



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
July 8, 2005

Members Present: Cedric Davis, Dan Wright, Kathleen Phillips, Laura Waterman, Jose Herrera
Members Absent: Del Worley, Steve LeGendre, Ruth Lee
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor General's Office, Sherry Blatner, Mary Wilson
Public Present: Loretta Roethler, Diane Genco, Jill Covington, Robert Fern, Jill Jones Soderman, Michael Robinson
Public by telephone: Steve Johnson

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on July 8, 2005, at 8:50 a.m. with Ms. Phillips presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Dr. Waterman moved, seconded by Mr. Wright, to approve the general meeting minutes from the June 3, 2005, meeting. The motion passed unanimously.

4. **Administrative Hearings**

A. 2005-0096, Robert Fern, LISAC-10813

Board members and staff were introduced. Ms. Mangiapane from the Solicitor General's Office appeared on behalf of the Board. Ms. Phillips reviewed the rules of procedure.

Mr. Fern appeared in person and requested that the Board approve his request for a rehearing.

Mr. Harris, A.A.G., appeared on behalf of the State and requested that the Board deny the request for rehearing. Mr. Harris noted Mr. Fern's failure to cite to a basis for granting a rehearing as required pursuant to A.A.C. R4-6-1003.

Following discussion, Dr. Waterman moved, seconded by Mr. Wright, to deny the request for a rehearing based on the professional's failure to demonstrate any reason materially affecting his rights as required pursuant to A.A.C. R-4-1003. The motion passed unanimously. See attached roll call.

B. 2003-0035, Michael Robinson, LCSW-10129

Board members and staff were introduced. Ms. Mangiapane from the Solicitor General's Office appeared on behalf of the Board. Ms. Phillips reviewed the rules of procedure.

Mr. Robinson appeared in person and addressed the Board.

Mr. Harris, A.A.G., appeared on behalf of the State and requested that the Board approve the Administrative Law Judge's recommendation to revoke Mr. Robinson's license.

Following discussion, Mr. Wright moved, seconded by Dr. Davis, to adopt findings of fact 1 through 71 as recommended by the Administrative Law Judge. The motion passed unanimously.

Following discussion, Mr. Wright moved, seconded by Dr. Davis, to adopt conclusions of law 1 through 27 as recommended by the Administrative Law Judge. The motion passed unanimously.

Following discussion, Dr. Davis moved, seconded by Mr. Herrera, to revoke the professional's license to practice social work, effective immediately pursuant to A.A.C. R4-6-1003(f).

Mr. Robinson left the meeting prior to the conclusion of the discussion.

Dr. Davis amended the motion to adopt the order to revoke the professional's license to practice social work as recommended by the Administrative Law Judge, assess the Board's investigation and formal hearing costs against the professional and to make the order effective immediately pursuant to R4-6-1003(f). The motion passed unanimously. See attached roll call.

C. 2005-0103, Jill Jones Soderman, LCSW-11621

Board members and staff were introduced. Ms. Mangiapane from the Solicitor General's Office appeared on behalf of the Board. Ms. Phillips reviewed the rules of procedure.

Ms. Soderman appeared in person and addressed the Board. She requested that the Board not revoke her license. Ms. Soderman's attorney, Ms. Covington, also addressed the Board.

Mr. Harris, A.A.G., appeared on behalf of the State. He requested that the Board approve the Administrative Law Judge's recommendation to revoke the professional's license.

Following discussion, Dr. Waterman moved, seconded by Dr. Davis, to adopt findings of fact 1 through 19 as recommended by the Administrative Law Judge with a modification to finding of fact 9 to substitute 'license' for 'certification' and to delete the second sentence. The motion passed unanimously.

Following discussion, Dr. Waterman moved, seconded by Mr. Wright, to adopt conclusions of law 1 through 6 as recommended by the Administrative Law Judge with a modification to conclusion of law 3 to delete the citation A.R.S. §32-3251(1)(b) and to insert A.R.S. §32-3251(10)(b). The motion passed unanimously.

Following discussion, Dr. Waterman moved, seconded by Mr. Wright, to adopt the recommended order to revoke the professional's license to practice social work, assess the Board's investigation and formal hearing costs against the professional and to make the order effective immediately pursuant to R4-6-1003(f). The motion passed unanimously. See attached roll call.

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

A. 2003-0032, Diane Genco, LPC-1330

Ms. Rinaudo reported that the credentialing committee chair has approved the professional's request for release from the consent agreement.

Ms. Genco appeared in person and addressed the Board.

Following review and discussion, Dr. Waterman moved, seconded by Dr. Davis, to release the professional from the consent agreement. The motion passed unanimously.

B. 2003-0029, Steve Johnson, LAMFT-10075

Ms. Rinaudo reported that the credentialing committee chair and the Marriage and Family Therapy Credentialing Committee have approved the professional's request for release from the consent agreement.

The professional was noticed, but did not appear.

Following review and discussion, Dr. Davis moved, seconded by Mr. Wright, to release the professional from the consent agreement. The motion passed unanimously.

C. 2005-0140, Sandra Coorough, LCSW-0335

Ms. Blatner summarized the facts of the case. The professional was noticed, but did not appear.

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

D. 2005-0129, Loretta Roethler, LISAC-0070 and LPC applicant

Ms. Blatner summarized the facts of the case.

Ms. Roethler appeared in person and addressed the Board.

Following review and discussion, Dr. Waterman moved, seconded by Mr. Wright, to accept the Counseling Credentialing Committee's recommendation to issue a Letter of Concern and dismiss the complaint. The motion passed unanimously.

The Board took a break from 10:25 a.m., reconvening its public meeting at 10:32 a.m.

E. 2005-0122, Richard Kehoe, LPC-1750 and LISAC-0492

Ms. Rinaudo summarized the facts of the case.

Mr. Kehoe was noticed, but did not appear.

Following review and discussion, Dr. Davis moved, seconded by Mr. Wright, to accept the Substance Abuse Credentialing Committee's recommendation to issue a Letter of Concern and dismiss the complaint. The motion passed unanimously.

F. 2003-0073, Debra Suter-Downs, LMSW-0055 expired

Ms. Rinaudo summarized the facts of the case. Ms. Suter-Downs was noticed, but did not appear.

Following review and discussion, Mr. Wright moved, seconded by Dr. Davis, to accept the Social Work Credentialing Committee's recommendation to accept the signed consent agreement for the voluntary revocation of the professional's license. The motion passed unanimously. See attached roll call.

G. James Henry, LMSW applicant

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

Following review and discussion, Dr. Davis moved, seconded by Dr. Wright, to accept the Social Work Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

H. Lawrence Minniefield, LAC applicant

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

Following review and discussion, Mr. Wright moved, seconded by Dr. Waterman, to accept the Counseling Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

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

Social Work

Dr. Davis moved, seconded by Mr. Herrera, to approve eight applicants as Licensed Clinical Social Workers and five applicants as Licensed Master Social Workers. The motion passed unanimously.

Counseling

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

Dr. Waterman moved, seconded by Dr. Davis, to deny one applicant for counseling licensure based on the failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Dr. Davis moved, seconded by Mr. Herrera, to approve one applicant as a Licensed Independent Substance Abuse Counselor and three applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Herrera, to deny one applicant for substance abuse counselor licensure based on the failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

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

7. Report from the Chair

A. Public request to triage complaints based on merit

Ms. Rinaudo reported that there has been a request for the Board to establish a procedure to dismiss meritless complaints without investigation. Members discussed the request and the process the agency currently uses to triage complaints based on the degree of risk of harm to public safety. Members requested that the investigations staff discuss various parameters for triaging complaints and report back to the Board.

B. Review of R4-6-604

Ms. Blatner reported that R4-6-604 was removed from the June 2005 rules package to allow for public comment. Ms. Blatner requested that the Board approve the proposed language and grant authority to file as a rulemaking package on behalf of the Board.

Following discussion, Mr. Wright moved, seconded by Dr. Davis, to accept the proposed language and grant authority for staff to file the rules package. The motion passed unanimously.

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

10. Committee Reports.

None

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

None

12. Future agenda items

A. Complaint triage process

B. Authorize Dr. Waterman to make a presentation on behalf of the Board at the annual AASCB meeting

13. Call for public comment

None

14. Establishment of future meeting date(s)

The next meeting is scheduled for August 5, 2005 at 8:45 a.m. in room B-2.

15. Adjournment

Dr. Davis moved, seconded by Mr. Herrera, to adjourn. The motion passed unanimously and the meeting was adjourned at 11:17 a.m.

Cedric Davis
Secretary/Treasurer

Date