



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANICE K. BREWER
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
May 1, 2009

Members Present: Laura de Blank, Diane Brassea, Ruth Lee, Kahryn Nix, Gloria Gabler, Doug Mitchell

Members absent: Robert Evans, Jose Herrera

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Patricia Reynolds, Kami Thur, Maricarmen Martinez, Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on May 1, 2009, at 9:08 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Ms. Brassea moved, seconded by Ms. Lee, to approve the general meeting minutes from April 3, 2009, as submitted. The motion passed unanimously. Mr. Mitchell and Dr. Gabler abstained from the vote.

4. Consent Agenda: review, consideration and action

Members requested that items D, F, L, O and S be pulled from the consent agenda and considered separately.

A. 2008-0076 and 2005-0112, Carolyn Bennett, LISAC-11493

Review, consideration and action to accept the proposed signed Interim Consent Agreement.

B. 2007-0114, William Beverly, LAMFT-10226

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

C. 2008-0020, Stephanie Cox, LPC-10114

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

D. 2007-0121, Louise Egan, LISAC-10073

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

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

The professional and her attorney, Brad Gardner, appeared in person and addressed the Board.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Brassea, to invite the professional to participate in a Formal Interview and, if not accepted, to remand the matter to Formal Hearing. The motion carried with Ms. Nix opposed. See attached roll call.

E. 2009-0009, Judy Emerson, LCSW-2591

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to release the professional from the non-disciplinary consent agreement.

F. 2008-0023, Lloyd Gillum, LPC-0766

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

Following review and discussion by members, Ms. Nix moved, seconded by Ms. Brassea, to accept the signed consent agreement as recommended by the Counseling Credentialing Committee. The motion passed unanimously. See attached roll call.

G. 2008-0034, Jeanne Golden, LMSW-2797

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

H. 2008-0015, Danielle Gutowski, LPC-11613

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

I. 2007-0064, Jennifer Hecker-DuVal, LMSW-11882

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

J. 2007-0128, Kathleen Hernandez, LMSW-11377

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to release the professional from the consent agreement.

K. 2005-0110, Julio Landero, LISAC-1697

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to release the professional from the consent agreement.

L. 2008-0074, Ludmela Leshney, LMFT-10094

Review, consideration and action to accept the proposed signed consent agreement.

The complainant appeared in person and addressed the committee.

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

M. 2008-0088, Ursula Mann, LCSW-10404

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

N. 2008-0054, Michall Moore, LAC-12325

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

O. 2008-0070, Belinda Rouzaud, LCSW-10088

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

The complainant appeared in person and addressed the committee.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Nix, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously. See attached roll call.

P. 2009-0074, Amanda Rowe, LPC-10679 (inactive)

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

Q. 2008-0077, Mande Rowley, LPC-11737

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

R. 2007-0167, Mary Ann Turner, LCSW-10951

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to release the professional from the non-disciplinary consent agreement.

S. 2008-0108, Lawrence Wieland, LISAC-0673

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

Dr. Gabler had concerns regarding indications that the professional did not fully understand the need to maintain professional boundaries and suggested that a letter of concern would be appropriate.

Following review and discussion by members, Dr. Gabler moved, seconded by Ms. Lee, to dismiss the complaint and issue a letter of concern addressing the professional's failure to demonstrate an appropriate level of knowledge regarding professional boundaries. The motion carried with Ms. Nix opposed. See attached roll call.

T. 2007-0105, Timothy Williams, LPC-2234 (suspended) and LBSW-1280 (suspended)

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

U. 2008-0061, Richard Young, LAMFT-10265

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to release the professional from the consent agreement.

Ms. de Blank moved, seconded by Mr. Mitchell, to approve the consent agenda items A-C, E, G-K, M-N, P-R and T-U. The motion passed unanimously. See attached roll call.

Complaints and other disciplinary matters: review, consideration and action

Agenda item 7(G)

2006-0153 and 2007-0036, John Butler, LISAC-0793

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

The professional was properly noticed, but did not appear.

The complainant appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Brassea, to invite the professional to participate in a Formal Interview and, if not accepted, to remand the matter to Formal Hearing. The motion passed unanimously.

Following further discussion, Ms. Nix moved, seconded by Ms. Brassea, to refer agency issues regarding the Scottsdale Treatment Institute to the Office of Behavioral Health Licensure. The motion passed unanimously.

Agenda item 7(H)

2009-0078, Dawn Malone, LISAC-11808 and LCSW-11767

Mr. Mitchell recused himself from all matters involving Ms. Malone.

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

The complainant appeared in person and addressed the Board. The complainant's wife addressed the Board telephonically.

The professional and her attorney, Charles Hover, appeared in person and addressed the Board.

The professional's direct supervisor and a co-worker appeared in person and addressed the Board.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Brassea, to re-offer the consent agreement for the voluntary surrender of the professional's license and, if not signed, to remand the matter to Formal Hearing. The motion passed unanimously. See attached roll call. Mr. Mitchell was recused from the vote.

The Board took a break at 10:45 a.m., reconvening its public meeting at 10:51 a.m.

Applications for licensure: review, consideration and action

Agenda item 8

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 7 applicants as Licensed Clinical Social Workers, 1 applicant as a Reciprocal Licensed Clinical Social Worker and 17 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Gabler, to deny 2 applicants based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Ms. Brassea, to approve 9 applicants as Licensed Associate Counselors, 7 applicants as Licensed Professional Counselors and 1 applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 1 applicant based on failure to meet minimum requirements in supervised work experience and/or education. The motion passed unanimously.

Substance Abuse

Dr. Gabler moved, seconded by Ms. Brassea, to approve 2 applicants as Licensed Associate Substance Abuse Counselors and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Ms. Brassea, to approve 1 applicant as a Reciprocal Licensed Marriage and Family Therapist. The motion passed unanimously.

5. Administrative Hearings 11:00 AM

A. 2008-0101, Paul Salcido, LSAT-12005

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.

Mr. Munns, Solicitor General's Office, appeared on behalf of the Board.

Ms. Martinez, Board Investigator, was sworn in and testified.

Ms. de Blank admitted State's Exhibits 1- 7 into evidence.

Mr. Harris made a closing argument.

Following discussion by members, Ms. Nix moved, seconded by Mr. Mitchell, to adopt factual allegations 1 - 5 from the Notice of Hearing as findings of fact. The motion passed unanimously.

Ms. Nix moved, seconded by Mr. Mitchell, to adopt the charges from the Notice of Hearing as conclusions of law. The motion passed unanimously.

Following further discussion, Ms. Nix moved, seconded by Ms. Lee, to issue an order revoking the professional's license and assessing the Board's investigation costs against the professional. The motion passed unanimously. See attached roll call.

B. 2009-0030, 2005-0117 and 2005-0084, Lynda Durfy, LPC-2554

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.

Mr. Munns, Solicitor General's Office, appeared on behalf of the Board.

Ms. Thur, Board Investigator, was sworn in and testified.

Ms. de Blank admitted State's Exhibits 1– 7 into evidence.

Mr. Harris made a closing argument.

Following discussion by members, Mr. Mitchell moved, seconded by Ms. Lee, to adopt factual allegations 1 – 4 from the Notice of Hearing as findings of fact. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. Lee, to adopt the charges from the Notice of Hearing as conclusions of law. The motion passed unanimously.

Following further discussion, Mr. Mitchell moved, seconded by Ms. Ruth, to issue an order revoking the professional's license and assessing the Board's investigation costs against the professional. The motion passed unanimously. See attached roll call.

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

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.

Mr. Munns, Solicitor General's Office, appeared on behalf of the Board.

Ms. Martinez, Board Investigator, was sworn in and testified.

Ms. de Blank admitted State's Exhibits 1– 8 into evidence.

Mr. Harris made a closing argument.

Following discussion by members, Ms. Lee moved, seconded by Dr. Gabler, to adopt factual allegations 1 – 6 from the Notice of Hearing as findings of fact. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Nix, to adopt charges from the Notice of Hearing as conclusions of law. The motion passed unanimously.

Following further discussion, Dr. Gabler moved, seconded by Ms. Lee, to issue an order revoking the professional's license and assessing the Board's investigation costs against the professional. The motion passed unanimously. See attached roll call.

6. Formal Interviews

None

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

Agenda item 7(D)

2008-0019, Margaret Cattey, LCSW-1845

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Tim Thomason, appeared in person and addressed the Board.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Nix, to re-offer the consent agreement and, if not signed, to invite the professional to participate in a Formal Interview and, if not accepted, to remand the matter to Formal Hearing. The motion passed unanimously. See attached roll call.

Agenda item 7(B)

2007-0066, Nancy Taylor, LPC-10994

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

The complainant appeared in person and addressed the Board.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Mitchell, to re-offer the consent agreement and, if not signed, to invite the professional to participate in a Formal Interview and, if not accepted, to remand the matter to Formal Hearing. The motion passed unanimously. See attached roll call.

Agenda item 7(A)

2009-0045, Donald Langford, LPC-1598 (suspended)

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

The professional appeared in person and addressed the Board.

Following review and discussion by members, Dr. Gabler moved, seconded by Mr. Mitchell, to re-offer the consent agreement modified as follows:

- License will be placed on probation for a period of 36 months
- Clinical supervision to be provided by a pre-approved independently licensed behavioral health professional
- Focus of the clinical supervision is transference/counter-transference issues related to the professional's own recovery issues
- Clinical supervision will be one hour monthly for the first six months, twice monthly for the second six months and weekly for the remainder of the probation period
- The clinical supervisor will submit quarterly reports for approval

The motion passed unanimously. See attached roll call.

Agenda item 7(C)

2007-0097, Linda Bennardo, LPC-12144

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

The complainant addressed the Board telephonically.

The professional and her attorney, Bill Sawkiw, appeared in person and addressed the Board.

Ms. Lee moved, seconded by Ms. de Blank, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously. The Board went into executive session at 1:55 p.m., reconvening its public meeting at 2:08 p.m.

The Board took a break at 2:10 p.m., reconvening its public meeting at 2:16 p.m.

Following discussion by members, Ms. Lee moved, seconded by Ms. Brassea, to re-offer the consent agreement with a modification to the findings of fact to indicate that the professional's December 2006 letter was based solely on information provided by Mother and Daughters and, if not signed, to invite the professional to participate in a Formal Interview and, if not accepted, to remand the matter to Formal Hearing. The motion passed unanimously.

Agenda item 7(F)

2006-0127, Karen Torry Greene, LCSW-10653

The professional appeared in person and addressed the Board.

Following review and discussion by members, Ms. de Blank moved, seconded by Ms. Brassea, to accept the signed non-disciplinary consent agreement, dismiss the complaint and issue a Letter of Concern. The motion passed unanimously.

Agenda item 7(E)

2007-0093, Helen Stiles, LPC-1061

Ms. Reynolds summarized the additional information submitted by the professional's attorney.

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Nix, to re-offer the consent agreement and, if not signed, to invite the professional to participate in a Formal Interview and, if not accepted, to remand the matter to Formal Hearing. The motion passed unanimously. See attached roll call.

Agenda item 7(I)

NJ09-0019, Mary Kay Myers

Tabled

Agenda item 7(J)

NJ09-0013, Claudia Coleman

Tabled

8. Applications for licensure: review, consideration and action

See agenda item 4.

9. Report from Chair.

A. Chair report

No report.

B. Member reports

No report.

10. Report from the Treasurer

A. Monthly Financial Report

Ms. Rinaudo reviewed the monthly financial report.

Dr. Gabler moved, seconded by Ms. Lee, to approve the monthly financial report. The motion passed unanimously.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Justice Services

Tabled

12. Committee Reports

None

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

None

14. Future agenda items

None

15. Call for public comment

None

16. Establishment of future meeting dates

The next regular meeting is scheduled for June 5, 2009, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

The May 29, 2009, meeting has been cancelled.

17. Adjournment

Ms. Nix moved, seconded by Mr. Mitchell, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:52 p.m.

Gloria Gabler
Secretary/Treasurer

Date