



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
May 4, 2007

Members Present: Cedric Davis, Ruth Lee, Julian Pickens, Robert Evans (out at 10:10 a.m.), Laura de Blank, Jose Herrera, Kahryn Nix

Members Absent: Diane Brassea

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Diana Varela, Solicitor Generals Office, Patricia Reynolds, Sherry Blatner, Kami Thur, Sheila Perry-Johnson, Meghan Hinckley, Mary Wilson, Elma Brambilla

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on May 4, 2007, at 9:15 a.m. with Dr. Davis presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

March 2, 2007, minutes were tabled due to lack of quorum.

Dr. Pickens moved, seconded by Mr. Evans, to approve the general meeting minutes from April 6, 2007, as submitted. The motion passed unanimously. Ms. Lee abstained from the vote.

4. Administrative Hearings

A. 2007-0047, Josephine Sbrocca, LAC applicant

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

Diana Varela, Solicitor General's Office, appeared as the Board's legal advisor.

Ms. Sbrocca made an opening statement.

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

Ms. Sbrocca was sworn in and testified on her own behalf.

Mr. Harris cross-examined Ms. Sbrocca.

Respondent's Exhibit A was admitted into evidence.

Ms. Rinaudo, the Board's Executive Director, was sworn in and testified on behalf of the State. Ms. Sbrocca cross-examined Ms. Rinaudo.

Ms. Thur, Board Investigator, was sworn in and testified on behalf of the State.

The Board took a break from 11:05 a.m. reconvening its public meeting at 11:14 a.m.

Dr. Ilene Dode was sworn in and testified as an expert witness on behalf of the State.

State's Exhibits 1 through 18 were admitted into evidence.

Ms. Sbrocca made a closing argument.

Mr. Harris made a closing argument.

Following review and discussion, Ms. Lee moved, seconded by Dr. Pickens, to uphold the Counseling Credentialing Committee's recommendation to deny the application for licensure based on the applicant's failure to establish completion of a 3-semester credit hour course in Counseling Theory and a finding of unprofessional conduct. The motion passed unanimously. See attached roll call.

The Board took a break from 12:41 a.m., reconvening its public meeting at 12:51 a.m.

5. Formal Interviews

A. 2006-0041, Patricia Pruitt, LASAC-13029

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

Ms. Thur, Board investigator, gave an overview of the case.

Ms. Pruitt appeared in person and addressed the Board.

Dr. Medina testified on behalf of the applicant.

Dr. Pickens moved, seconded by Mr. Herrera, to issue an order including all terms in the proposed consent agreement and additionally stipulating the following:

- License will be placed on 12 months probation
- Modify the findings of fact to clarify that the professional pled guilty to one count of DUI
- The professional will abstain from alcohol and drugs with monthly random biological fluid testing
- To delete the requirement for group counseling.
- To include a requirement for individual counseling a minimum of twice monthly by a pre-approved LISAC at the master's level.
- The therapist will provide quarterly reports for approval by the credentialing committee chair or designee.

The motion passed unanimously. See attached roll call.

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

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

Ms. Thur summarized the facts of the case.

The professional was noticed, but did not appear.

Dr. Davis moved, seconded by Ms. de Blank, to rescind the previous vote to remand the case to formal hearing and to dismiss the complaint. The Board asked that the record note that the dismissal is related to the fact that the professional has allowed his license to lapse and there is a full record of the Board's review of the facts in this matter available in the Board's order related to the denial of the professional's LCSW application. The motion passed unanimously.

B. 2007-0096, Zachary Busch, LMSW 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 Ms. Lee, to deny the application based on a finding of unprofessional conduct as recommended by the credentialing committee. The motion passed unanimously. See attached roll call.

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

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. de Blank, to accept the signed consent agreement for the voluntary surrender of the professional's license. The motion passed unanimously. See attached roll call.

D. 2007-0119, Jennifer Balistreri, LMSW-12207

Ms. Rinaudo summarized the facts of the case.

Ms. Balistreri appeared in person and addressed the Board.

Following review and discussion, Mr. Herrera moved, seconded by Ms. de Blank, to approve the Social Work Credentialing Committee's recommendation to accept the consent agreement and, if not signed, to invite the professional to participate in a formal interview and, if refused, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

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.

Following review, Dr. Davis moved, seconded by Dr. Pickens, to dismiss agenda items E through J as non-jurisdictional. The motion passed unanimously.

The Board took a break from 10:45 a.m., reconvening its public meeting at 10:55 a.m.

7. Consent Agenda: 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

Following review and discussion, Ms. de Blank moved, seconded by Mr. Herrera, to approve the Counseling Credentialing Committee's recommendation to accept the consent agreement and, if not signed, to invite the professional to participate in a formal interview and, if refused, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

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

Following review and discussion, Dr. Davis moved, seconded by Dr. Pickens, to approve the Social Work Credentialing Committee's recommendation to accept the consent agreement and, if not signed, to invite the professional to participate in a formal interview and, if refused, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

Following discussion, Dr. Davis moved, seconded by Dr. Pickens, to accept consent agenda items A, B and D through I as submitted. 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 seven applicants as Licensed Clinical Social Workers and twelve applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. de Blank, to deny five applicants for social work licensure based on not passing the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Dr. Pickens, to approve twelve applicants as Licensed Professional Counselors and twenty-seven applicants as Licensed Associate Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Pickens, to deny six applicants based on their failure to establish that they meet minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

Substance Abuse

Dr. Davis moved, seconded by Ms. de Blank, to approve seven 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 Ms. de Blank, to deny two applicants for substance abuse licensure based on not meeting minimum requirements in education and/or supervised work experience. The motion passed unanimously.

Marriage & Family Therapy

Dr. Pickens moved, seconded by Ms. de Blank, to deny two applicants for marriage and family therapy licensure based on not meeting minimum requirements in education and/or supervised work experience. The motion passed unanimously.

9. Report from Chair.

A. Chair report

None

B. Member reports

None

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

Members reviewed the following draft policy creating a process for adding items to meeting agendas:

PPD 01.11

Effective Date: May 4, 2007

Revised Date:

VOLUME: 01 Board and Credentialing Committees

POLICY: 11 Adding Items to Meeting Agendas

I Policy Statement:

The Board seeks to create a fair and consistent method for members to participate in the development of Board and credentialing committee agendas.

II Directives:

- A. Members who want to add discussion topics to an agenda, may do so by contacting the Executive Director or meeting secretary.
- B. Items can be added up to a minimum of 72 hours prior to the scheduled meeting.
- C. The member must specify the topic(s) to be discussed with a brief one or two sentence explanation.
- D. Items will be added to the agenda on a first-come-first-served basis.
- E. If an item can not be added to an upcoming meeting agenda due to time constraints or some other equally valid reason, the member making the request will be notified prior to the meeting.
- F. The item will then be placed on the next regularly scheduled meeting agenda.

Ms. Lee moved, seconded by Mr. Herrera, to adopt the draft policy as written. The motion passed unanimously.

10. Report from Treasurer

A. Monthly financial report

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Review of HB2467

Ms. Rinaudo provided HB2467 for Board member review.

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.

Ms. Rinaudo reported regarding the prosecution of Nick Scalpone by Pima County following the Board's referral of this matter for criminal prosecution. Ms. Rinaudo and Ms. Blatner testified at the criminal proceeding, after which Mr. Scalpone was convicted of practicing psychotherapy without a license.

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

Ms. Rinaudo reported regarding a proposal for the Board to issue provisional licenses to applicants from out-of-state that meet standards to be reviewed under reciprocity but that cannot immediately meet current Arizona requirements for licensure.

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

Ms. Rinaudo reported regarding confidential rehabilitation programs currently available to other Boards.

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

Ms. Rinaudo reported regarding the need for a fee increase to fund the agency's current expenses.

The consensus of the Board is to have the Executive Director proceed toward seeking the statutory changes noted above. She will report back to the Board as specific language and recommendations are developed.

12. Committee reports

A. Review, consideration and action regarding Social Work Study Subcommittee report.
Members reviewed the report from the Social Work Study Subcommittee.

Following review and discussion, Dr. Davis moved, seconded by Ms. Lee, to approve the report as presented.
The motion passed unanimously.

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

None

14. Future agenda items

Report on ASWB Spring Education Meeting

15. Call for public comment

None

16. Establishment of future meeting dates

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

17. Adjournment

Ms. Lee moved, seconded by Mr. Herrera, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:45 p.m.

Julian Pickens
Secretary/Treasurer

Date