



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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JANET NAPOLITANO  
Governor

CEDRIC DAVIS  
Board Chair

DEBRA RINAUDO  
Executive Director

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BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
June 29, 2007

Members Present: Cedric Davis, Ruth Lee (out at 11:55 a.m.), Diane Brassea, Robert Evans, Kahryn Nix, Jose Herrera, Julian Pickens, Laura de Blank

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General Office, Melissa Cornelius, A.A.G., Sherry Blatner, Kami Thur, Sheila Perry-Johnson, Mary Grossi, Patricia Reynolds, Meghan Hinckley, Mary Wilson

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on June 29, 2007, at 9:03 a.m. with Dr. Davis presiding.

**2. Roll Call**

See above.

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

Dr. Pickens moved, seconded by Mr. Evans, to approve the general meeting minutes from June 1, 2007, as submitted and general meeting minutes from May 4, 2007, as amended. The motion passed unanimously. Dr. Pickens, Ms. de Blank and Ms. Brassea abstained from the vote.

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

*A. 2007-0068, Janet Alley, LISAC-10396*

Review, consideration and action to approve the signed consent agreement.

*B. 2007-0094, Kristine Hanson-Deller, LMSW applicant*

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

*C. 2005-0020 and 2006-0019, Tanya Saunders, LMSW-10927*

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to accept the signed consent agreement and dismiss Complaint No. 2006-0019.

*D. 2004-0005, Nelson Torres, LISAC-0535*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

Following discussion, Mr. Evans moved, seconded by Dr. Pickens, to accept consent agenda items A through D as submitted. The motion passed unanimously. See attached roll call.

The complainant in Complaint No. 2005-0020 regarding Tanya Saunders appeared after the Board voted to accept the Consent Agenda and was given the opportunity to address the Board.

**5. Administrative Hearings**

*A. 2006-0060, Frank Leonardo, LISAC-10696*

Mr. Evans recused himself from all matters involving Frank Leonardo.

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

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

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

H:2007 minutes/Board/July

Mr. Harris, A.A.G., appeared on behalf of the state and made an opening statement.

Ms. Grossi, the Board's Deputy Director, was sworn in and testified on behalf of the state.

State's Exhibits 1 through 13 were admitted into evidence.

Mr. Harris made a closing argument.

Following review and discussion, Dr. Pickens moved, seconded by Ms. de Blank, to adopt the Factual Allegations and Charges from the Complaint and Notice of Hearing as the Board's findings of fact and conclusions of law. The motion passed unanimously. See attached roll call.

Following further discussion, Dr. Pickens moved, seconded by Ms. Lee, to revoke the professional's license, LISAC-10696. The motion passed unanimously. See attached roll call.

*B. 2007-0101, Richard Krug, LAC applicant*

Ms. Blatner summarized the facts of the case.

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

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

## **6. Formal Interviews**

*A. 2003-0032, Neli Volante, LPC-2400*

Tabled

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

*A. 2007-0159, Balazs Batyka, LCSW-10631*

Mr. Batyka was properly noticed, but did not appear

Ms. Hinckley summarized the results of the investigation. Ms. Hinckley provided members with a large packet of documents from the professional. Because the Board did not receive these documents until June 26<sup>th</sup>, they were not included in the Board packets.

Ms. Hinckley summarized the documents received on the 26<sup>th</sup>. Many of the documents had been previously received and were included as attachments to the investigative summary. Nothing contained in the late documentation the professional submitted appeared to require further consideration of this matter by the Social Work Credentialing Committee.

Mr. Evans noted his concern that the Social Work Credentialing Committee did not have access to all of the information in the professional's late submission when it made its recommendation to the Board. Ms. Rinaudo explained that, given the late arrival date of the professional's documentation, it was not physically possible to transmit this information to members before the Board meeting. She also explained that the Board investigators review all late submissions for relevance and provide a supplemental summary and/or analysis to members as warranted.

Following review and discussion, Ms. Brassea moved, seconded by Mr. Herrera, to reoffer the consent agreement to the professional as recommended by the Social Work Credentialing Committee and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

Mr. Evans and Ms. Nix noted their ongoing concern regarding their lack of opportunity to thoroughly review the professional's late submission.

*B. 2007-0154, Hyrum Knudsen, LAC applicant*

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

Ms. Grossi summarized the facts of the case.

Following review and discussion by members, Ms. de Blank moved, seconded by Mr. Herrera, to accept the Counseling Credentialing Committee's recommendation to deny the application based on a finding of unprofessional conduct. The motion passed unanimously. See attached roll call.

*C. 2007-0151, Alison Mejia, LAC applicant*

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

Ms. Mejia appeared in person and addressed the Board.

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

*D. 2007-0157, Deena Stewart-Hitzke, LISAC-10275 and LAC applicant*

Ms. Thur summarized the facts of the case.

Ms. Stewart-Hitzke was properly noticed, but did not appear.

Mr. Harris addressed the Board regarding modifications to the consent agreement requested by the professional's attorney.

Following review and discussion by members, Mr. Evans moved, seconded by Dr. Pickens, to accept the consent agreement with the modifications described by Mr. Harris and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

*E. 2004-0035, Martha Thompson, LPC-1062*

Ms. Thur summarized the facts of the case.

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

Following review and discussion by members, Mr. Herrera moved, seconded by Mr. Evans, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

*F. 2007-0069, Anna Book, LISAC-10371 and LAC applicant*

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

Ms. Cornelius addressed the Board regarding the signed consent agreement for the voluntary surrender of Ms. Book's substance abuse counselor license, which will be treated as a revocation, and the professional's withdrawal of her appeal of the denial of her Licensed Associate Counselor application based on unprofessional conduct.

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

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

*Social Work*

Dr. Davis moved, seconded by Ms. de Blank, to approve 1 applicant as a Licensed Clinical Social Worker, 8 applicants as Licensed Master Social Workers and 1 applicant as a Licensed Baccalaureate Social Worker. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Evans, to deny 3 applicants for social work licensure based on not passing the required exam. The motion passed unanimously.

*Counseling*

Ms. de Blank moved, seconded by Mr. Herrera, to approve 7 applicants as Licensed Professional Counselors and 16 applicants as Licensed Associate Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Herrera, to approve Alison Mejia and Richard Krug as Licensed Associate Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Herrera, to deny 4 applicants based on their failure to establish that they meet minimum licensure requirements in education and/or supervised work experience and 3 applicants based on not passing the required exam. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Herrera, to deny Anna Book based on a finding of unprofessional conduct. 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, 2 applicants as Licensed Associate Substance Abuse Counselors and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Mr. Evans moved, seconded by Ms. Brassea, to deny 2 applicants for substance abuse licensure based on their failure to establish that they meet 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 one applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

**9. Report from Chair.**

*A. Chair report*

No report.

*B. Member reports*

No reports.

*C. Appointment of members to the Personnel Subcommittee*

Mr. Herrera moved, seconded by Mr. Evans, to appoint Ms. de Blank, Mr. Pickens, Ms. Nix and Mr. Evans to the Personnel Subcommittee. The motion passed unanimously.

**10. Report from Treasurer**

*A. Monthly financial report*

Mr. Pickens reported regarding the monthly financial report.

Dr. Davis moved, seconded by Mr. Evans, to accept the treasurer's report. The motion passed unanimously.

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

*A. General Agency Operations*

No report.

*B. Draft letter regarding dismissal of non-jurisdictional complaints*

Mr. Harris reviewed a draft letter he prepared notifying parties of the dismissal of a non-jurisdictional complaint.

Members agreed to accept the letter as drafted.

*C. Development of a consistent Board process for reviewing DUIs*

Ms. Rinaudo reported that there is a need for consistency regarding the disposition of matters involving DUIs where there are no other issues.

Dr. Davis moved, seconded by Mr. Herrera, to have the SACC form a subcommittee including Dr. Pickens to address the process for disposition of such cases. The motion passed unanimously.

Review of the SACC recommendation will be tentatively scheduled for the Board's September meeting.

*D. Procedure and length of formal hearings*

Members discussed the procedures for conducting formal hearings. Members requested that the Chair exert control as needed to stop the presentation of repetitive and duplicative evidence.

*E. Format of minutes*

Members discussed the format and level of specificity needed in the minutes.

Ms. Rinaudo asked members to clearly specify discussion they want to be reflected in the minutes.

*F. Proposed legislation for 2008 session*

Ms. Rinaudo reported regarding a draft document she prepared explaining the statutory changes the Board will be seeking during the 2008 legislative session.

Ms. Rinaudo reported regarding stakeholder organizations she has met with or contacted regarding the proposed legislation.

*G. Employer requests for notification of disciplinary action*

Ms. Rinaudo reported that the Council of Human Service Providers has requested that the Board notify the professional's employer whenever disciplinary action is taken.

Mr. Harris suggested that the employer notification could best be addressed through standard language in consent agreements.

Dr. Davis moved, seconded by Ms. de Blank, to add standard language in consent agreements that orders the professional to inform an employer of all disciplinary actions. The motion passed unanimously.

**12. Committee reports**

None

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

None

**14. Future agenda items**

1. Update on proposed legislation.
2. Procedure for distributing information submitted for a case by a professional after the submission date has passed.
3. Line item review of the FY09 budget at September meeting.
4. Appointment of delegates to CAC annual meeting.

**15. Call for public comment**

None

**16. Establishment of future meeting dates**

The next meeting is scheduled for August 3, 2007, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

**17. Adjournment**

Dr. Pickens moved, seconded by Mr. Evans, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:32 p.m.

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Julian Pickens  
Secretary/Treasurer

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Date