



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
July 7, 2006

Members Present: Cedric Davis, Dan Wright, Diane Brassea, Del Worley, Laura Waterman, Barbara Freeman, Ruth Lee

Members Absent: Jose Herrera

Staff Present: Debra Rinaudo, Sherry Blatner, Amy Shelton, Mary Wilson, Elma Brambila

Staff by telephone: Marc Harris, A.A.G.

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on May 5, 2006, at 9:03 a.m. with Dr. Davis 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 noon May 5, 2006, meeting, as submitted. The motion passed unanimously. Dr. Davis and Mr. Wright abstained from the vote.

Dr. Waterman moved, seconded by Ms. Brassea, to approve the general meeting minutes from the June 2, 2006, meeting, as submitted. The motion passed unanimously. Ms. Lee abstained from the vote.

Dr. Waterman moved, seconded by Mr. Wright, to approve the general meeting minutes from the January 9, 2004, meeting, as amended. The motion passed unanimously.

Dr. Waterman moved, seconded by Mr. Wright, to approve the general meeting minutes from the December 2, 2005, meeting, as amended. The motion passed unanimously. Ms. Brassea and Mr. Wright abstained from the vote.

4. Administrative Hearings

A. 2006-0096, Glen Spykerman, LAC applicant
Mr. Harris, AAG, advised the Board telephonically.

Ms. Rinaudo reported that Mr. Spykerman has requested a continuance.

Mr. Wright moved, seconded by Ms. Worley to approve the professional's request for a continuance of his formal hearing. The motion passed unanimously.

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

A. 2006-0103, Ronnie Bennett, LAMFT applicant
Ms. Blatner summarized the facts of the case.

Mr. Harris, A.A.G., advised the Board telephonically.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Ms. Brassea moved, seconded by Dr. Wateman, to uphold the recommendation of the Marriage & Family Therapy Credentialing Committee and re-offer the consent agreement as written. The motion passed unanimously. See attached roll call.

Mr. Wright moved, seconded by Ms. Lee, to deny the application if the professional does not sign the consent agreement. The motion passed unanimously.

The Board took a break at 10:47 a.m., reconvening its public meeting at 11:00 a.m.

B. 2003-0082, Elizabeth Dunn, LPC-1005

Ms. Rinaudo reported that the professional has requested release from the consent agreement. The Chair of the Counseling Credentialing Committee did not approve the request because the Board has received a new complaint against the professional.

Ms. Rinaudo reported that, if the terms of the consent agreement have been met, it does not appear the Board has any basis to refuse to release the professional based on the receipt of a second complaint.

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

C. 2006-0026, Judith Longo, LCSW-0088

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 Ms. Worley, to accept the Social Work Credentialing Committee's recommendation to remand this matter to formal hearing. The motion passed unanimously.

D. 2006-0147, Joyce Ashley, LAMFT applicant

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 Dr. Waterman, to accept the Marriage & Family Therapy Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

E. 2006-0155, Annette L. Robertson, LBSW applicant

Dr. Davis is recused from all matters involving Mrs. Robertson.

Ms. Blatner summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion, Dr. Waterman moved, seconded by Mr. Wright, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. The motion passed unanimously. Dr. Davis was recused from the vote.

F. 2006-0162, Dwayne McIntosh, LAC applicant

Ms. Blatner summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion,, Dr. Waterman moved, seconded by Ms. Worley, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

G. 2005-0089, Joy Stevens, LISAC-0932

Ms. Shelton summarized the facts of the case.

The professional was noticed, but did not appear.

Ms. Worley moved, seconded by Mr. Wright, to accept the Counseling Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously. See attached roll call vote.

H. 2004-0007, Sherry Burk, LPC-1730

Ms. Shelton summarized the facts of the case,

The professional and her attorney, Jerry Gaffney, appeared in person and addressed the Board.

The complainant appeared in person and addressed the Board.

Members discussed Mr. Gaffney's request that the Board consider offering the professional a consent agreement rather than remanding this matter to formal hearing. Members expressed concern that Mr. Gaffney's suggestion that the professional's private practice be reviewed by a clinical supervisor did not appear to provide an appropriate level of oversight given the large number of significant violations recommended by the Counseling Credentialing Committee.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Freeman, to request that staff develop a revised consent agreement with the same findings of fact and conclusions of law that stipulates the professional will surrender her LPC and accept an LAC and present the revised consent agreement to the Board for review. The motion passed unanimously.

I. 2006-0082, Caryn Attianese, LAC applicant

Ms. Rinaudo summarized the facts of the case indicating that the professional has requested that the Board amend the consent agreement deleting finding of fact 2.

The professional was noticed, but did not appear.

Following discussion by members, Mr. Wright moved, seconded by Ms. Lee, to accept the revised consent agreement. The motion carried with Ms. Brassea opposed and Dr. Waterman abstaining.

J. 2003-0083, 2005-0113 and 2006-0072, Brenda Sheets, LISAC-1529

Ms. Rinaudo summarized the facts of the case.

Mr. Wolver, attorney for the professional, appeared in person and addressed the Board on her behalf and requested that the Board remand the complaints to the Substance Abuse Credentialing Committee for review and that the complaints be heard individually.

Ms. Rinaudo reported that there is nothing in the Board's rules or statutes governing which credentialing committee conducts the informal meeting regarding a complaint. In this case, all three complaints were reviewed by the Counseling Credentialing Committee because Ms. Sheets was a LPC applicant. The three complaints were reviewed individually by the committee.

Following review and discussion, Ms. Worley moved, seconded by Mr. Wright, to remand the three complaints to formal hearing. The motion passed unanimously.

K. 2005-0044, Terry Brown, LPC-1030

Ms. Rinaudo reported that the Board has remanded this case for formal hearing. This matter was added to the agenda to allow the Board to consider whether to invite the professional to participate in a formal interview.

The professional's attorney, Mr. Wolver, appeared in person, but did not address the Board.

Following discussion, Dr. Waterman moved, seconded by Ms. Worley, to invite Ms. Brown to participate in a formal interview. The motion passed unanimously.

L. NJ06-0005, Marianne Vangalio

Ms. Rinaudo summarized the facts of the case. Ms. Rinaudo indicated that the letter requesting clarification regarding Ms. Vangalio's practice was returned to the Board as undeliverable.

Dr. Davis moved, seconded by Mr. Wright, to dismiss the complaint as non-jurisdictional. The motion passed unanimously. Ms. Worley was abstained from the vote.

Following further discussion, Dr. Waterman moved, seconded by Ms. Worley, to issue a cease and desist order. The motion passed unanimously.

M. NJ06-0012, Connie Unger

Ms. Rinaudo summarized the facts of the case.

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

Staff was instructed to request additional information regarding Ms. Vangalio's practice, her records and any safeguards the professional has implemented to ensure that her clients understand that she is not licensed to and does not provide psychotherapy services.

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

Social Work

Dr. Davis moved, seconded by Dr. Waterman, to approve 9 applicants as Licensed Clinical Social Workers and 14 applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Waterman moved, seconded by Mr. Wright, to approve 4 applicants as Licensed Baccalaureate Social Workers. The motion passed unanimously. Dr. Davis was recused from the vote.

Dr. Davis moved, seconded by Dr. Waterman, to deny 7 applicants for social work licensure based on the applicants' failure to pass the required exam, 3 applicants based on not meeting minimum licensure requirements in education and/or supervised work experience, and 1 applicant based on a finding of unprofessional conduct. The motion passed unanimously.

Counseling

Dr. Davis moved, seconded by Ms. Worley, to approve eight applicants as Licensed Professional Counselors and 15 applicants as Licensed Associate Counselors. The motion passed unanimously. Dr. Waterman was recused from the vote.

Dr. Davis moved, seconded by Mr. Wright, to approve one applicant as a Licensed Associate Counselor. The motion passed unanimously.

Dr. Waterman moved, seconded by Ms. Worley, to deny two applicants for counseling licensure based on the applicants' failure to establish that they meet minimum licensure requirements in supervision and/or education and six applicants based on their failure to pass the required exam. The motion passed unanimously.

Substance Abuse

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

Ms. Worley moved, seconded by Ms. Brassea, to deny one applicant for substance abuse licensure based on the applicant's failure to pass the required exam. The motion passed unanimously.

Marriage & Family Therapy

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

Mr. Wright moved, seconded by Ms. Worley, to deny two applicants for marriage and family therapy licensure based on the applicants' failure to meet minimum requirements in supervision and/or education. The motion passed unanimously.

7. Report from the Chair

A. Manner of Presentation of Investigative Reports

Ms. Rinaudo reported regarding factors affecting the length of investigative summaries presented by Board investigators.

Members encouraged staff to keep summaries as brief as possible.

8. Report from the Treasurer

A. Monthly financial report

Dr. Waterman summarized the monthly financial report.

9. Report from Executive Director and/or staff.

A. General Agency Operations

No report.

B. Review of substantive policy statements

Members considered adoption of a Substantive Policy Statement regarding A.A.C. R4-6-404(E)(4), R4-6-504(E)(2) and R4-6-604(E)(2).

Mr. Wright moved, seconded by Ms. Lee, to adopt a Substantive Policy Statement to indicate that the counseling, marriage and family therapy and social work credentialing committees will not accept any clinical supervision hours that are obtained after 7/1/06 where the clinical supervisor was licensed only as a substance abuse counselor. The motion passed unanimously.

A.A.C. R4-6-501(K)

No action.

A.A.C. R4-6-404, R4-6-504, R4-6-604 and R4-6-706

No action.

C. Member appointment

Ms. Rinaudo reported that the Substance Abuse Credentialing Committee currently has only 3 members. Effective in August, the Counseling Credentialing Committee also will have only 3 members. These vacancies will have a significant negative effect on these committees and will lead to long and unnecessary delays in completing complaint and application reviews.

Following discussion, Dr. Davis moved, seconded by Dr. Waterman, to authorize Dr. Davis to send another letter to the Governor's office explaining the need for timely appointment of members. The motion passed unanimously.

10. Committee Reports.

A. Personnel Subcommittee

1. FY06 outcomes and FY07 strategic plan

Members reviewed the FY06 outcomes and the FY07 strategic plan. Item A(8) on the FY07 plan needs to have a performance measure defined. The Board will do this at a future meeting.

2. Appointment of a subcommittee to develop process for ED evaluation

Members discussed the need for a formal tool to evaluate future Executive Directors.

Dr. Davis moved to continue the informal review process for the current Executive Director as it has been implemented for the last 6 years. The motion failed for the lack of a second

Following further discussion, Dr. Waterman moved, seconded by Mr. Wright, to find that the current evaluation process for the Executive Director is sufficient. Any discussions or decisions regarding development of a formal evaluation instrument are deferred until the Board has a different Executive Director. The motion passed unanimously.

B. Social Work Credentialing Committee

Dr. Davis reported that the Social Work Credentialing Committee has requested Board approval to send two members to the ASWB Annual Meeting in November.

Following discussion, Dr. Waterman moved, seconded by Mr. Wright, to approve the request for 2 members of the Social Work Credentialing Committee to attend the ASWB Annual Meeting in November. The motion passed unanimously.

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

None

12. Future agenda items

Define a performance measure for A(8) on the FY07 strategic plan.

13. Call for public comment

None

14. Establishment of future meeting date(s)

The next meeting is scheduled for August 4, 2006, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

15. Adjournment

Dr. Waterman moved, seconded by Mr. Wright, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:10 p.m.

Laura Waterman
Secretary/Treasurer

Date