



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 April 6, 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. February 2, 2007, general meeting minutes

B. March 2, 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).

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).

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. 2006-0060, Frank Leonardo, LISAC-10696

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to remand to formal hearing.

B. Kathleen Hernandez, LMSW-11377

Review, consideration and action regarding opening a complaint and accepting the proposed interim consent agreement.

C. 2007-0117, Shari Healy, LPC-11133

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

D. 2007-0055, Kathleen Wales, LMSW applicant

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

E. 2007-0054, Lori Vitagliano, LMSW-11692

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

F. 2004-0019, Cathleen Jarvis, LCSW-2276

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

G. Virginia Grant, LCSW-0092

Review, consideration and action regarding opening a complaint and accepting the signed consent agreement.

H. 2005-0058, Nick Myers, LISAC-10368

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

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

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

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

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

K. NJ07-0013, Jennifer Sticker

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

L. NJ07-0015, Chisty Harlin

Review, consideration and action to dismiss the complaint as non-jurisdictional and issue a cease and desist order.

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. 2004-0038, Kathleen Gillespie, LPC-1566 and LISAC-10801

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

B. 2005-0080, Elizabeth Pfeiff, LISAC-10117

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

C. 2007-0038, Richard Rodriguez, LAC-12477

Review, consideration and action regarding accepting the signed consent agreement.

E. 2004-0006, Cathleen Jarvis, LCSW-2276

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

F. 2007-0100, Allene Brooks, LISAC-1582 and LPC applicant

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

G. 2007-0109, Linda Marks, LAC applicant

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

H. 2005-0071, William Riedel, LPC-10358

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

I. 2007-0118, Kathleen Clarke, LCSW-11044

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

J. 2007-0110, Stacy Hall, LAC applicant

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

K. 2007-0043, Myron Schwartz, LISAC-10424

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

L. 2004-0028, David Shumway, LISAC-0527

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

M. 2006-0088, Gary Hees, LPC-12141

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

N. 2003-0036, Lee Phelps, LMSW-10669 and LISAC-10462 expired

Review, consideration and action regarding the professional's request to be released from the consent agreement.

O. 2006-0028, Nicole Roskens, LPC-10823

Review, consideration and action regarding the professional's request to be released from the 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. Robinson vs. Rinaudo, et al

Review of pending motion to dismiss

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 May 4, 2007, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

March 30, 2007

Debra Rinaudo
Executive Director