



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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JANET NAPOLITANO  
Governor

DEBRA RINAUDO  
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
December 5, 2008

Members Present: Laura de Blank, Gloria Gabler, Ruth Lee (out at 1:57 p.m.), Jose Herrera, Kahryn Nix  
Members by telephone: Teresa Menchaca (9:15 a.m. through 9:19 a.m.) (1:57 p.m. through adjournment)  
Members absent: Robert Evans, Diane Brassea  
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Mary Wilson, Elma Brambila  
Staff by telephone: Mary Jo Foster, Solicitor General's Office

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 5, 2008, at 9:14 a.m. with Ms. de Blank presiding.

**2. Roll Call**

See above.

**3. Minutes: review, consideration and action**

Ms. Nix moved, seconded by Dr. Gabler, to approve the general meeting minutes from October 31, 2008, as submitted. The motion passed unanimously. Ms. Menchaca abstained from the vote.

Ms. Lee moved, seconded by Ms. Nix, to approve the general meeting minutes from November 7, 2008, as submitted. The motion passed unanimously.

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

Ms. Lee requested that items A, B, I, J and K be pulled from the consent agenda and considered separately.

*A. 2006-0106, Dawn Beatty, LPC-10886*

Ms. Lee indicated that, in her opinion, "minimum" and "early release" language is contradictory in the consent agreement.

The professional addressed the Board telephonically.

Following review and discussion by members, Ms. Nix moved, seconded by Mr. Herrera, to accept the signed consent agreement as recommended by the Counseling Credentialing Committee. See roll call vote

*B. 2005-0105 and 2007-0133, Michael Caputa, LCSW-1701*

Ms. Rinaudo reported that this matter is on the agenda for the Board to consider consolidation of two pending complaints under the current Interim Consent Agreement and to close Complaint No. 2005-0105.

Following review and discussion by members, Ms. Nix moved, seconded by Ms. de Blank, to consolidate Complaint Nos. 2005-0105 and 2007-0133 and to accept the signed Interim Consent Agreement as a resolution of both complaints. The motion passed unanimously. See roll call vote.

*C. 2007-0163, Sandra Coorough, LCSW-0335*

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

*D. 2006-0031, Sandra Coorough, LCSW-0335*

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

*E. 2009-0048, Jo-Ann Marks, LMFT applicant*

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to accept the proposed signed consent agreement.

*F. 2005-0069, John Morris, CSAC applicant*

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

*G. 2006-0007, Debra Onsager, LPC-10830*

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

*H. 2007-0157, Deena Stewart-Hitzke, LISAC-10275*

Review, consideration and action regarding the professional's request for release from the consent agreement.

*I. 2006-0125, Sandra Tursini, LPC-0362*

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

Dr Gabler indicated that the professional may benefit from an ethics class.

Following review and discussion by members, Dr. Gabler moved, seconded by Mr. Herrera, to re-offer a consent agreement including completion of 3 clock hours in ethics in addition to what is required for renewal and, if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand to formal hearing. The motion passed unanimously. See roll call vote.

*J. 2005-0009, Lynn Tyson, LMFT-0032*

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

The professional was properly noticed, but did not appear.

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

*K. 2007-0032, 2007-0090, 2007-0129 and 2008-0112, Lynn Tyson, LMFT-0032*

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

The complainants in Complaint No. 2007-0032 and Complaint No. 2008-0112 appeared in person and addressed the Board.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Nix moved, seconded by Ms. de Blank, to accept the consent agreement, which consolidates the four pending complaints. The motion passed unanimously. See attached roll call vote.

*L. ND08-0001, Jori Udall, LPC-1173*

Review, consideration and action regarding the proposed signed non-disciplinary consent agreement.

Ms. Lee moved, seconded by Mr. Herrera, to approve consent agenda items C-H and L, as presented. The motion passed unanimously. See attached roll call.

**5. Administrative Hearings 11:00 AM**

*A. Bruce McMorran, LPC applicant*

Ms. de Blank reviewed the procedures for conducting an administrative hearing.

Mary Jo Foster appeared telephonically as the Board's legal representative.

Mr. Harris appeared on behalf of the State.

The professional and Mr. Harris made opening statements.

The professional did not call any witnesses on his behalf.

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

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

Mr. Harris, A.A.G., made a closing argument.

Following discussion by members, Mr. Herrera moved, seconded by Ms. Lee, to deny licensure for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See roll call vote.

**6. Formal Interviews**

None

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

*A. 2008-0007 and 2008-0120, Jane Johnson, LSAT-12022*

Ms. Rinaudo summarized the results of the Board's investigation regarding the professional's non-compliance with the amended consent agreement that was issued in August 2008 for non-compliance with the original consent agreement.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Nix, to remand this matter to formal hearing. The motion passed unanimously.

*B. 2007-0102, Loretta Dunn, LPC-10725*

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. de Blank, to remand this matter to formal hearing. The motion passed unanimously.

*C. 2009-0037, Manuel Castillo, LMSW applicant*

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

The professional appeared in person and addressed the Board.

Following further discussion by members, Ms. Lee moved, seconded by Mr. Herrera, to modify the consent agreement as follows:

- To allow a substance abuse evaluation by a master level pre-approved LISAC
- To change finding of fact 2 to note only the professional's conviction of Criminal Nuisance
- To change #9 in the order from 'within 10 days of the effective date of this Order' to 'within 10 days of the date the license is issued'

to accept the amended consent agreement, and, if not signed, to invite the professional to participate in a formal interview and, if not accepted, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

*D. 2005-0022 and 2008-0039, Alyssa Mandel, LCSW-10473*

Ms. Nix disclosed that her court reporting firm has done work for the professional's husband's law firm but that there is nothing regarding that relationship that prevents her from making an unbiased decision in this matter.

2005-0022

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

The complainant appeared in person and addressed the Board.

The professional and her attorneys, Randy Yavetz and Stephen Myers, appeared in person and addressed the Board.

2008-0039

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

The complainant was properly noticed, but did not appear.

The professional and her attorneys, Randy Yavetz and Stephen Myers, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Gabler moved, seconded by Ms. Nix, to accept the alternate consent agreement presented by the professional with the following amendments:

- The professional's private practice is limited to 20 client hours per week.
- The supervision plan will address the way that the 20 client hour maximum will be monitored.
- Clinical supervision and practice monitor meetings will each occur at least one hour per week.
- Clinical supervision documentation will be submitted monthly for review and approval.

The motion passed unanimously. See roll call vote.

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

*E. 2005-0084, 2005-0117 and 2009-0030, Lynda Durfy, LPC-2554*

Ms. Rinaudo summarized the professional's non-compliance with the consent agreement, the new complaint filed by the Counseling Credentialing Committee, and the new proposed consent agreement.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Nix, to remand the matter to formal hearing. The motion passed unanimously.

*F. 2008-0106, Debra Onsager, LPC-10830*

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

The complainant appeared in person and addressed the Board.

The professional and her attorney, Steve Myers, appeared in person and addressed the Board.

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

*G. NJ08-0002, Paula Petrovic*

Tabled

*H. NJ08-0007, Irene Rokaw*

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

The professional's attorney addressed the Board.

Following review and discussion by members, Ms. Lee moved, seconded by, Mr. Herrera, to dismiss the complaint as non-jurisdictional and to issue a cease and desist order. The motion passed unanimously.

I. *NJ08-0009, Sharon Antonio*

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

Following review and discussion by members, Mr. Herrera moved, seconded by, Ms. Lee, to dismiss the complaint as non-jurisdictional and to issue a cease and desist order. The motion passed unanimously.

*The Board took a break at 1:12 p.m., reconvening its public meeting at 1:18 p.m.*

**8. Applications for licensure: review, consideration and action**

*Social Work*

Dr. Gabler moved, seconded by Ms. Lee, to approve seven applicants as Licensed Clinical Social Workers and eighteen applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Gabler moved, seconded by Ms. de Blank, to deny five applicants based on failure to pass the required exam and one applicant based on a finding of unprofessional conduct. The motion passed unanimously.

*Counseling*

Ms. de Blank moved, seconded by Dr. Gabler, to approve 20 applicants as Licensed Associate Counselors, 4 applicants as Licensed Professional Counselors and one applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Gabler, to deny six applicants based on failure to meet minimum requirements in education and/or supervised work experience and three applicants based on failure to pass the required exam. The motion passed unanimously.

*Substance Abuse*

Ms. de Blank moved, seconded by Mr. Herrera, to approve one applicant as a Licensed Independent Substance Abuse Counselor, four applicants as Licensed Associate Substance Abuse Counselors and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Herrera, to deny 1 applicant based on failure to pass the required exam. The motion passed unanimously.

*Marriage and Family Therapy*

Dr. Gabler moved, seconded by Ms. Lee, to approve three applicants as Licensed Marriage and Family Therapists and four applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Dr. Gabler moved, seconded by Ms. Lee, to deny 1 applicant 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.

*C. Review of A.R.S. §32-3206*

Tabled

**10. Report from the Treasurer**

*A. Monthly Financial Report*

Mr. Herrera moved, seconded by Dr. Gabler, to accept the monthly financial report as presented. The motion passed unanimously.

Ms. Rinaudo reported regarding mandatory reductions to the Board's appropriation and reserve fund to be implemented in FY2009.

**11. Report from the Executive Director and/or staff**

*A. General Agency Operations*

No report.

*B. Five-year Review Report Process*

Ms. Rinaudo reviewed the process for the five-year rule report. Ms. Rinaudo emphasized that the purpose of this process is only to develop a report in compliance with state law requirements.

*C. Update regarding Board rule packages*

Ms. Rinaudo reported regarding the new rule reducing required continuing education hours from 40 to 30, which became effective December 2, 2008. She also reported regarding the changes to the Licensed Substance Abuse Technician rule allowing an applicant to obtain an LSAT with a qualifying bachelors degree, which becomes effective January 1, 2009.

**12. Committee Reports**

None

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

None

**14. Future agenda items**

1. Discussion regarding defining "40 hours" for consent agreement items requiring one hour clinical supervision per forty hours worked
2. Discussion regarding early release provision in consent agreements
3. Directions to committees for items in consent agreements
4. Discussion regarding Board review of consent agreements before signature by professionals

**15. Call for public comment**

None

**16. Establishment of future meeting dates**

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

**17. Adjournment**

Dr. Gabler moved, seconded by Mr. Herrera, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:10 p.m.

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Gloria Gabler  
Secretary/Treasurer

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Date