



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

CEDRIC DAVIS
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
December 1, 2006

Members Present: Cedric Davis, Diane Brassea, Ruth Lee, Jose Herrera, Dan Wright, Del Worley, Barbara Freeman (in at 9:15 a.m.)

Members Absent: Laura Waterman

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Erin Cohen, A.A.G., Christopher Munns, Solicitor Generals Office, Mary Grossi, Sherry Blatner, Amy Shelton, Kami Thur, Elma Brambila

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 1, 2006, at 9:17 a.m. with Dr. Davis presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Mr. Wright moved, seconded by Ms. Worley, to approve the Board meeting minutes of November 3, 2006. Mr. Herrera noted that the next meeting date in agenda item 16 was incorrect. Mr. Wright agreed to amend his motion to revise agenda item 16 to reflect the correct meeting date and to approve the revised minutes. Ms. Worley accepted the amendment. The motion passed unanimously.

4. **Administrative Hearings**

A. 2005-0066, Sally Stumpf, LISAC-10936

Dr. Davis reviewed the procedures for a formal administrative hearing.

Ms. Stumpf was properly noticed, but did not appear.

Mr. Munns, Solicitor General's Office, appeared as the Board's legal advisor.

Ms. Cohen, A.A.G., appeared on behalf of the state and made an opening statement.

Ms. Thur, Board investigator, was sworn in and testified on behalf of the Board.

State's Exhibits 1 through 11 were admitted into evidence.

Ms. Cohen made a closing argument.

Ms. Worley moved, seconded by Mr. Wright, to adopt factual allegations 1-7 of the Complaint and Notice of Hearing as the Board's findings of fact, and the Charges from the Complaint and Notice of Hearing as the Board's conclusion of law. The motion passed unanimously.

Ms. Worley moved, seconded by Ms. Lee, to revoke the professional's Independent Substance Abuse Counselor license based on the findings of fact and conclusion of law adopted by the Board. The motion passed unanimously. See attached roll call.

The Board took a break from 11:10 a.m., reconvening its meeting at 11:15 a.m.

B. Lydia L'Esperance, CPC applicant

Ms. Rinaudo reported that the professional withdrew her request for a formal administrative hearing regarding the denial of her Certified Professional Counselor application.

C. Susan Ash, LPC applicant

Dr. Davis reviewed the procedures for a formal administrative hearing and introduced Board members.

Mr. Munns, Solicitor General's Office, appeared as the Board's legal advisor.

Ms. Ash appeared on her own behalf, was sworn in, and made an opening statement.

Ms. Cohen, A.A.G., appeared on behalf of the state and made an opening statement.

Ms. Ash testified on her own behalf.

Ms. Rinaudo, Board Executive Director, was sworn in and testified on behalf of the Board.

State's Exhibits 1 through 9 were admitted into evidence.

The parties gave their closing arguments.

Following review and discussion, Ms. Worley moved, seconded by Ms. Lee, to affirm the Counseling Credentialing Committee's recommendation to deny the application for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call vote.

5. Formal Interviews.

None

6. **Complaints and other disciplinary matters: review, consideration and action.**

A. 2003-0054, Steve Johnson, LAMFT-10075 (suspended)

Ms. Shelton summarized the facts of the case.

Mr. Johnson was noticed, but did not appear.

Mr. Wright moved, seconded by Mr. Herrera, to dismiss the complaint and issue a letter of concern.

Several members indicated their concern about dismissing the complaint without disciplinary action given the severity of the allegations. Mr. Wright reviewed the Marriage and Family Therapy Credentialing Committee's discussion regarding this matter. While similar concerns were voiced during that discussion, ultimately members agreed to recommend dismissal because Mr. Johnson has allowed his license to lapse and is no longer subject to any Board ordered remediation.

Members asked Mr. Harris for information regarding the public information regarding Mr. Johnson that would be available if it dismissed the complaint with a letter of concern. Mr. Harris explained that the Board order from Mr. Johnson's first complaint remains a matter of public record and that this disciplinary action was reported to the federal databanks. In addition, the public record will reflect that Mr. Johnson failed to renew his license while still subject to the terms of a consent agreement.

Mr. Harris also explained that a letter of concern resulting from the second complaint would not be disciplinary action and would not be reported to the federal databanks. The letter of concern, however, is a public record and could be written to clearly indicate the basis for the dismissal and that the Board will re-review the allegations in the second complaint should Mr. Johnson choose to apply for licensure in the future.

Following review and discussion, the motion passed unanimously.

Members indicated that the letter of concern should indicate the following:

- Mr. Johnson entered into a consent agreement with the Board.
- While subject to the terms of that consent agreement, the Board received a second complaint against him containing allegations involving conduct similar to that in his first complaint.

- The Board chose to dismiss the second complaint because Mr. Johnson failed to renew his license while still subject to the terms of his consent agreement.
- If Mr. Johnson chooses to apply for licensure in the future, the Board will review the conduct alleged in the second complaint as a part of its determination as to whether Mr. Johnson meets minimum licensure requirements.

B. 2006-0114, Patricia Rzonca, LISAC-10428

Ms. Blatner summarized the facts of the case.

Ms. Rzonca was noticed, but did not appear.

Following review and discussion, Mr. Wright moved, seconded by Ms. Brassea, to affirm the Substance Abuse Credentialing Committee recommendation to deny the professional's request for release from the interim consent agreement.

C. 2004-0013, Felice Goff, LCSW-0749

Ms. Grossi summarized the facts of the case.

Ms. Goff and her attorney, Mr. Charles Hover, appeared in person.

Following review and discussion, Mr. Wright moved, seconded by Ms. Worley, to accept the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

D. NJ074-0003, Sam Rotella

Ms. Rinaudo summarized the facts of the case.

Mr. Wright moved, seconded by Ms. Freeman, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

E. NJ07-0005, Joseph Patterson

Tabled

F. NJ07-0006, Rick Maudlin

G. NJ07-0007, James Galliger

H. NJ07-0008, P. Harrison

I. NJ07-0009, Juli Jackson

Ms. Rinaudo summarized the facts of the complaint filed against these non-licensed individuals.

Ms. Brassea moved, seconded by Mr. Wright, to dismiss these complaints as non-jurisdictional. The motion passed unanimously.

7. **Consent Agenda: review, consideration and action**

Ms. Lee requested that Mr. Brock's matter be discussed individually.

Ms. Brassea requested that all matters on the consent agenda be discussed individually.

A. 2005-0031, Keith Brock, CSAC applicant

Mr. Brock appeared in person.

Ms. Lee and Ms. Brassea expressed concern regarding the recommendation to dismiss the complaint where a restraining order issued against the professional included serious abuse allegations and where the complaint included allegations of sexual harassment of a female co-worker.

Members discussed the circumstances regarding the issuance of restraining orders, which usually are issued with no review of the validity of the allegations contained in the order.

Following review and discussion, Dr. Davis moved, seconded by Ms. Brassea, to accept the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint. The motion carried with Ms. Lee opposed.

B. 2005-0053, Elizabeth Dunn, LPC-10050

Ms. Dunn was noticed, but did not appear.

Following review and discussion, Dr. Davis moved, seconded by Ms. Worley, to accept the Counseling Credentialing Committee's recommendation to accept the proposed consent agreement. The motion passed unanimously.

C. 2006-0150, Michael O'Connor, LISAC-1318

Mr. O'Connor was noticed, but did not appear.

Ms. Brassea expressed concern regarding the complainant in this matter, a licensee. Ms. Brassea asked if the Board should pursue further investigation in this matter to review the complainant's competency to practice.

Staff provided information regarding pending Board actions involving the complainant.

Following review and discussion, Dr. Davis moved, seconded by Ms. Brassea, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously. Ms. Worley was recused from the vote.

8. Applications for licensure: review, consideration and action

Social Work

Dr. Davis moved, seconded by Ms. Worley, to approve five applicants as Licensed Clinical Social Workers and eleven applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Wright, to deny six applicants for social work licensure based on the applicants' failure to pass the required exam and two applicants based on their failure to meet minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

Counseling

Dr. Davis moved, seconded by Ms. Worley, to approve three applicants as Licensed Professional Counselors and nineteen applicants as Licensed Associate Counselors. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Wright, to deny four applicants for counseling licensure based on their failure to establish that they meet minimum licensure requirements in education and/or supervised work experience and one applicant based on a finding of unprofessional conduct and not meeting minimum requirements in education and/or work experience. The motion passed unanimously.

Substance Abuse

Ms. Worley moved, seconded by Ms. Brassea, to approve two applicants as Licensed Independent Substance Abuse Counselors and one applicant as a Licensed Associate Substance Abuse Counselor. The motion passed unanimously.

Ms. Worley moved, seconded by Ms. Brassea, to deny three applicants for substance abuse licensure based on their failure to establish that they meet minimum licensure requirements in education and/or supervised work experience and one applicant based on a finding of unprofessional conduct and not meeting minimum requirements in education and/or work experience.

Marriage & Family Therapy

Mr. Wright moved, seconded by Ms. Worley, to approve one applicant as a Licensed Associate Marriage and Family Therapist and one applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

Mr. Wright moved, seconded by Ms. Brassea, to deny two applicants for marriage and family therapy licensure based on their failure to establish that they meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

9. Report from Chair.

A. Chair report

Dr. Davis reported regarding his attendance at the annual meeting of the Association of Social Work Boards. He also thanked the Board for its approval to allow a second SWCC member to attend this meeting.

B. Member reports

None

C. Board meeting attendance

Dr. Davis emphasized the need for members to attend all meetings.

10. Report from Treasurer

A. Monthly financial report

Ms. Rinaudo reported regarding the Board's monthly financial report. She emphasized that all available resources are being directed towards reducing the ongoing complaints backlog.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

12. Committee reports

A. Review, consideration and action regarding the Counseling Credentialing Committee's to appoint Dr. Waterman as the Board's delegate to the AASCB Annual Conference.

Ms. Rinaudo reported that Dr. Waterman was seeking Board approval appointing her as the Board's delegate to the annual meeting of the American Association of State Counseling Boards (AASCB). She also reported that normally the Counseling Credentialing Committee would approve this appointment, but the appointment needed to be made before the next committee meeting.

Dr. Davis moved, seconded by Mr. Wright, to approve Dr. Waterman as the Board's delegate to the AASCB annual meeting. The motion passed unanimously.

Ms. Lee expressed her ongoing concern that the Board does not individually review each request for out-of-state travel by members because it involves the expenditure of Board funds. Ms. Lee and Mr. Herrera both indicated that they did not intend for their previous vote approving appointment of Dr. Waterman as the Board's delegate to the AASCB annual meeting to include approval of the expenditure of Board funds and that they were withdrawing their support if that was the intent of the motion. Ms. Rinaudo indicated that the motion would still pass without their support.

Ms. Lee requested that an item be added to the Board's agenda to allow the Board to determine whether all requests for funding for out-of-state travel by members should be reviewed individually by the Board. In response to this request, Ms. Rinaudo reported as follows:

- The Board reviewed this same issue at Ms. Lee's request in the recent past.
- After extended discussion at that time, the Board decided to authorize the credentialing committees to approve out-of-state travel for one member to attend the annual meeting of related licensure boards as long as committee approved travel does not exceed the Board's budget of \$8,300 for out-of-state travel.
- Typically, the Board's annual expenditures for out-of-state travel by members are significantly less than the \$8,300 budgeted for such travel.

Ms. Brassea moved, seconded by Ms. Lee, to add an item to the Board's January agenda regarding requiring individual Board approval of funding for all out-of-state travel by members. The motion passed with Dr. Davis opposed.

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

None

14. Future agenda items

Review Board processes for approving out-of-state travel for members.

15. Call for public comment

None

16. Establishment of future meeting dates

The next meeting is scheduled for January 5, 2007, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Ms. Freeman moved, seconded by Ms. Worley, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:03 p.m.

Laura Waterman
Secretary/Treasurer

Date