:29 a.m. with Michael Salazar presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Ms. Phillips moved, seconded by Dr. Davis, to approve the general meeting minutes from November 5, 2004, as amended. The motion carried with Mr. Salazar abstaining.

4. **Administrative Hearings**

A. *Michael Kufeld, CC applicant*

Board members and staff were introduced. Mr. Salazar reviewed the rules of procedure for a formal administrative hearing.

Mr. Kufeld was noticed but did not appear before the Board. Ms. Mangiapane from the Solicitor General's Office appeared on behalf of the Board. Mr. Harris, A.A.G., appeared on behalf of the state and gave an opening statement.

Ms. Rinaudo, Executive Director of the Board, was sworn in and testified regarding the basis for the Counseling Credentialing Committee's denial of Mr. Kufeld's Certified Professional Counselor application.

Mr. Harris made a closing statement requesting that the Board affirm the Committee's denial of Mr. Kufeld's certification application.

Following discussion, Ms. Phillips moved, seconded by Mr. Herrera, to affirm the Counseling Credentialing Committee's denial of the professional's certification application. The motion carried with Dr. Waterman absent. See attached roll call.

B. *Sandi Roberts, CC applicant*

Board members and staff were introduced. Mr. Salazar reviewed the rules of procedure for a formal administrative hearing.

Ms. Roberts appeared in person and made an opening statement on her own behalf. Ms. Mangiapane from the Solicitor General's Office appeared on behalf of the Board. Mr. Harris, A.A.G., appeared on behalf of the state and gave an opening statement.

Ms. Rinaudo, Executive Director of the Board, was sworn in and testified regarding the basis for the Counseling Credentialing Committee's denial of Ms. Roberts' Certified Professional Counselor application.

Ilene Dode was sworn in and testified as an expert witness on behalf of the state.

Mr. Salazar accepted state's exhibits 1-8 and respondent's exhibits A, B, C, and D into evidence.

Ms. Roberts made a closing statement requesting that her certification application be approved. Mr. Harris made a closing statement requesting that the Board affirm the Counseling Credentialing Committee's denial of Ms. Roberts' certification application.

Following discussion, Ms. Phillips moved, seconded by Dr. Waterman, to affirm the Counseling Credentialing Committee's denial of the professional's certification application. The motion carried. See attached roll call.

C. Debi McKinney, SA applicant

No action was required based upon the professional's withdrawal of her request for a formal hearing.

5. Review, consideration and action of complaints and other disciplinary matters

A. 2005-0025, Albert Tinhorn, LISAC-11007

Ms. Phillips recused herself from all matters concerning Mr. Tinhorn.

Ms. Rinaudo reviewed the facts of the case. Mr. Tinhorn appeared telephonically and addressed the Board.

After review and discussion, Dr. Waterman moved, seconded by Dr. Davis, to summarily suspend the professional's license based upon violations of A.R.S. §32-3251(10)(i), 32-3251(10)(j), and 32-3251(10)(b) and to affirm the Substance Abuse Credentialing Committee's recommendation to remand to a formal hearing. The motion passed with Ms. Phillips recused. See attached roll call.

B. 2005-0058, Nick Myers, LISAC-10368

Ms. Shelton reviewed the facts of the case. The professional appeared in person and addressed the Board.

After review and discussion, Dr. Davis moved, seconded by Ms. Phillips, to adopt the interim agreement with modifications to page 4, line 17 as follows: "submits a written request for reinstatement to the Board and receives a written affirmation." The motion passed unanimously. See attached roll call.

C. 2003-0020, Cathy Cousineau, LPC-2553

Ms. Rinaudo reviewed the facts of the case. Ms. Cousineau appeared telephonically and addressed the Board.

After review and discussion, Mr. LeGendre moved, seconded by Dr. Waterman to affirm the Counseling Credentialing Committee's recommendation to dismiss the complaint as unsubstantiated. The motion passed unanimously.

D. 2001-0002, Sharon Katz, LCSW-2257

Ms. Rinaudo reviewed the facts of the case. Ms. Katz appeared telephonically and addressed the Board.

After review and discussion, Mr. LeGendre moved, seconded by Dr. Davis, to affirm the Social Work Credentialing Committee's recommendation to release the professional from the consent agreement. The motion passed unanimously.

E. 2003-0041, Sharon Katz, LCSW-2257

Ms. Rinaudo reviewed the facts of complaint 2003-0041. Ms. Katz appeared telephonically and addressed the Board.

After review and discussion, Mr. LeGendre moved, seconded by Dr. Davis, to affirm the Social Work Credentialing Committee's recommendation to dismiss the complaint as unsubstantiated. The motion passed unanimously.

F. 2003-0074, Charles Farrell, LCSW-0627

Ms. Rinaudo summarized the facts of the case. Mr. Farrell was noticed, but did not appear.

After review and discussion, Ms. Phillips moved, seconded by Dr. Davis, to approve the professional's request for early release from the consent agreement. The motion passed unanimously.

G. NJ04-0017, George Stavros, NJ04-0017

Ms. Rinaudo reviewed the facts of the complaint.

After review and discussion, Dr. Davis moved, seconded by Mr. Herrera, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

6. Review, consideration and action of applications for licensure.

Social Work

Dr. Davis moved, seconded by Mr. LeGendre, to approve 2 applicants as Licensed Clinical Social Workers, 11 applicants as Licensed Master Social Workers, and 1 applicant as a Licensed Baccalaureate Social Worker. The motion passed unanimously.

Counseling

Dr. Waterman moved, seconded by Mr. LeGendre, to approve 7 applicants as Licensed Professional Counselors. The motion passed unanimously.

Substance Abuse

Mr. Salazar moved, seconded by Ms. Phillips, to approve 11 applicants as Licensed Clinical Social Workers and 1 applicant as a Licensed Associate Substance Abuse Counselor. The motion passed unanimously.

7. Report from the Chair

A. Review, consideration and action regarding seeking a statutory change to increase member per diem.

The Board, after review and discussion, acknowledged that Board member per diem rates appear to be inconsistent with per diem rates for members of comparable boards, but agreed not to seek a legislative change raising Board member per diem at this time.

B. Review, consideration and action regarding Judge Shelton's request for Board clarification regarding licensure requirements for Family Services division staff.

The Board reviewed and accepted the letter to be sent to Judge Shelton.

8. Report from the Treasurer

Mr. LeGendre reviewed September's and October's monthly reports. Board members requested that the Board's monthly expenses and expenditures report be provided to members.

9. Report from Executive Director and/or staff.

Ms. Rinaudo reported regarding staff's continuing efforts to process applications and appeals as quickly as possible.

The Board's 2005 meeting calendar was discussed. A finalized version will be reviewed at the Board's February meeting.

10. Committee Reports.

Dr. Davis reported regarding his attendance at the Association of Social Work Boards' annual meeting in November.

11. National and regional trends and news regarding the profession(s)

Mr. Harris reported that the last lawsuit against the Board regarding licensure was voluntarily withdrawn.

12. Future agenda items

None.

13. Call for public comment

None.

14. Establishment of future meeting date(s)

The next meeting is scheduled for January 7, 2005 at 8:30 a.m. in room B-2.

15. **Adjournment**

Dr. Waterman moved, seconded by Ms. Phillips, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:10 p.m.

Steve LeGendre
Secretary/Treasurer

Date