



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
3443 NORTH CENTRAL AVENUE, SUITE 1700
PHOENIX, AZ 85012
PHONE: 602.542.1882 FAX: 602-364-0890
Website: www.az.gov
Website: www.bbhe.state.az.us
E-mail address: azbbhe@bbhe.state.az.us

JANET NAPOLITANO
Governor

CEDRIC DAVIS
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
December 7, 2007

Members Present: Cedric Davis, Robert Evans, Jose Herrera, Julian Pickens, Ruth Lee, Diane Brassea, Laura de Blank (in at 9:04 a.m.), Kahryn Nix (in at 9:12 a.m.)

Members Absent: Jose Herrera

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Sherry Blatner, Kami Thur, Sheila Perry-Johnson, Lynanne Chapman, Eleni Keterelos, Patricia Reynolds, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 7, 2007, at 9:02 a.m. with Dr. Davis presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Pickens moved, seconded by Ms. Brassea, to approve the general meeting minutes from October 5, 2007, as submitted. The motion passed unanimously. Mr. Evans and Ms. de Blank abstained from the vote.

Mr. Evans moved, seconded by Dr. Davis, to approve the general meeting minutes from November 2, 2007, as submitted. The motion passed unanimously. Dr. Pickens and Ms. Brassea abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2007-0134, Martha Castaneda, LCSW-11441

Review, consideration and action to approve the Social Work Credentialing Committee's recommendation to dismiss the complaint.

B. 2008-0014, Sarah House, LCSW applicant and LMSW-0589

Review, consideration and action to approve the Social Work Credentialing Committee's recommendation to accept the proposed consent agreement.

C. 2005-0093, Michael Kennedy, LCSW-10321

Review, consideration and action regarding the professional's request for release from the Interim Consent Agreement and to accept the signed proposed consent agreement.

D. 2007-0139, Janis Kirkland, LAC applicant

Review, consideration and action to approve the Counseling Credentialing Committee's recommendation to accept the proposed consent agreement.

E. James Lohman, LAC applicant

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to accept the signed proposed non-disciplinary consent agreement.

F. 2004-0016 and 2004-0017, Karl Monical, LCSW-10214

Removed from the consent agenda for individual consideration.

G. 2006-0036, Alexandria Soto, LCSW-10381

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint.

Mr. Evans moved, seconded by Ms. Lee, to accept the consent agenda items A through E and item G. The motion passed unanimously.

2004-0016 and 2004-0017, Karl Monical, LCSW-10214

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to accept the proposed consent agreement.

Ms. Lee had questions regarding the level of disciplinary action recommended.

Mr. Monical appeared in person and addressed the Board.

Ms. Thur summarized the results of her investigation.

Following review and discussion by members, Mr. Evans moved, seconded by Dr. Pickens, to re-offer the consent agreement as written and, if not accepted, to invite the professional to participate in a formal interview and, if not accepted, to remand the case to formal hearing. The motion passed unanimously. See attached roll call vote.

5. Administrative Hearings

None

The Board took a break at 10:50 a.m., reconvening its public meeting at 11:00 a.m.

6. Formal Interviews

A. 2006-0107, Elizabeth Dunn, LPC-10050

Dr. Davis reviewed the procedures for conducting a formal interview. Board members and staff were introduced.

Ms. Dunn and her attorney, Mark Harrison, appeared in person and addressed the Board.

Ms. Reynolds summarized the results of the Board's investigation.

Ms. Dunn answered questions from Board members.

Mr. Harrison addressed the Board on behalf of the professional.

Following review and discussion by members, Ms. Nix moved, seconded by Mr. Evans, to dismiss the complaint. The motion passed unanimously.

The Board took a break to get lunch at 11:50 a.m., reconvening its public meeting at 12:20 p.m.

7. Complaints and other disciplinary matters: review, consideration and action

A. 2007-0054, Lori Vitagliano, LMSW-11692

Ms. Rinaudo summarized the facts of the case.

Mr. Michael Silliman, appeared as the Board's legal representative.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Lee, to accept the signed consent agreement. The motion passed unanimously.

B. 2007-0152, MaryJo Fleming, LAC-10689 and LPC applicant

Ms. Blatner summarized the changes to the consent agreement.

Mr. Neal Harrington appeared on behalf of Ms. Fleming.

Following review and discussion by members, Ms. Lee moved, seconded by Mr. Evans, to accept the signed consent agreement for the voluntary surrender of the professional's license. The motion passed unanimously. See attached roll call vote.

C. 2007-0075, Eric Cuestas-Thompson, LMSW-11395, LISAC-10713 and LCSW applicant
Ms. Chapman summarized the facts of the case.

Mr. Cuestas-Thompson and his attorney, Ed Gaines, appeared in person and addressed the Board.

Following discussion by members, Dr. Davis moved, seconded by Ms. Lee, to adopt the recommendation of the Social Work Credentialing Committee to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

D. 2007-0155 and 2005-0135, Edward Kelley, LISAC-11510
Ms. Perry-Johnson summarized the facts of the case.

Mr. Kelley was properly noticed, but did not appear.

Following review and discussion by members, Mr. Evans moved, seconded by Dr. Pickens, to re-offer the consent agreement and, if not accepted, to remand the case to formal hearing. The motion passed unanimously. See attached roll call.

E. 2007-0137, Deborah Hansen, LISAC-10821
Tabled.

The Board took a break at 1:40 p.m., reconvening its public meeting at 1:50 p.m.

F. 2007-0131, Elizabeth Davies, LPC-1584
Ms. Reynolds summarized the results of the Board's investigation.

Ms. Davies and her attorney, Teresa Sanzio, appeared in person and addressed the Board.

Following review and discussion, Mr. Evans moved, seconded by Ms. Brassea, to re-offer the proposed consent agreement as amended to remove the provision for the suspension of the professional's license and increase the period of probation to 24 months and, if not accepted, to invite the professional to participate in a formal interview and, if not accepted, to remand the case to formal hearing. The motion passed unanimously. See attached roll call.

G. 2007-0017, Diane Andrick, LPC-1689 and LISAC-0372
Ms. Reynolds summarized the results of the Board's investigation.

Ms. Andrick and her attorney, Neal Harrington, appeared in person and addressed the Board.

Dr. Judy Hogan, Carondelet Health Network, addressed the Board regarding the professional's current employment.

Following review and discussion, Dr. Davis moved, seconded by Ms. Brassea, to offer the professional a consent agreement with the following stipulations:

- License will be placed on 24 months probation
- Professional will receive clinical supervision for a minimum of 24 months
- Clinical supervisor will be an independently licensed pre-approved behavioral health professional
- Professional will meet with the clinical supervisor at least monthly
- The clinical supervisor will submit quarterly reports for approval
- Professional will complete a 3-semester credit hour graduate level course in counseling ethics
- Professional will complete a 6-clock hour seminar or workshop in clinical documentation

The motion passed unanimously.

Dr Davis moved, seconded by Mr. Evans, that, if the consent agreement is not accepted, to invite the professional to participate in a formal interview and, if not accepted, to move the case to formal hearing. The motion passed unanimously.

H. 2004-0035, Martha Thompson, LPC-1062
Ms. Thur summarized the results of the Board's investigation.

The professional was properly noticed, but did not appear.

Following review and discussion, Dr. Davis moved, seconded by Ms. de Blank, to open a complaint based on a possible violation of A.R.S. §32-3251(bb), harassing, exploiting or retaliating against a client, former client, research subject, supervisee, coworker or witness or complainant in a disciplinary investigation or proceeding involving a licensee. The motion passed unanimously.

I. 2007-0138, Kristin Gwinn, LAC applicant

Ms. Blatner summarized minor changes made to the consent agreement from the original consent agreement offered by the Counseling Credentialing Committee.

Mr. Neal Harrington appeared on behalf of Ms. Gwinn.

Following review and discussion by members, Mr. Evans moved, seconded by Dr. Pickens, to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

J. NJ07-0024, Sandi Merriman

Ms. Rinaudo summarized the facts of the complaint.

Ms. Nix moved, seconded by Dr. Pickens, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

K. NJ07-0029, Ralph Robinson

Ms. Rinaudo summarized the facts of the complaint.

Dr. Pickens moved, seconded by Ms. Nix, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. de Blank, to issue a cease and desist order based on the professional engaging in the unlicensed practice of psychotherapy. The motion passed unanimously.

8. Applications for licensure: review, consideration and action

Social Work

Dr. Davis moved, seconded by Mr. Evans, to approve 10 applicants as Licensed Clinical Social Workers, 22 applicants as Licensed Master Social Workers and 2 applicants as a Licensed Baccalaureate Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Evans, to deny 2 applicants for social work licensure based on failure to pass the required exam, 1 applicant based on failure to establish that the applicant meets minimum requirements in education and/or supervised work experience and 1 applicant based on a finding of unprofessional conduct. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Dr. Pickens, to approve 22 applicants as Licensed Associate Counselors and 2 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Evans, to approve 2 applicants as Licensed Associate Counselors subject to consent agreements. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Pickens, to deny 5 applicants for counseling licensure based on failure to establish that they meet minimum licensure requirements in education and/or supervised work experience, and 5 applicants based on not passing the required exam. The motion passed unanimously.

Substance Abuse

Mr. Evans moved, seconded by Ms. de Blank, to approve 1 applicant as a Licensed Independent Substance Abuse Counselor and 4 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Mr. Evans moved, seconded by Ms. de Blank, to deny 1 applicant based on failure to establish that the applicant meets minimum requirements in education and/or supervised work experience. The motion passed unanimously.

Marriage & Family Therapy

Dr. Pickens moved, seconded by Mr. Evans, to approve 5 applicants as Licensed Marriage and Family Therapists and 3 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Dr. Pickens moved, seconded by Ms. Nix, to deny 1 applicant for marriage and family therapy licensure based on failure to establish that the applicant meets minimum requirements in education and/or supervised work experience and 3 applicants based on failure to pass the required exam. The motion passed unanimously.

9. Report from Chair.

A. Chair report

No report.

B. Member reports

No report.

10. Report from Treasurer

A. Monthly financial report

Dr. Pickens reported regarding the monthly financial report.

Dr. Pickens moved, seconded by Mr. Evans, to accept the monthly financial report as presented. The motion passed unanimously. Ms. Lee abstained from the vote.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Religious based drug treatment programs

Mr. Harris reported regarding the recent court decision that a regulatory board cannot unilaterally require a professional to take part in a religious based treatment program, but must offer non-religious based options. Mr. Harris noted that the Board has consistently offered non-religious based treatment programs if requested by licensees.

C. Draft legislation for 2008 legislative session

Ms. Rinaudo reported regarding the proposed legislation.

D. Legal residency status

Ms. Lee moved, seconded by Mr. Evans, to go into Executive Session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the Board went into Executive Session at 3:27 p.m. reconvening its public meeting at 3:33 p.m.

E. Child support arrearages law

Mr. Harris reviewed recent legislation regarding applicants or licensees that have child support responsibilities.

F. Substance Abuse Process Development Subcommittee

Ms. Rinaudo reported that all of the credentialing committees reviewed the draft process and had no recommended changes. The agency will implement the process.

12. Committee reports

None

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

None

14. Future agenda items

Distribution of Board investigative reports

Sunset Hearing report

15. Call for public comment

None

16. Establishment of future meeting dates

The next meeting is scheduled for January 4, 2008, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Mr. Evans moved, seconded by Ms. Brassea, to approve the draft calendar for 2008 with additional Board meetings scheduled for February 29, 2008, and May 30, 2008, to conduct formal hearings. The motion passed unanimously.

17. Adjournment

Mr. Evans moved, seconded by Ms. de Blank, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:30 p.m.

Julian Pickens
Secretary/Treasurer

Date