



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

MICHAEL SALAZAR
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
August 6, 2004

Members Present: Michael Salazar, Kathleen Phillips, Cedric Davis, Dan Wright, Steve LeGendre
Members Absent: Laura Waterman, Jose Herrera, Ruth Lee
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Jason Martin, Mary Wilson
Public by telephone: Ellen Bolcko
Public Present: Mary Louisa Thompson, Jami Jaimes, Marguerite Dickey, Vanessa Logas, Larry Sideman, Kathy Steadman, Neli Volante, Bonny Beach, Sean Beach, Diana Yazzie Devine, Crystal Yazzie, Brian Miller, Evan Hughes, John Whiteshirt

1. **Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on August 6, 2004, at 9:17 a.m. with Michael Salazar presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

General meeting and executive session minutes from the July 9, 2004, meeting were tabled for lack of quorum.

4. **Administrative Hearings**

A. *Lisa Stromberg*

Mr. Harris reported that Ms. Stromberg has requested to withdraw her request for a formal hearing and that she accepts the denial of her application for Certified Professional Counselor.

Following discussion, Ms. Phillips moved, seconded by Mr. Wright, to accept Ms. Stromberg's request to withdraw her previous request for a formal hearing on the denial of her certification application. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Phillips, to affirm the Counseling Credentialing Committee's decision to deny Ms. Stromberg's Certified Professional Counselor application based on her request to withdraw her previous request for a formal hearing on the denial of her certification application. The motion passed unanimously.

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

A. *2003-0023, Neli Volante, LPC-2400*

Mr. Martin summarized the facts of the complaint and the results of the investigation.

Dr. Volante and her attorney, Ms. Steadman, appeared in person and addressed the Board. The complainant appeared in person and addressed the Board.

Following review and discussion by members, Ms. LeGendre moved, seconded by Mr. Wright, to accept the Counseling Credentialing Committee's recommendation to remand the case to formal hearing. The motion passed unanimously.

B. *2003-0076, Larry Sideman, LISAC-10540*

Mr. Martin summarized the facts of the complaint and the results of the investigation. Mr. Sideman appeared in person.

Following review and discussion by members, Ms. Phillips moved, seconded by Dr. Davis, to approve the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint as unfounded. The motion passed unanimously.

C. 2002-0020, Ellen Bolcko, LISAC-0938

Mr. Martin reported that the professional has completed all stipulations of the consent agreement. Ms. Bolcko appeared telephonically and addressed the Board.

Following review and discussion by members, Mr. LeGendre moved, seconded by Mr. Wright, to approve the Substance Abuse Credentialing Committee's recommendation to release the professional from the terms of the consent agreement. The motion passed unanimously.

D. Robert Stankaitis, LISAC-10290

Mr. Martin reported that the professional has completed all stipulations of the consent agreement. The professional was noticed, but did not appear.

Following review and discussion by members, Mr. LeGendre moved, seconded by Dr. Davis, to approve the Substance Abuse Credentialing Committee's recommendation to release the professional from the terms of the consent agreement. The motion passed unanimously.

E. NJ04-0004, Ronald Davis

Mr. Martin reported that Dr. Davis has never been certified by this board.

Following review and discussion by members, Mr. Wright moved, seconded by Ms. Phillips, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

F. NJ04-0005, James Stewart

Mr. Martin reported that Mr. Stewart's certification expired in November 2003.

Following review and discussion by members, Mr. Wright moved, seconded by Ms. Phillips, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

6. Review, Consideration and Action on Applicants Recommended for Certification

Mr. Wright moved, seconded by Dr. Davis, to rescind the Board's June 29, 2004, motion to certify Caroline Watson as a Certified Professional Counselor. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. LeGendre, to rescind the Board's June 29, 2004, motion to certify Luis Araiza as a Certified Master Social Worker. The motion passed unanimously.

Mr. Salazar moved, seconded by Dr. Davis, to grant the Substance Abuse Credentialing Committee's request to approve 10 Licensed Independent Substance Abuse Counselors and one Licensed Substance Abuse Technician. The motion passed unanimously.

Mr. Wright moved, seconded by Mr. LeGendre, to grant the Marriage and Family Therapy Credentialing Committee's request to approve one Licensed Marriage and Family Therapist and one Licensed Associate Marriage and Family Therapist. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. LeGendre, to grant the Social Work Credentialing Committee's request to approve ten Licensed Master Social Workers and sixteen Licensed Clinical Social Workers. The motion passed unanimously.

Mr. LeGendre moved, seconded by Ms. Phillips, to grant the Counseling Credentialing Committee's request to approve three Licensed Associate Counselors and four Licensed Professional Counselors. The motion passed unanimously.

7. Report from the Chair and items for review, consideration and possible action

A. Incorrect exam scores

Ms. Rinaudo reported that ICRC incorrectly scored examinations taken on June 12, 2004. After learning of the problem, ICRC rescored all examinations taken on that date. As a result, a number of individuals who were originally told they failed the examination were subsequently advised that they actually passed it.

Ms. Rinaudo reported regarding the effect of the incorrect scoring of the ICRC examination on professionals trying to be grandfathered into licensure. She identified the following affected groups of individuals:

1. Professionals whose CSAC applications had been approved pending passage of the required examination: these individuals were not grandfathered into licensure because the Board did not receive their correct examination score until after June 30, 2004.
2. Professionals with CSAC applications pending a substantive review by the Substance Abuse Credentialing Committee: after the Board received incorrect examination scores for these individuals, their applications were not scheduled for a substantive review because it appeared that their failing examination score disqualified them for certification before July 1, 2004.
3. Professionals who chose not to submit an application until after they learned if they passed the June 12th examination: when these professionals received incorrect information that they failed the examination, they did not submit a CSAC application to the Board.

Diana Devine and Bonny Beach addressed the Board and requested that the Board allow professionals affected by ICRC's mistake to qualify for licensure pursuant to certification standards.

Ms. Phillips moved, seconded by Mr. Wright, to go into Executive Session for the purpose of obtaining legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the Board went into executive session at 10:17 a.m., reconvening its public meeting at 10:43 a.m.

Jami Jaimes, Mary Louisa Thompson and John Whiteshirt also addressed the Board regarding this issue.

Mr. LeGendre indicated that there may be people affected by the erroneous scoring of the ICRC exam all over the state, not just the entities represented and individuals present at the meeting.

Ms. Phillips moved, seconded Dr. Davis, that CSAC applications submitted prior June 30, 2004, will be reviewed to see if each application meets statutory and regulatory requirements that were in place prior to July 1, 2004, and they will be processed with the revised exam scores under certification standards. The motion passed unanimously.

Mr. LeGendre moved, seconded by Ms. Phillips, to grant the Substance Abuse Credentialing Committee's request to approve the list of nine applicants recommended by the committee pending passage of the required exam prior to June 30, 2004. The motion passed unanimously.

Evan Hughes addressed the Board regarding the applicants that he had advised throughout the process.

The Board took a break from 11:20 a.m. to 11:30 a.m.

B. Strategic plan process

Mr. LeGendre reported that because of the significant changes to the Board resulting from licensure, the Board may need to look at additional long-term strategic planning. Mr. LeGendre suggested that, with the Board reduced to eight members, this is an opportunity for the entire Board to redefine Board processes, functions and operations.

C. Meeting date

Ms. Rinaudo reported that Ms. Lee had requested that the meeting day be changed from Friday. Members discussed the question and agreed to keep the meetings on Friday as it is the day that their schedules are least likely to be interrupted.

8. Report from the Treasurer and items for review, consideration and possible action

A. Monthly report

Mr. LeGendre reported that Board revenues continue to exceed expenses.

9. Report from the Executive Director and/or staff

A. Agency operations

Ms. Rinaudo reported that agency resources remain focused on processing the enormous number of applications received in May and June through the appeal process.

B. Update on lawsuits

Mr. Harris reported that Judge Albrecht issued the order to dismiss the lawsuit filed by the Arizona Professional Counselors for Fair Licensure (AzPCFL). AzPCFL immediately filed a second lawsuit and requested a temporary restraining order. The request for a temporary restraining order was denied. Mr. Harris will represent the Board at the first hearing on the second lawsuit on August 9, 2004.

10. Committee Reports

No report

11. National and regional news regarding the profession

Mr. Salazar reported on the American Counseling Association newsletter regarding licensure in Hawaii.

12. Future agenda items

None

13. Call for public comment

None

14. Establishment of future meeting dates

The next meeting is scheduled for Friday, September 10, 2004, at 9:00 a.m. in Room B-2.

15. Adjournment

Ms. Phillips moved, seconded by Mr. Wright, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:17 p.m.

Steve LeGendre
Secretary/Treasurer

Date