



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
3443 NORTH CENTRAL AVENUE, SUITE 1700  
PHOENIX, AZ 85012  
PHONE: 602.542.1882 FAX: 602-364-0890  
Website: [www.az.gov](http://www.az.gov)  
Website: [www.bbhe.state.az.us](http://www.bbhe.state.az.us)  
E-mail address: [azbbhe@bbhe.state.az.us](mailto:azbbhe@bbhe.state.az.us)

JANET NAPOLITANO  
Governor

CEDRIC DAVIS  
Board Chair

DEBRA RINAUDO  
Executive Director

---

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
May 2, 2008

Members Present: Cedric Davis, Jose Herrera, Ruth Lee, Kahryn Nix, Diane Brassea  
Members Absent: Julian Pickens, Laura de Blank, Robert Evans  
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Eleni Katerelos, Sherry Blatner, Kami Thur, Lynanne Chapman, Mary Wilson, Elma Brambila

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on May 2, 2008, at 9:10 a.m. with Dr. Davis presiding.

**2. Roll Call**

See above.

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

Mr. Herrera moved, seconded by Ms. Lee, to approve the general meeting and executive session minutes from April 4, 2008, as submitted. The motion passed unanimously. Ms. Brassea abstained from the vote.

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

*A. 2007-0092, Richard Adams, LMSW-2866*

Review, consideration and action regarding dismissing the complaint based upon death of licensee.

*B. 2006-0053, Jason Bradley, LPC-16010*

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

*C. 2005-0026, Judy Brevaire, LMFT-10118 (suspended)*

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

*D. 2008-0083, Jeffery Larsen, LAMFT applicant*

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to accept the proposed signed consent agreement.

The professional addressed the Board telephonically.

Following review and discussion, Dr. Davis moved, seconded by Ms. Brassea, to accept the signed proposed consent agreement. The motion passed unanimously. See attached roll call.

*E. 2006-0046, Jesus Mata, LISAC-10010*

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

*F. 2006-0056, Melissa McCrum, LMSW-12261*

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

*G. 2008-0085, Deborah Meintel, LCSW-11567*

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

The professional addressed the Board telephonically.

Following discussion, Ms. Lee moved, seconded by Ms. Nix, to dismiss the complaint and issue a letter of concern as amended to note the Board's grave concern with the professional's conduct. The motion passed unanimously.

*H. 2006-0024, Jan Owens, LISAC-1288*

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

Following discussion, Ms. Lee moved, seconded by Mr. Herrera, to dismiss the complaint. The motion passed unanimously.

*I. 2005-0027, Blanca Reina, LPC-10548*

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

The professional appeared in person and addressed the Board.

Following discussion, Ms. Nix moved, seconded by Ms. Brassea, to accept the proposed signed consent agreement. The motion passed unanimously. See attached roll call.

*J. 2005-0063, Sharon Thwing, LCSW-10658*

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

Following discussion, Dr. Davis moved, seconded by Ms. Brassea, to dismiss the complaint. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Brassea, to approve the consent agenda items A, B, C, E and F. The motion passed unanimously. See attached roll call.

*The Board took a break at 10:55 a.m., reconvening its public meeting at 11:05 a.m.*

## **5. Administrative Hearings**

*A. 2007-0155 and 2005-0135, Edward Kelley, LISAC-11510*

Dr. Davis reviewed the procedures for conducting a formal administrative hearing and introduced Board members and staff.

The professional was properly noticed, but did not appear.

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

Eleni Katerelos, Board Investigator, was sworn and testified on behalf of the State.

State's Exhibits 1 through 22 were admitted into evidence.

Mr. Harris, A.A.G., made a closing argument.

Following discussion by members, Ms. Lee moved, seconded by Ms. Nix, to adopt Factual Allegations 1 through 20 from the Notice of Hearing and Complaint as Findings of Fact 1-20 and to adopt Charges 21 through 28 from the Notice of Hearing and Complaint as Conclusions of Law 1-8. The motion passed unanimously. See attached roll call.

Following further discussion, Ms. Lee moved, seconded by Mr. Herrea, to issue an order to impose a civil penalty of one thousand dollars per violation, to charge all costs incurred in the course of the investigation and to revoke the professional's license. The motion passed unanimously. See attached roll call.

## **6. Formal Interviews**

None

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

*A. 2007-0159, Balasz Batyka, LISAC-10370 (revoked) and LCSW-10631 (revoked)*

Ms. Rinaudo distributed additional information provided by the professional. The Board received this information late on May 1<sup>st</sup>, preventing any distribution of the material to members before Board review of this matter.

Ms. Harris, A.A.G., requested that the Board deny the professional's request for a continuance based on the following:

- The professional requested a continuance based on a scheduling conflict.
- The professional was given more than 30 days notice of the Board's review of his request for review or rehearing.
- The professional has not participated in any previous Board reviews of his complaint.

Dr. Davis moved, seconded by Ms. Lee, to deny the request for a continuance. The motion carried with Ms. Nix opposed.

The Board took a break to read the documents received on May 1st.

Mr. Harris reviewed the bases for Board approval of a request for review or rehearing as set forth in A.A.C. R4-6-1002.

Mr. Munns advised the Board regarding its options in responding to Respondent's request for a review or rehearing.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Brassea, to deny the request for rehearing or review. The motion failed with Ms. Lee and Ms. Brassea in favor. See attached roll call vote.

Dr. Davis moved, seconded by Ms. Nix, to grant a review pursuant to A.R.S. §1002(A)(3) to address new information received indicating that Respondent resigned from Western Skies. The motion carried with Ms. Brassea opposed. See attached roll call vote.

Dr. Davis, moved, seconded by Ms. Nix, to modify the findings of fact and conclusions of law to reflect that Respondent resigned from Western Skies. The motion passed unanimously. See attached roll call vote.

*B. 2008-0084, Heidi Miller, LMSW-2970*

Ms. Blatner summarized the Board's investigation.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Brassea moved, seconded by Ms. Lee, to accept the Interim Consent Agreement. The motion passed unanimously.

*C. 2006-0080, Dylan Machado, LMSW-10758*

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Brassea, to remand the matter to formal hearing for the purpose of revocation. The motion passed unanimously.

*D. 2005-0084 and 2005-0117, Lynda Durfy, LPC-2554*

Ms. Thur summarized the results of the Board's investigation. She also reported that the professional had not signed the modified consent agreement the Board offered to her in March 2008.

The professional appeared in person and addressed the Board.

Following discussion with the Board, the professional agreed to sign the modified consent agreement.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Brassea, to accept the modified consent agreement. The motion passed unanimously. See roll call.

*E. 2005-0043, Adolfo Quezada, LPC-10185*

Ms. Katerelos summarized the Board's investigation.

The complainant appeared in person and addressed the Board.

The professional addressed the Board telephonically.

Following review and discussion by members, Ms. Brassea moved, seconded by Mr. Herrea, to dismiss the complaint. The motion carried with Dr. Davis opposed.

*F. Paul Salcido, LSAT-12005*

Ms. Blatner summarized the Board's investigation.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Brassea, to open a complaint and accept the Interim Consent Agreement. The motion passed unanimously. Dr. Davis abstained from the vote. See attached roll call.

*G. NJ07-0044, Teresa Ravetto*

Following review, Dr. Davis moved, seconded by Ms. Brassea, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

*The Board took a break at 12:42 p.m., reconvening its public meeting at 12:55 p.m.*

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

Dr. Davis moved, seconded by Ms. Lee, to rescind the Board's April 4, 2008, motion to license Kristina Richer as a Licensed Professional Counselor. The motion passed unanimously.

*Social Work*

Dr. Davis moved, seconded by Ms. Brassea, to approve 10 applicants as Licensed Clinical Social Workers, 20 applicants as Licensed Master Social Workers and one applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Brassea, to deny one applicant for social work licensure based on failure to pass the required exam. The motion passed unanimously.

*Counseling*

Dr. Davis moved, seconded by Ms. Brassea, to approve 24 applicants as Licensed Associate Counselors and 12 applicants as Licensed Professional Counselors. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Brassea, to deny 5 applicants based on failure to establish that they meet minimum requirements in supervised work experience and/or education and 5 applicants based on failure to pass the required exam. The motion passed unanimously.

*Substance Abuse*

Dr. Davis moved, seconded by Ms. Brassea, to approve 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 Ms. Brassea, to deny one applicant based on failure to pass the required exam. The motion passed unanimously.

*Marriage & Family Therapy*

Dr. Davis moved, seconded by Ms. Brassea, to approve one applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Brassea, to deny two applicants based on failure to establish that they meet minimum requirements in supervised work experience and/or education. The motion passed unanimously.

**9. Report from Chair.**

*A. Chair report*

No report.

*B. Member reports*

No report.

*C. Discussion regarding disclosure of confidential records pursuant to A.R.S. §32-3206*

Ms. Nix reported regarding information she gathered regarding the process other Boards use when providing information pursuant to A.R.S. §32-3206.

Ms. Rinaudo reported regarding the Board's current workload challenges, which include the continuing complaints backlog and implementation of fee and program changes as set forth in HB2325. She requested that the Board prioritize these workload challenges before implementing other process changes.

Members agreed to table further discussion of this issue at this time.

*D. Governor's public service training*

Members indicated whether they have attended the required member ethics training and agreed to send a copy of their certificate of completion to Ms. Wilson.

*E. Fee schedule changes*

Ms. Rinaudo reviewed proposed changes to the Board's current fee schedule.

Following discussion, Dr. Davis moved, seconded by Ms. Brassea, to adopt the proposed fee schedule, with all changes to be effective July 1, 2008. The motion passed unanimously.

Following discussion regarding fees for administrative services, Dr. Davis moved, seconded by Ms. Brassea, to accept the amended fee schedule as presented. The motion passed unanimously.

*F. Consistency on substance abuse issues*

Tabled

*G. Board member attendance*

Ms. Rinaudo reported regarding the committee and Board meetings that have been cancelled due to loss of quorum. She reviewed the significant amount of staff resources that are being expended rescheduling meetings, as well as complaints received from both professionals and complainants, and their attorneys.

The committees have vacant positions, which aggravates the issue.

Ms. Wilson will resend quorum calls for the next two meetings in hope of avoiding additional cancellations.

**10. Report from Treasurer**

*A. Monthly financial report*

Ms. Rinaudo reported regarding the monthly financial report.

Dr. Davis moved, seconded by Ms. Brassea, to accept the monthly financial report as presented. The motion passed unanimously.

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

*A. General Agency Operations*

No report.

*B. Update regarding pending legislation*

Ms. Rinaudo reported that the Governor signed HB2325 and reviewed the changes in the bill.

*C. Background on license and renewal applications*

Tabled

*D. Discussion regarding increased communication between the Board and state agencies that terminate for unprofessional conduct*

Mr. Harris reminded members that this matter was agendaized to discuss whether there is a way to educate agencies to inform the Board if they terminate a licensee for perceived unprofessional conduct.

Ms. Rinaudo noted that she will talk with the Council for Human Service Providers regarding reporting requirements for licensees.

*E. Preparation of legal documents*

Ms. Lee questioned why serious allegations of misconduct against a licensee whose license has been summarily suspended were not included in the Complaint and Notice of Hearing.

Mr. Harris advised members that a professional is entitled to receive written notice of the Board's charges at least 30 days before a formal hearing. In the case under discussion, the Complaint and Notice of Hearing was mailed to the professional before the Board received new allegations of misconduct. In order to include those allegations in the Complaint and Notice of Hearing, the Board would have been forced to continue the formal hearing to provide sufficient notice to the professional. Due to the serious nature of the initial allegations, the agency made a decision to move forward on those allegations and memorialize the subsequent allegations by opening a new complaint.

*F. Reorganization of agenda for formal hearings*

Ms. Rinaudo reported regarding possible benefits obtained by rescheduling formal hearings and formal interviews from 9:00 to 11:00 a.m.

Following review and discussion, members agreed to the requested schedule change.

*G. Assignment of complaint review to members*

Ms. Rinaudo reviewed the option of assigning complaints to individual members for presentation to the Board. Members declined to adopt such a process.

**12. Committee reports**

None

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

None

**14. Future agenda items**

Tabled items

**15. Call for public comment**

None

**16. Establishment of future meeting dates**

The next meetings are scheduled for May 30, 2008, and June 6, 2008, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Ms. Wilson will continue attempts to get quorum for the May 30, 2008, meeting.

**17. Adjournment**

Mr. Herrera moved, seconded by Ms. Lee, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:40 p.m.

---

Julian Pickens  
Secretary/Treasurer

---

Date