



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
Website: www.bbhe.state.az.us
E-mail address: azbbhe@bbhe.state.az.us

JANET NAPOLITANO
Governor

CEDRIC DAVIS
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
April 6, 2007

Members Present: Cedric Davis, Diane Brassea, Julian Pickens, Robert Evans, Laura de Blank, Jose Herrera
(in at 9:04), Kahryn Nix (in at 9:06)

Members Absent: Ruth Lee

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Mary Grossi, Sherry Blatner, Jessica Burguan,
Kami Thur, Sheila Perry-Johnson, Mary Wilson

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on April 6, 2007, at 9:02 a.m. with Dr. Davis presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Dr. Davis moved, seconded by Ms. Brassea, to approve the general meeting minutes from January 5, 2007, as submitted based on the rule of impossibility. The motion passed unanimously. Mr. Herrera abstained from the vote.

Dr. Davis moved, seconded by Mr. Evans, to approve the general meeting minutes from February 2, 2007, as amended. The motion passed unanimously. Mr. Herrera abstained from the vote.

The March 2, 2007, general meeting minutes were tabled.

4. **Administrative Hearings**

None

5. **Formal Interviews**

None

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

A. 2006-0060, Frank Leonardo, LISAC-10696

Mr. Evans recused himself from all matters involving Mr. Leonardo.

Ms. Grossi summarized the facts of the case.

Mr. Leonardo was properly noticed, but did not appear.

Ms. Brassea moved, seconded by Dr. Pickens, to remand the case to formal hearing. The motion passed unanimously. Mr. Evans was recused from the vote.

B. Kathleen Hernandez, LMSW-11377

Ms. Rinaudo summarized the facts of the case.

The professional was noticed, but did not appear.

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

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

Ms. Perry-Johnson summarized the facts of the case.

Ms. Healy and her sponsor appeared in person and addressed the Board.

Following review and discussion, Ms. Brassea moved, seconded by Mr. Herrera, to approve the Substance Abuse Credentialing Committee's recommendation to accept the interim consent agreement. The motion passed unanimously. See attached roll call.

D. 2007-0055, Kathleen Wales, 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 Mr. Evans, to approve the Substance Abuse Credentialing Committee's recommendation to accept the consent agreement. The motion passed unanimously. See attached roll call.

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

Ms. Grossi summarized the facts of the case.

Ms. Vitagliano and her attorney, Stephen Myers, appeared in person and addressed the Board.

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. The motion carried with Mr. Herrera opposed. See attached roll call.

Dr. Davis moved, seconded by Dr. Pickens, to invite the professional to participate in a formal interview and, if not accepted, to remand the case to formal hearing if the professional does not sign the consent agreement. The motion carried with Mr. Herrera opposed.

F. Virginia Grant, LCSW-0092

Ms. Burguan summarized the facts of the case.

The professional was noticed, but did not appear.

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

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

Ms. Blatner summarized the facts of the case.

Mr. Sadler appeared in person and addressed the Board.

Following review and discussion, Mr. Evans moved, seconded by Mr. Herrera, to release the professional from the terms of the interim consent agreement and accept the signed consent agreement. The motion passed unanimously. See attached roll call.

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

Ms. Blatner summarized the facts of the case.

Mr. Myers appeared in person and addressed the Board.

Following review and discussion, Mr. Evans moved, seconded by Mr. Herrera, to release the professional from the terms of the interim consent agreement and accept the signed consent agreement. The motion passed unanimously.

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

Ms. Blatner summarized the facts of the case.

Mr. Fenigstein appeared in person and addressed the Board.

Following review and discussion, Mr. Evans moved, seconded by Ms. de Blank, to release the professional from the terms of the interim consent agreement and accept the signed consent agreement. The motion passed unanimously.

J. NJ07-0013, Jennifer Sticker

Ms. Rinaudo summarized the facts of the case.

Ms. Brassea moved, seconded by Mr. Herrera, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

K. NJ07-0015, Chisty Harlin

Ms. Rinaudo summarized the facts of the case.

Mr. Evans moved, seconded by Mr. Herrera, to direct staff to request that the professional modify her website and to invite the professional to appear and address the Board regarding concerns raised by the Board. 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**

Mr. Evans recused himself from all matters involving David Shumway.

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 to accept the signed consent agreement.

D. 2004-0006, and 2004-0019, Cathleen Jarvis, LCSW-2276

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to accept the signed consent agreement and to dismiss complaint 2004-0019 with a letter of concern.

E. 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.

F. 2007-0109, Linda Marks, LAC applicant

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

G. 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.

H. 2207-0118, 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.

I. 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.

J. 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.

K. 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.

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

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

M. 2003-0036, Lee Phelps, LMSW-106969 and LISAC-10462 expired

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

N. 2006-0028, Nicole Hoskens, LPC-10823

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

Following review and discussion, Dr. Davis moved, seconded by Ms. Brassea, to accept the consent agenda items A through J and L through N as submitted. The motion passed unanimously. See attached roll call.

Following further discussion, Dr. Davis moved, seconded by Ms. Brassea, to dismiss complaint number 2004-0028 and issue a letter of concern under item K. The motion passed unanimously. Mr. Evans was recused from the vote.

8. Applications for licensure: review, consideration and action

Dr. Pickens moved, seconded by Ms. Brassea, to rescind the Board's March 2, 2007, motion to deny Abby Shamatha's Licensed Professional Counselor application based on not meeting minimum requirements. The motion passed unanimously.

Social Work

Dr. Davis moved, seconded by Dr. Pickens, to approve eight applicants as Licensed Clinical Social Workers and sixteen applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Evans, to deny four applicants for social work licensure based on not passing the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Mr. Evans, to approve nine applicants as Licensed Professional Counselors and twenty-one applicants as Licensed Associate Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Pickens, to approve Allene Brooks as a Licensed Professional Counselor. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Pickens, to approve Linda Marks and Stacy Hall as Licensed Associate Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Pickens, to deny five applicants based on their failure to establish that they meet minimum licensure requirements in education and/or supervised work experience and one applicant based on not meeting minimum licensure requirements in education and/or supervised work experience and a finding of unprofessional conduct. The motion passed unanimously.

Substance Abuse

Mr. Evans moved, seconded by Dr. Pickens, to approve one applicant as a Licensed Independent Substance Abuse Counselor and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Mr. Evans moved, seconded by Dr. Pickens, to deny two applicants for substance abuse licensure based on not meeting minimum requirements in education and/or supervised work experience and one applicant based on not meeting minimum requirements in education and/or supervised work experience and a finding of unprofessional conduct. The motion passed unanimously.

Marriage & Family Therapy

Dr. Pickens moved, seconded by Ms. de Blank , to approve two applicants as Licensed Marriage and Family Therapists and seven applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

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

9. Report from Chair.

A. Chair report

No report.

B. Member reports

No report.

C. Development of procedures to place items on the agenda

Members discussed various ways to place items on the agenda for Board meetings. Ms. Rinaudo will draft a policy for adding items to agendas and distribute it for Board members for consideration at the next meeting.

10. Report from Treasurer

A. Monthly financial report

Dr. Pickens moved, seconded by Mr. Herrera, to accept the financial report as submitted. The motion passed unanimously.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Robinson vs. Rinaudo et al

Mr. Harris reported regarding his recent motion to dismiss Mr. Robinson's state court lawsuit that is still pending.

12. Committee reports

A. Social Work Subcommittee Report

Ms. Rinaudo reported regarding the report developed by the Social Work Subcommittee Workgroup formed at the direction of the legislature. Members will discuss the findings of the subcommittee at the May meeting.

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

None

14. Future agenda items

1. Draft policy for process to place matters on the agenda.
2. Social work subcommittee workgroup report.

15. Call for public comment

Two students commented on Board processes and complimented the Board regarding the detail with which information is presented.

16. Establishment of future meeting dates

The next meeting is scheduled for May 4, 2007, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Dr. Pickens moved, seconded by Ms. de Blank, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:00 noon.

Julian Pickens
Secretary/Treasurer

Date