



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
NOTICE & AGENDA FOR REGULAR SESSION MEETING
Scheduled for May 4, 2007, at 9:00 AM
3443 North Central Avenue, Room 908, Phoenix, Arizona

Pursuant to A.R.S. Sec. 38-431.02, notice is hereby given to the general public and to members of the Arizona State Board of Behavioral Health Examiners that the Board will hold a regular meeting open to the public on the date and at the time indicated above. (The meeting room is located on the 9th floor of the building.)

The Board reserves the right to change the order of items on the agenda, except for those matters set for a specific time. Please note that the recommendations listed on the agenda are merely suggested Board actions. Those recommendations do not become final until adopted by the Board. The Board has the authority to accept, reject or modify any recommendation listed on the agenda.

The Board, upon majority vote of a quorum of the members, may hold an Executive Session on any item on the agenda, where applicable, for purposes of reviewing and discussing confidential records, to obtain legal advice and/or to consider its position and instruct its attorneys pursuant to A.R.S. § 38-431.03(A)(2), (3) and (4). Executive Sessions are not open to the public.

Americans with Disabilities Act: Persons with a disability may request a reasonable accommodation, such as a sign language interpreter or a copy of this document in alternative format, by contacting Mary Wilson at 602-542-1832 or the TDD number at 800-367-8939.

The agenda for the meeting is as follows:

1. **Call to order** (AzBBHE Chair)
2. **Roll call** (staff)
3. **Minutes: review, consideration and action.**
Pursuant to A.R.S. §38-431(A)(2), any discussion of the executive session minutes will take place in executive session.
 - A. *March 2, 2007, general meeting minutes*
 - B. *April 6, 2007, general meeting minutes*
4. **Administrative Hearings**
Pursuant to A.R.S. §§32-3253(A)(10) and 41-1092.07, the Board will conduct administrative hearings in the following matter(s). During the administrative hearing, the Board may go into executive session to discuss records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).
 - A. *2007-0047, Josephine Sbrocca, LAC applicant*
Board to conduct formal administrative hearing regarding denial of licensure.
5. **Formal Interviews**
Pursuant to A.R.S. §32-3281, the Board will conduct a Formal Interview in the following matter(s). During a formal interview, the Board may go into executive session to discuss records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).
 - A. *2006-0041, Patricia Pruitt, LASAC-13029*
Board to conduct formal interview.

6. Complaints and other disciplinary matters: review, consideration and action.

The Board may go into executive session to discuss records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

A. 2005-0057, Martin Bowes, LMSW-10486

Review, consideration and action regarding re-consideration of motion to remand to formal hearing.

B. 2007-0096, Zachary Busch, LMSW applicant

Review, consideration and action regarding pending application.

C. 2005-0130, Daniel Mager, LCSW-2925

Review, consideration and action regarding the signed consent agreement for the voluntary surrender of the professional's license.

D. 2007-0119, Jennifer Balistreri, LCSW-11552

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

E. NJ07-0011, Tawnie Gaerder

Review, consideration and action to dismiss the complaint as non-jurisdictional.

F. NJ07-0012, Robert Atchison

Review, consideration and action to dismiss the complaint as non-jurisdictional.

G. NJ07-0013, Karen Draper

Review, consideration and action to dismiss the complaint as non-jurisdictional.

H. NJ07-0016, Tricia Wagner

Review, consideration and action to dismiss the complaint as non-jurisdictional.

I. NJ07-0017, Alicia Powell

Review, consideration and action to dismiss the complaint as non-jurisdictional.

J. NJ07-0018, Teresa Aime

Review, consideration and action to dismiss the complaint as non-jurisdictional.

7. Consent agenda: review, consideration and action.

The Board may go into executive session to discuss records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3). (The Board may pull any of the following items off the consent agenda for individual review, consideration and action.)

A. 2006-0057, Elmer Myron, LISAC-11597 and LBSW-4125

Review, consideration and action regarding the professional's request for release from the consent agreement.

B. 2006-0018 and 2007-0116, Clay Cox, LMFT-0338

Review, consideration and action regarding the proposed consent agreement for the voluntary surrender of the professional's license.

C. 2003-0077, Rheta Terry, LPC-0843

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to accept the signed consent agreement.

D. 2005-0018, Marian Eberly, LCSW-4127

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint.

E. 2004-0010, Eugene Dawson, LMFT-0010 (expired)

Review, consideration and action regarding the professional's request for release from the consent agreement.

F. 2005-0004, Diana Vigil, LPC-0805

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint.

G. 2005-0045, Kathryn Atha, LPC-0543

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint.

H. 2005-0086, Patrick Barrasso, LCSW-2194

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint.

I. 2005-0120, Michael Rose, LCSW-3693

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint.

J. 2005-0024, Patricia Jenson-Toogood, LCSW-1001

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

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

Names are posted for review in the reception area of 3443 N. Central Avenue, Suite 1700, Phoenix, AZ at least twenty-four (24) hours in advance of the meeting

9. Report from Chair

The Board may go into executive session to discuss records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

A. Chair report

B. Member reports

C. Development of procedures for including items on the Board agenda

10. Report from the Treasurer

A. Monthly financial report

11. Report from Executive Director and/or staff

The Board may go into executive session to discuss personnel matters pursuant to A.R.S. §38-431.03(A)(1), to discuss records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

A. General Agency Operations

B. Review of HB2467

C. Review, consideration and action regarding results of criminal prosecution pursuant to the Board's referral of complaint NJ06-0003 regarding Nick Scalpone to Pima County

D. Review, consideration and action regarding Board efforts to obtain statutory authority to issue provisional licenses.

E. Review, consideration and action regarding Board efforts to obtain statutory authority to enter into confidential rehabilitation agreements with licensees.

F. Review, consideration and action regarding Board efforts to obtain statutory authority to seek statutory change to increase the Board's maximum fee.

12. Committee Reports

The Board may go into executive session to discuss personnel records pursuant to §A.R.S. §38-431.03(A)(1), to discuss records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

A. Review, consideration and action regarding Social Work Study Subcommittee report.

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

14. Future agenda items

15. Call for public comment

Those wishing to address the Board do not need to request permission in advance; however, the Board may limit those persons speaking during this time to a reasonable number on any given public matter. In addition, each person wishing to address the Board will be given five (5) minutes to do so. Pursuant to A.R.S. § 38-431.02(H), the Board can only take action on matters listed on the agenda. Action on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or to schedule the matter for further discussion at a later date.

16. Establishment of future meeting date(s)

The next meeting is scheduled for June 1, 2007, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

May 1, 2007

Debra Rinaudo
Executive Director