



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
June 2, 2006

Members Present: Cedric Davis, Dan Wright, Diane Brassea, Del Worley, Laura Waterman, Barbara Freeman (out at 10:30 a.m.)

Members Absent: Ruth Lee, Jose Herrera

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Sherry Blatner, Amy Shelton, Kami Thur, Mary Wilson, Elma Brambila

Staff by telephone: Christine Cassetta, Solicitor Generals Office

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on June 2, 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 meeting minutes from the May 5, 2006, noon meeting, as submitted. The motion passed unanimously. Dr. Davis and Mr. Wright abstained from the vote.

Dr. Waterman moved, seconded by Ms. Worley, to rescind the motion to approve the minutes from the May 5, 2006, noon meeting. The motion passed unanimously. Dr. Davis and Mr. Wright abstained from the vote.

Dr. Waterman moved, seconded by Ms. Worley, to approve the general meeting minutes from the regularly scheduled May 5, 2006, meeting, as submitted. The motion passed unanimously. Dr. Davis and Mr. Wright abstained from the vote.

4. **Administrative Hearings**

A. 2002-0042, *Celia Boone, LMSW-3400*

Ms. Cassetta, Solicitor General's Office, advised the Board telephonically.

Ms. Boone appeared in person and addressed the Board regarding the basis for her request for a review or rehearing.

Mr. Harris, A.A. G., addressed the Board and requested that the Board deny the request for review or rehearing.

Following review and discussion by members, Dr. Waterman moved, seconded by Ms. Brassea, to deny the professional's request for a review or rehearing based on the professional's failure to demonstrate that her rights were materially affected as required pursuant to A.A.C. R4-6-1002(A). The motion passed unanimously. See attached roll call vote.

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

A. 2005-0111 and 2006-0032, *H. Anthony Bass, LMSW-10352*

Ms. Blatner summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion by members, Mr. Wright moved, seconded by Ms. Worley, to accept the signed consent agreement as recommended by the Social Work Credentialing Committee. The motion passed unanimously. See attached roll call.

The Board took a break at 11:10 a.m., reconvening its public meeting at 11:18 a.m.

B. 2006-0102, Kim Morris, LISAC-10584 and LCSW applicant

Ms. Thur summarized the facts of the case. The Social Work Credentialing Committee recommended denial of the social work application for unprofessional conduct and offered a consent agreement regarding the professional's substance abuse license. The professional has refused to sign the consent agreement and has requested a formal hearing regarding the denial of her application.

The professional was noticed, but did not appear.

Following review and discussion, Mr. Wright moved, seconded by Ms. Worley, to remand issues affecting the professional's LISAC to formal hearing. The motion passed unanimously.

Following further discussion, Ms. Worley moved, seconded by Mr. Wright, to issue a Cease and Desist Order to the professional prohibiting holding herself out as a clinical social worker. The motion passed unanimously.

C. 2006-0051, Paul Hudson, LPC-11611 and LISAC-10788

Ms. Shelton summarized the facts of the case.

The professional was noticed, but did not appear.

The complainant appeared in person and addressed the Board.

*KA appeared telephonically.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Brassea, to accept the Counseling Credentialing Committee's recommendation to remand to formal hearing. The motion passed unanimously.

D. 2003-0062, William Howard, LPC-2502

Ms. Shelton summarized the facts of the case.

Mr. Howard was noticed, but did not appear.

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

E. 2006-0112, Daniel Huyser, LPC applicant

Ms. Shelton summarized the facts of the case.

Mr. Huyser appeared in person.

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

F. 2006-0010, Sherry Balzer, LPC-10032

Ms. Blatner summarized the facts of the case.

The professional was noticed, but did not appear.

Following discussion by members, Dr. Waterman moved, seconded by Ms. Brassea, to accept the signed consent agreement. The motion passed unanimously. See attached roll call vote.

G. 2006-0014, Delbert Thomas, LISAC-0142

Ms. Worley was recused from all matters involving Mr. Thomas.

Ms. Blatner summarized the facts of the case.

The professional appeared in person and addressed the Board.

Following discussion by members, Dr. Waterman moved, seconded by Mr. Wright, to dismiss the complaint and issue a letter of concern. The motion passed unanimously. See attached roll call vote.

H. 2005-0108, Diane McIsaac, LMSW-11726

Ms. Blatner summarized the facts of the case.

The professional was noticed, but did not appear.

Following discussion by members, Mr. Wright moved, seconded by Dr. Waterman, to accept the signed consent agreement. The motion passed unanimously. See attached roll call vote.

I. 2005-0100, John Bodie, LISAC-0844

Ms. Worley was recused from all matters involving Mr. Bodie.

Ms. Thur summarized the facts of the case.

Mr. Gaines, the professional's attorney, appeared on behalf of Mr. Bodie.

Following discussion by members, Mr. Wright moved, seconded by Dr. Waterman, to remand the case to formal hearing. The motion passed unanimously.

J. 2005-0075, Jennifer O'Connor, LCSW-3804

Ms. Shelton summarized the facts of the case.

The professional and her attorney, Mr. Riecker, appeared in person and addressed the Board.

The complainant, *SR, appeared in person and addressed the Board.

Mr. Pfaffenberger addressed the Board on behalf of the complainant.

Following review and discussion, Ms. Worley moved, seconded by Ms. Brassea, to dismiss the complaint as recommended by the Social Work Credentialing Committee. The motion passed unanimously.

K. 2003-0045, Gaye Adams, LPC-10249

Mr. Harris, A.A.G., summarized the Board's previous discussion to remand this matter to formal hearing.

Mr. Harris explained the additional option of inviting the professional to participate in a formal interview.

Following discussion, Dr. Waterman moved, seconded by Mr. Wright, to invite Ms. Adams to participate in a formal interview and, if not accepted, to remand to formal hearing. The motion passed unanimously.

L. EX-2006.001, Donald Hopper

Ms. Blatner summarized the facts of the case.

Members discussed the intent of the religious exemption and issues of Board oversight.

Following discussion, Mr. Wright moved, seconded by Ms. Worley, to direct staff to send a letter informing the professional that the Board is taking no action in this matter. The motion passed unanimously. Dr. Waterman abstained from the vote.

M. Opening Complaints

Ms. Rinaudo reported that the Board took disciplinary action against the professionals listed on the consent agenda without administratively opening a complaint and assigning each matter a tracking number. The failure to open a complaint in these matters has created a number of significant administrative problems for the Board.

Ms. Rinaudo requested that the Board take the administrative action of opening complaints against professionals listed on the consent agenda. She emphasized that this would be an administrative action only and would have no effect on any discipline already imposed.

Mr. Wright moved, seconded by Ms. Brassea, to open a complaint against Donice Green. The motion passed unanimously. Dr. Waterman was recused from the vote.

Dr. Waterman moved, seconded by Mr. Wright, to open complaints against all the professionals on the consent agenda except Donice Green. The motion passed unanimously. Ms. Worley was recused from the vote.

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

Dr. Waterman moved, seconded by Ms. Worley, to rescind the Board's May 5, 2006, motion to license Marcy Mevorach as a Licensed Independent Substance Abuse Counselor. The motion passed unanimously.

Social Work

Dr. Davis moved, seconded by Ms. Worley, to approve ten applicants as Licensed Clinical Social Workers, eleven applicants as Licensed Master Social Workers and three applicants as Licensed Baccalaureate Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Wright, to deny two applicants for social work licensure based on the applicants' failure to pass the required exam. The motion passed unanimously. Dr. Waterman was recused from the vote.

Counseling

Ms. Worley moved, seconded by Ms. Brassea, to approve 19 applicants as Licensed Professional Counselors. The motion passed unanimously. Dr. Waterman was recused from the vote.

Dr. Waterman moved, seconded by Ms. Brassea, to approve 30 applicants as Licensed Associate Counselors. The motion passed unanimously. Ms. Worley was recused from the vote.

Dr. Waterman moved, seconded by Mr. Wright, to deny three applicants for counseling licensure based on the applicants' failure to establish that they meet minimum licensure requirements in supervision and/or education. The motion passed unanimously.

Substance Abuse

Ms. Worley moved, seconded by Ms. Brassea, to approve three applicants as Licensed Associate Substance Abuse Counselors and three applicants as Licensed Substance Abuse Technicians. 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 establish that she meets minimum licensure requirements in supervision and/or education and one applicant based on the applicant's failure to pass the required exam. The motion passed unanimously. Dr. Waterman was recused from the vote.

Marriage & Family Therapy

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

7. Report from the Chair

A. Appreciation of Kathleen Phillips

Dr. Davis presented Ms. Phillips with a certificate of appreciation from the Board and thanked her for her years of service. Ms. Phillips accepted the award.

B. Presentation of investigative reports

Tabled

C. Formal interview training

Mr. Harris provided training regarding the formal interview process.

Members discussed the process the Board will follow to conduct formal interviews.

Members agreed that formal interviews will be conducted by the Chair of the Credentialing Committee for the discipline in which the professional is licensed.

8. Report from the Treasurer

A. Monthly financial report

Dr. Waterman moved, seconded by Ms. Worley, to accept the monthly financial report. The motion passed unanimously.

9. Report from Executive Director and/or staff.

A. General Agency Operations

Ms. Rinaudo reported that the on-line verification of licensees and applicants is operational.

B. Proposed legislation

Ms. Rinaudo reported regarding HB2780.

10. Committee Reports.

A. Personnel Subcommittee

Dr. Davis reported regarding the development of a process for evaluation of the executive director. The committee decided that the current executive director will continue to be evaluated informally. If a new executive director is hired, a more formal process will be developed as needed at that time.

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

None

12. Future agenda items

Formal interview process development

Presentation of investigative reports

13. Call for public comment

None

14. Establishment of future meeting date(s)

The next meeting is scheduled for July 7, 2006, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

15. Adjournment

Mr. Wright moved, seconded by Dr. Waterman, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:50 p.m.

Laura Waterman
Secretary/Treasurer

Date