



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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JANET NAPOLITANO  
Governor

KATHLEEN PHILLIPS  
Board Chair

DEBRA RINAUDO  
Executive Director

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BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
June 3, 2005

Members Present: Cedric Davis, Dan Wright, Jose Herrera (in at 8:55 a.m.), Kathleen Phillips, Ruth Lee (out at 12:25 p.m.), Laura Waterman, Del Worley

Members absent: Steve LeGendre

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor General's Office, Lisa Thornton, Sherry Blatner, Mary Wilson

Public Present: Robin Puckett, Armor Stahl, Tami Kelley, Ima Padilla, Jenny O'Connor, Kirk Bowden, Chuck Fenigstein, Alice Kibby, Robert Givens, Kim Freund, Janalene Catherine, Kimberly Buck, Jennifer Glassman, Randell Cotta Green, Bobbi O'Keefe, Michelle Brown

Public by telephone: Bridget Ruiz, Jeffrey Thomas

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on June 3, 2005, at 8:51 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 May 6, 2005, meeting. The motion passed unanimously.

4. **Administrative Hearings**

A. *Robert Givens, CPC applicant*

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 for a formal administrative hearing.

Mr. Givens appeared in person and gave an opening statement. Mr. Harris, A.A.G., appeared on behalf of the State and gave an opening statement.

Mr. Givens was sworn in and testified on his own behalf.

Ms. Rinaudo, Executive Director of the Board, was sworn in and testified regarding the basis for the Counseling Credentialing Committee's denial of Mr. Givens' Certified Professional Counselor application.

State's Exhibits 1 through 8 were admitted into evidence.

Mr. Givens made a closing statement and requested that the Board overturn the Counseling Credentialing Committee's denial of his certification application.

Mr. Harris made a closing statement and requested that the Board affirm the Committee's denial of Mr. Givens' certification application.

Following discussion, Dr. Waterman moved, seconded by Dr. Davis, to affirm the Counseling Credentialing Committee's denial of the professional's certification application based on the professional's failure to establish that he meets minimum educational requirements. The motion passed unanimously. See attached roll call.

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

*A. 2003-0037, Kathleen Bynum, LPC-2468*

Ms. Rinaudo verified that all terms of the consent agreement have been met and reported that the Chair of the Counseling Credentialing Committee has approved the professional's request for release from the consent agreement. The professional was noticed, but did not appear.

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

*B. 2005-0104, Jeffrey Thomas, LMSW applicant*

Ms. Thornton summarized the facts of the complaint.

Mr. Thomas addressed the Board telephonically.

Following review and discussion, Dr. Davis 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. See attached roll call.

*C. 2005-0115, Steven Davis, LPC-2022*

Ms. Blatner summarized the facts of the complaint.

The professional was noticed, but did not appear.

Following review and discussion, Mr. Wright moved, seconded by Dr. Davis, to remand the matter back to the Counseling Credentialing Committee for further investigation. The motion passed unanimously.

*D. 2005-0119, Frank Cassa, LCSW-3574*

Ms. Blatner summarized the facts of the complaint.

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 dismiss the complaint and issue a letter of concern. The motion passed unanimously. See attached roll call.

*E. 2005-0018, L.D. Lumpkin, LCSW-4026*

Ms. Blatner summarized the facts of the complaint.

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 dismiss the complaint and issue a letter of concern. The motion passed unanimously. See attached roll call.

*F. 2005-0125, Bridget Ruiz, LISAC-0705*

Ms. Blatner summarized the facts of the complaint.

Ms. Ruiz addressed the committee telephonically.

Following review and discussion, Ms. Worley moved, seconded by Mr. Wright, to accept the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. The motion passed unanimously. See attached roll call.

G. 2005-0126, Charles Fenigstein, LISAC-11498  
Ms. Blatner summarized the facts of the complaint.

Mr. Fenigstein appeared in person and addressed the Board.

Following review and discussion, Ms. Worley moved, seconded by Mr. Wright, to accept the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. 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. Wright, to approve five applicants as Licensed Clinical Social Workers and nine applicants as Licensed Master Social Workers. The motion passed unanimously.

*Counseling*

Dr. Waterman moved, seconded by Dr. Davis, to approve 20 applicants as Licensed Professional Counselors and 14 applicants as Licensed Associate Counselors. The motion passed unanimously.

Dr. Waterman moved, seconded by Dr. Davis, to deny two applicants for counseling licensure based on not meeting minimum requirements. The motion passed unanimously.

*Substance Abuse*

Dr. Davis moved, seconded by Mr. Wright, to approve five applicants as Licensed Independent Substance Abuse Counselors, four applicants as Licensed Associate Substance Abuse Counselors and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Wright, to deny two applicants for substance abuse counselor licensure based on not meeting minimum requirements. The motion passed unanimously.

*Marriage and Family Therapy*

Mr. Wright moved, seconded by Dr. Davis, to approve four applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

**7. Report from the Chair**

*A. Election of Chair and Secretary/Treasurer*

Dr. Waterman moved, seconded by Mr. Wright, to elect Ms. Phillips to serve as Chair. The motion passed unanimously.

Dr. Waterman moved, seconded by Mr. Wright, to elect Dr. Davis to serve as Secretary/Treasurer. The motion passed unanimously.

*The Board took a break from 10:32 a.m., reconvening its public meeting at 10:48 a.m.*

*B. Adoption of licensure rules*

Ms. Rinaudo reported regarding the comments received and the subsequent recommendations of the Rules Subcommittee.

Following discussion:

Dr. Waterman moved, seconded by Mr. Wright, to adopt the counseling curriculum changes as modified to exclude "evidence based" under A.A.C. R-4-6-501(D)(2)(g). The motion passed unanimously.

Mr. Wright moved, seconded by Mr. Herrera, to adopt A.A.C. R4-6-210(4) as written. The motion passed with Dr. Waterman opposed and Ms. Worley abstaining. Ms. Phillips was recused from the vote.

Dr. Waterman moved, seconded by Dr. Davis, to adopt A.A.C. R4-6-211(B) through 802 as written. The motion passed unanimously.

Ms. Rinaudo summarized the changes requested by AzaADAC and recommended by the Rules Subcommittee. Mr. Gray addressed the Board telephonically.

Mr. Wright moved, seconded by Ms. Worley, to adopt A.A.C. R4-6-705(A) as written. The motion passed unanimously.

Dr. Waterman moved, seconded by Mr. Wright, to adopt A.A.C. R4-6-702(3) as written. The motion passed unanimously.

Mr. Wright moved, seconded by Dr. Davis, to modify R4-6-404(E)(3), R4-6-504(E)(1), R4-6-604(E)(1) and R4-6-706(D) to exempt clinical supervisors providing services pursuant to a contract or grant with the federal government under 25 U.S.C. 450-450(n) or 25 U.S.C. 1601-1683 from the requirement of Arizona licensure. The motion passed unanimously.

Members considered the request by the Arizona Association of Marriage and Family Therapists regarding a requirement that 120 hours of the required 200 hours of clinical supervision address issues specifically focused on couples and families and relational systems.

Dr. Waterman moved, seconded by Dr. Davis, not to adopt the recommended change to A.A.C. R4-6-604(A) and to authorize staff to open a docket for a rule change to allow public comment regarding the proposed change. The motion passed unanimously.

*The Board took a break from 11:55 a.m., reconvening its public meeting at 12:02 p.m.*

Ms. Rinaudo reported regarding the credentialing committees' recommendations regarding a proposed rule requiring assessment, diagnosis and treatment as supervised work experience. Two committees recommended a change in the rule to require ongoing treatment as part of supervised work experience. Two committees recommended no change to the rule.

Following discussion, Dr. Waterman moved, seconded by Ms. Worley, not to adopt a change to the current rule. The motion passed unanimously.

**8. Report from the Treasurer**

*A. Monthly financial report*

Ms. Rinaudo provided the monthly treasurer's report.

**9. Report from Executive Director and/or staff.**

*A. General Agency Operations*

Ms. Rinaudo introduced new investigative staff, Ms. Blatner and Ms. Thornton. Ms. Rinaudo also reported that Amy Shelton has been rehired as an investigator.

Ms. Rinaudo reported that the agency should be moving to new office space in July.

*B. Request for Executive Director to make technical changes to recommended rules*

Following discussion, Dr. Waterman moved, seconded by Mr. Wright, to authorize the Executive Director to make technical changes to the recommended rules as necessary. The motion passed unanimously.

**10. Committee Reports.**

None

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

Members discussed portability.

**12. Future agenda items**

Triage of complaints

**13. Call for public comment**

Roberta O'Keefe addressed the Board regarding individual issues not on the agenda.

Jennifer O'Connor addressed the Board regarding the need for complaints to be triaged to ensure timely disposition of unwarranted or frivolous complaints.

**14. Establishment of future meeting date(s)**

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

**15. Adjournment**

Mr. Wright moved, seconded by Mr. Herrera, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:59 p.m.

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Cedric Davis  
Secretary/Treasurer

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Date