



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
April 7, 2006

Members Present: Cedric Davis, Del Worley, Laura Waterman, Jose Herrera, Barbara Freeman, Diane Brassea, Ruth Lee (in at 9:00 a.m.)

Members Absent: Dan Wright

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor's General Office, Sherry Blatner, Amy Shelton, Mary Wilson, Elma Brambila

Public Present: Fred Spears, Tony Langan, Jorena Ruddy, Doug VanGaale, Shannon Moreno, Jodi Livermon, Sue Valli, Olga Danelowitz, Michael Martinez, Celia Boone, Phyllis Goatson, Teresa Sanzio, D. Stiles, Clinton Bartlett

Public by telephone: Steve Sadler

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on April 7, 2006, at 8:57 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 general meeting minutes from the March 3, 2006, meeting, as submitted. The motion carried with Dr. Davis and Ms. Brassea abstaining.

4. **Administrative Hearings**

A. *2006-0054, Fred Spears, Jr., LAC applicant*

Board members were introduced and Dr. Davis reviewed the rules for administrative hearings.

Mr. Spears made an opening statement.

Mr. Harris, A.A.G., made an opening statement.

Mr. Spears testified on his own behalf. Dr. Davis admitted Respondent's Exhibit A into evidence.

Ms. Shelton was sworn in and testified on behalf of the State. Dr. Davis admitted State's Exhibits 1 through 13 into evidence.

Mr. Spears made a closing argument.

Mr. Harris made a closing argument.

Following review and discussion by members, Dr. Waterman moved, seconded by Ms. Worley, to affirm the denial of applicant's license as recommended by the Counseling Credentialing Committee for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call.

The Board took a break at 10:55 a.m., reconvening its public meeting at 11:07 a.m.

B. Michael Orr, LCSW applicant

Mr. Orr did not appear for the hearing.

Ms. Mangiapane advised members regarding procedures for administrative hearings for application denials where the burden of proof is on the applicant and the applicant fails to appear.

Mr. Harris asked the Board to take administrative notice of the fact that Mr. Orr received proper notice of the hearing, as evidenced by the acceptance of delivery of the Notice of Hearing, sent to him by certified mail.

Mr. Harris also asked the Board to take administrative notice of the Board's record in this matter.

Dr. Davis admitted State's Exhibits 1 through 12 into evidence as support of the Social Work Credentialing Committee's denial of licensure.

Dr. Waterman moved, seconded by Ms. Worley, to affirm the denial of the applicant's license as recommended by the Social Work Credentialing Committee for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call.

C. Phyllis Goatson, CSAC applicant

Board members were introduced and Dr. Davis reviewed the rules for administrative hearings.

Ms. Goatson made an opening statement.

Mr. Harris, A.A.G., made an opening statement.

Ms. Rinaudo was sworn in and testified on behalf of the State. Dr. Davis admitted State's Exhibits 1 through 10 into evidence.

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

Mr. Harris made a closing argument.

Ms. Goatson made a closing argument.

Dr. Waterman moved, seconded by Mr. Herrera, to affirm the denial of the applicant's license as recommended by the Substance Abuse Credentialing Committee for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call.

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

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

All Board members indicated that they had reviewed the Administrative Law Judge's recommended decision and order and the transcript of the hearing.

Mr. Harris made an opening statement requesting that the Board adopt the Findings of Fact, Conclusions of Law and recommended Order, as set forth in the recommended decision.

Dr. Waterman moved, seconded by Ms. Lee, to adopt Findings of Fact 1-13 as set forth in the recommended decision. The motion passed unanimously.

Dr. Waterman moved, seconded by Mr. Herrera, to adopt Conclusions of Law 1-4 as set forth in the recommended decision. The motion passed unanimously.

Following discussion by members, Dr. Waterman moved, seconded by Ms. Worley, to adopt the Administrative Law Judge's recommended Order and amending paragraph 5 to reflect that the supervisor must be licensed at the independent level, one hour of individual face-to-face supervision must be provided for every 40 hours worked, the supervisor must develop a supervision plan to be pre-approved by the chair of the Social Work Credentialing Committee (SWCC), and the supervisor must submit quarterly reports to the chair of the SWCC for approval. The motion passed unanimously. See attached roll call.

B. 2005-0055, Jorena Ruddy, LPC-10594

Ms. Shelton reviewed the investigative summary, including the complaint and the committee's recommendation.

Ms. Ruddy and her attorney, Mr. Langan, appeared in person and addressed the Board.

Following review and discussion, Ms. Worley moved, seconded by Mr. Herrera, to remand the matter to formal hearing. The motion passed unanimously.

The Board took a break at 12:50 p.m., reconvening its public meeting at 1:25 p.m.

C. 2005-0092, Lesley Hayes, LCSW-10123

Ms. Rinaudo reviewed the investigative summary, including the complaint and the committee's recommendation.

The professional was noticed, but did not appear.

Following discussion by members, Dr. Waterman moved, seconded by Ms. Worley, to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

D. 2005-0095, Tina Clark-Dent, LAC-10514

Ms. Rinaudo reviewed the investigative summary, including the complaint and the committee's recommendation.

The professional was noticed, but did not appear.

Following discussion by members, Ms. Worley moved, seconded by Mr. Herrera, to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

E. 2005-0061, Clinton Bartlett, LPC-10644

Dr. Waterman moved, seconded by Ms. Worley, to go into Executive Session to discuss confidential client information exempt from public inspection pursuant to A.R.S. 38-431.03(A)(2). The motion passed unanimously and the Board went into Executive Session at 1:37 p.m., reconvening its public meeting at 1:45 p.m.

Ms. Blatner reviewed the investigative summary, including the complaint and the committee's recommendation.

Mr. Bartlett and his attorney, Ms. Sanzio, appeared in person and addressed the Board.

The complainant, *ST, appeared in person and addressed the Board through an American Sign Language interpreter.

Following review and discussion, Dr. Waterman moved, seconded by Mr. Herrera, to dismiss the complaint. The motion passed unanimously.

F. 2005-0107, Shari Loren, LCSW-3659

Ms. Shelton reviewed the investigative summary, including the complaint and the committee's recommendation.

The professional was noticed, but did not appear.

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

G. 2005-0044, Terry Brown-Kehl, LPC-1030

Tabled

H. 2006-0018, Clay Cox, LMFT-0338

Ms. Blatner reviewed the investigative summary, including the complaint and the committee's recommendation.

Ms. Blatner reported that the professional informed her he had faxed a request for postponement on March 27, 2006. The Board had no record of receiving the fax.

Mr. Harris explained the formal interview process.

Following review and discussion, Ms. Worley moved, seconded by Mr. Herrera, to invite Mr. Cox to a formal interview and, if he refuses, to remand the matter to formal hearing. The motion passed unanimously.

I. 2006-0029, Judy Pease, LISAC-11635

Ms. Shelton reviewed the investigative summary, including the complaint and the committee's recommendation.

The professional was noticed, but did not appear.

Following discussion, Ms. Worley moved, seconded by Mr. Herrera, to accept the proposed consent agreement. The motion passed unanimously. See attached roll call.

J. 2005-0002, Shannon Moreno, LISAC-1678 and LBSW-3872

Ms. Rinaudo reviewed the investigative summary, including the complaint and the committee's recommendation.

Ms. Moreno and her attorney, Ms. Georgini, appeared in person and addressed the Board.

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

K. 2006-0081, Marcie Herzog, LAC applicant

Ms. Blatner reviewed the investigative summary, including the complaint and the committee's recommendation.

The professional was noticed, but did not appear.

Following discussion, Ms. Worley moved, seconded by Mr. Herrera, to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

L. 2006-0069, Michael Martinez, LBSW-1831

Ms. Blatner reviewed the investigative summary, including the complaint and the committee's recommendation.

The professional was noticed, but did not appear.

Following discussion, Ms. Worley moved, seconded by Mr. Herrera, to accept the proposed consent agreement. The motion passed unanimously. See attached roll call.

M. 2006-0089, Charles Fenigstein, LISAC-11498

Ms. Blatner reviewed the investigative summary, including the complaint and the committee's recommendation.

The professional was noticed, but did not appear.

Following discussion, Ms. Worley moved, seconded by Mr. Herrera, to accept the proposed consent agreement. The motion passed unanimously. See attached roll call.

N. 2006-0084, Steve Sadler, LISAC-1540

Ms. Blatner reviewed the investigative summary, including the complaint and the committee's recommendation.

Mr. Sadler addressed the Board telephonically.

Following discussion, Dr. Waterman moved, seconded by Ms. Worley, to accept the interim consent agreement. The motion passed unanimously.

O. NJ06-0006, Joseph Patterson

Ms. Rinaudo summarized the information received regarding Mr. Patterson working in an exempt position.

Dr. Waterman moved, seconded by Ms. Lee, to direct staff to provide information to the Office of Behavioral Health Licensure regarding the complaint and dismiss the complaint as non-jurisdictional. The motion passed unanimously.

P. NJ06-0007, James Bissell

Ms. Rinaudo summarized the information received regarding Mr. Bissell working in an exempt position.

Dr. Waterman moved, seconded by Ms. Lee, to direct staff to provide information to the Office of Behavioral Health Licensure regarding the complaint and dismiss the complaint as non-jurisdictional. The motion passed unanimously.

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

Social Work

Dr. Davis moved, seconded by Ms. Worley, to approve nine applicants as Licensed Clinical Social Workers, 19 applicants as Licensed Master Social Workers and two applicants as Licensed Bachelor Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Worley, to deny five applicants for social work licensure based on the applicants' failure to pass the required exam. The motion passed unanimously.

Counseling

Dr. Waterman moved, seconded by Ms. Lee, to approve 17 applicants as Licensed Professional Counselors and 21 applicants as Licensed Associate Counselors. The motion passed unanimously.

Dr. Waterman moved, seconded by Ms. Worley, to deny five applicants for counseling licensure based on the applicants' failure to establish that they meet minimum licensure requirements and one applicant based on the applicant's failure to pass the required exam. The motion passed unanimously.

Substance Abuse

Dr. Davis moved, seconded by Ms. Freeman, to approve three applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously. Ms. Worley was recused from the vote.

Ms. Worley moved, seconded by Dr. Waterman, to deny five applicants for substance abuse licensure based on the applicants' failure to meet minimum licensure requirements. The motion passed unanimously.

Marriage & Family Therapy

Dr. Davis moved, seconded by Dr. Waterman, to approve three applicants as Licensed Marriage & Family Therapists and two applicants as Licensed Associate Marriage & Family Therapists. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Worley, to deny three applicants for marriage and family therapy licensure based on the applicants' failure to establish that they meet minimum licensure requirements and one applicant based on not passing the required exam. The motion passed unanimously.

7. Report from the Chair

A. Consideration of having security at meetings

Following discussion by members, Dr. Waterman moved, seconded by Ms. Worley, to direct staff to have uniformed security at all Board and credentialing committee meetings except when members are reviewing files. The motion passed unanimously.

8. Report from the Treasurer

A. Monthly financial report

Dr. Davis reported regarding the agency's monthly budget report.

9. Report from Executive Director and/or staff.

A. General Agency Operations

Members discussed a process for having items added to the agenda.

B. Election of officers

Dr. Waterman moved, seconded by Ms. Worley, to nominate Dr. Davis to serve as Chair of the Board. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Worley, to nominate Dr. Waterman to serve as Secretary/Treasurer of the Board. The motion passed unanimously.

Both members agreed to serve.

C. Review of HB2780

Ms. Rinaudo reported regarding HB2780.

10. Committee Reports.

None

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

None

12. Future agenda items

Development of Executive Director evaluation process.

13. Call for public comment

None

14. Establishment of future meeting date(s)

The next meeting is scheduled for May 5, 2006, at 8:45 a.m., at 3443 North Central Avenue, Room 908.

15. Adjournment

Dr. Waterman moved, seconded by Ms. Lee, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:07 p.m.

Laura Waterman
Secretary/Treasurer

Date