



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

KATHLEEN PHILLIPS
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
December 2, 2005

Members Present: Kathleen Phillips, Cedric Davis, Del Worley, Laura Waterman, Ruth Lee (in at 9:02 out at 1:00 p.m.), Jose Herrera

Members Absent: Dan Wright, Barbara Freeman

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Sherry Blatner, Amy Shelton, Kami Thur, Mary Wilson

Public Present: Deborah Hauert, Laura Medlock, Daniel Kaplan, Esther Emadi, Jim Conway, Brian Morgan, Ron Davis, Steve Myers, Denise Carlton, Stephen Miller, Atalie Hagman, Robert Hall, Gerald Wallace, Rachel Sandoval

Public by telephone: Mary Judge Ryan

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 2, 2005, at 8:57 a.m. with Ms. Phillips presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Dr. Waterman moved, seconded by Ms. Worley, to approve the general meeting minutes from the November 4, 2005, meeting, as submitted. The motion carried with Dr. Davis and Mr. Herrera abstaining.

4. Administrative Hearings

A. 2003-0068, Jan Clausen, SA-0854 expired

Ms. Phillips reviewed the rules for administrative hearings.

The professional was noticed, but did not appear.

Mr. Harris, A.A.G., made an opening statement.

Ms. Shelton was sworn in and testified.

Ms. Phillips admitted State's Exhibits 1 through 3 into evidence.

Mr. Harris made a closing argument.

Following review and discussion by members, Ms. Worley moved, seconded by Dr. Davis, to adopt the Factual Allegations in paragraphs 3 and 4 from the Complaint and Notice of Hearing as findings of fact. The motion passed unanimously.

Ms. Worley moved, seconded by Dr. Davis, to adopt the Alleged Violation in paragraph 6 of the Complaint and Notice of Hearing as conclusions of law. The motion passed unanimously.

Ms. Worley moved, seconded by Dr. Davis, to issue an Order of Censure and to note that if the professional had renewed her certificate and remained under the Board's jurisdiction, additional sanctions would have been considered. The motion passed unanimously. See attached roll call.

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

A. 2003-0075, Gerald Wallace, LBSW-1167

Ms. Shelton summarized the facts of the complaint.

Mr. Wallace appeared in person and addressed the Board.

Following review and discussion, Dr. Davis moved, seconded by Ms. Worley, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

B. 2005-0054, Denise Carlton, LCSW applicant

Ms. Rinaudo summarized the facts of the complaint.

Ms. Carlton and her attorney, Mr. Myers, appeared in person and addressed the Board.

The complainant appeared in person and addressed the Board.

Following review and discussion, Dr. Davis moved, seconded by Dr. Waterman, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

C. 2005-0028, Brian Morgan, LPC-10717 and LISAC-10371

Ms. Rinaudo summarized the facts of the case.

Mr. Morgan appeared in person and addressed the Board.

Following review and discussion, Dr. Waterman moved, seconded by Dr. Davis, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

D. 2003-0055, James Conway, LISAC-0310

Ms. Shelton summarized the facts of the case.

Mr. Conway appeared in person and addressed the Board.

Following review and discussion, Ms. Worley moved, seconded by Mr. Herrera, to accept the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

The Board took a break at 11:10 a.m., reconvening its public meeting at 11:19 a.m.

E. 2003-0059, Stephen Miller, LCSW-0459

Ms. Shelton summarized the facts of the case.

Mr. Miller appeared in person and addressed the Board.

Following review and discussion, Dr. Davis moved, seconded by Dr. Waterman, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

F. 2006-0006, Janet Vall, LCSW-3558

Ms. Blatner summarized the facts of the case.

The professional's attorney, Ms. Ryan, addressed the Board telephonically.

Following review and discussion, Dr. Davis moved, seconded by Mr. Herrera, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint and allow the professional to withdraw her renewal application based on the professional's action in voluntarily closing her practice and entering

treatment as soon as she recognized her substance abuse issue. The motion carried with Dr. Waterman abstaining.

G. 2006-0055, Shawna Jackson, LCSW applicant

Ms. Thur summarized the facts of the case.

Ms. Jackson was noticed, but did not appear.

Following review and discussion, Dr. Davis moved, seconded by Ms. Worley, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint and issue a Letter of Concern. The motion passed unanimously.

H. 2005-0014, Gary Giss, LISAC-10719

Ms. Rinaudo summarized the facts of the case.

Mr. Giss was noticed, but did not appear.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to dismiss the complaint and issue a Letter of Concern regarding the professional's specific responsibility to be knowledgeable regarding clinical supervision requirements. The motion passed unanimously.

I. 2005-0030, Esther Emadi, LPC-2047 suspended

Ms. Rinaudo summarized the facts of the case.

Ms. Emadi appeared in person and addressed the Board. Her attorney, Mr. Kaplan, also addressed the Board.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to remand the matter to Formal Hearing. The motion passed unanimously.

J. NJ06-0001, Jessie Parker

Ms. Rinaudo summarized the facts of the case.

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

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

Following discussion, Ms. Worley moved, seconded by Dr. Davis, to rescind the Board's November 4, 2005, motion to approve Michael Bohlmann as a Licensed Marriage and Family Therapist. The motion passed unanimously.

Social Work

Dr. Davis moved, seconded by Dr. Waterman, to approve 10 applicants as Licensed Clinical Social Workers, 15 applicants as Licensed Master Social Workers and one applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Dr. Davis moved, seconded by Dr. Waterman, to approve Denise Carlton as a Licensed Clinical Social Worker. The motion passed unanimously.

Dr. Davis moved, seconded by Dr. Waterman, to deny six applicants for social work licensure based on the applicants' failure to pass the required exam. The motion passed unanimously.

Counseling

Dr. Waterman moved, seconded by Dr. Davis, to approve six applicants as Licensed Professional Counselors and 24 applicants as Licensed Associate Counselors. The motion passed unanimously.

Dr. Waterman moved, seconded by Dr. Davis, to deny eight applicants for counseling licensure based on the applicants' failure to establish that they meet minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

Substance Abuse

Ms. Worley moved, seconded by Dr. Davis, to approve one applicant as a Licensed Independent Substance Abuse Counselor, one applicant as a Licensed Associate Substance Abuse Counselor and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Ms. Worley moved, seconded by Dr. Davis, to deny three applicants for substance abuse licensure based on the applicants' failure to establish that they meet minimum licensure requirements in education and/or supervised work experience and three applicants for failure to pass the required exam. The motion passed unanimously.

Marriage & Family Therapy

Dr. Davis moved, seconded by Dr. Waterman, to approve four applicants as Licensed Marriage & Family Therapists and two applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Dr. Davis moved, seconded by Dr. Waterman, to deny four applicants for marriage and family therapy licensure based on the applicants' failure to establish that they meet minimum licensure requirements in education and/or supervised work experience and two applicants for failure to pass the required exam. The motion passed unanimously.

7. Report from the Chair

A. Review of legislation

Ms. Rinaudo reported regarding proposed legislation affecting the Board's licensure statute.

B. Counseling Credentialing Committee's recommendation to file a complaint with DHS

Following discussion, Dr. Waterman moved, seconded by Ms. Lee, to direct staff to file a complaint with OBHL regarding management practices at Southwest Behavioral Health with regard to supervision procedures. The motion carried with Ms. Phillips and Ms. Worley abstaining.

8. Report from the Treasurer

A. Monthly financial report

Dr. Davis provided the monthly treasurer's report.

9. Report from Executive Director and/or staff.

A. General Agency Operations

Ms. Rinaudo reported that Ms. Shelton has been promoted to the Assistant Director position.

Ms. Rinaudo reported that the agency contracted with two private investigation entities to outsource complaint investigations.

B. Continued production of investigative files for members

Ms. Rinaudo discussed the way information has been provided to members. Following discussion, members agreed that the CDs are helpful tools.

10. Committee Reports.

None

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

None

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 6, 2006, at 8:45 a.m., at 3443 North Central Avenue, Room 908.

15. **Adjournment**

Dr. Waterman moved, seconded by Dr. Davis, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:17 p.m.

Cedric Davis
Secretary/Treasurer

Date