



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

KATHLEEN PHILLIPS
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
August 5, 2005

Members Present: Cedric Davis, Dan Wright, Kathleen Phillips, Ruth Lee, Del Worley, Jose Herrera (in at 8:56 a.m.)

Members Absent: Laura Waterman

Members by Telephone: Steve LeGendre

Staff Present: Debra Rinaudo, Victoria Mangiapane, Solicitor General's Office, Sherry Blatner, Kami Thur, Mary Wilson

Staff by Telephone: Marc Harris, A.A.G.

Public Present: Michael Gurr, Bart Lerner, Nancy Grupp, Ana Sellers, Kristen Smith, David Dastrup, Sterling Peterson, Clare Cory

Public by telephone: Raul Ramirez, Dana Weimer, Paul South, Josh Evans

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on August 5, 2005, at 8:50 a.m. with Ms. Phillips presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Mr. Wright moved, seconded by Dr. Davis, to approve the general meeting minutes from the June 3, 2005, meeting. The motion carried with Ms. Lee, Ms. Worley and Mr. LeGendre abstaining.

4. **Administrative Hearings**

A. *2005-0003, Karen Kewley, LPC-10258*

Board members and staff were introduced. Ms. Mangiapane from the Solicitor General's Office appeared on behalf of the Board.

Ms. Phillips and Mr. Herrera indicated that they had not reviewed the materials and would not participate in the proceeding.

Ms. Kewley was noticed, but did not appear.

Ms. Thur reported regarding her unsuccessful attempts to contact Ms. Kewley.

Mr. Harris, A.A.G., appeared on behalf of the State and requested that the Board approve the Administrative Law Judge's recommendation to revoke Ms. Kewley's license.

Following discussion, Dr. Davis moved, seconded by Mr. Wright, to adopt findings of fact 1 through 16 as recommended by the Administrative Law Judge. The motion carried with Ms. Phillips and Mr. Herrera abstaining.

Following discussion, Dr. Davis moved, seconded by Mr. Wright, to adopt conclusions of law 1 through 12 as recommended by the Administrative Law Judge. The motion carried with Ms. Phillips and Mr. Herrera abstaining.

Following discussion, Dr. Davis moved, seconded by Mr. Wright, to adopt the order to revoke the professional's license to practice counseling as recommended by the Administrative Law Judge. The motion carried with Ms. Phillips and Mr. Herrera abstaining. See attached roll call.

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

A. 2005-0145, Dana Weimer, LAMFT applicant

Ms. Thur summarized the facts of the case. Ms. Weimer addressed the Board telephonically.

Following review and discussion, Dr. Davis moved, seconded by Mr. Wright, to accept the Marriage and Family Therapy Credentialing Committee's recommendation to issue a Letter of Concern and dismiss the complaint. The motion passed unanimously.

B. 2005-0149, David Springer, LPC-0839

Ms. Blatner summarized the facts of the case. Mr. Springer was noticed, but did not appear.

Following review and discussion, Dr. Davis moved, seconded by Ms. Worley, to accept the Counseling Credentialing Committee's recommendation to issue a Letter of Concern and dismiss the complaint. The motion passed unanimously.

C. 2006-0005, Raul Ramirez, LCSW-1998

Ms. Blatner summarized the facts of the case. Mr. Ramirez addressed the Board telephonically.

Following review and discussion, Dr. Davis moved, seconded by Mr. Wright, to accept the Social Work Credentialing Committee's recommendation to issue a Letter of Concern and dismiss the complaint. The motion passed unanimously.

The Board took a break at 10:37 a.m., reconvening its public meeting at 10:45 a.m.

D. 2005-0060, David Dastrup, LISAC-1666 and LMFT-10106

Ms. Thur summarized the facts of the case and the results of the Board's investigation.

Ms. Dastrup and his attorney, Sterling Peterson, appeared in person and addressed the Board.

The complainant, Ms. Groppenbacher, appeared in person and addressed the Board.

Ms. Phillips moved, seconded by Mr. Wright, to go into Executive Session to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the Board went into Executive Session at 10:55 a.m., reconvening its public meeting at 11:06 a.m.

Following review and discussion, Mr. LeGendre moved, seconded by Ms. Lee, to dismiss the complaint and issue a letter of concern based the Board's concern regarding the submission of misleading clinical supervision hours on the professional's LMFT application because it is the applicant's responsibility to ensure that the information submitted in support of an application is true and correct. The motion passed unanimously.

E. NJ04-0030, Paul South

Ms. Rinaudo summarized the complaint.

Mr. South and his supervisor, Josh Evans, addressed the Board telephonically.

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

Following discussion by members, Dr. Davis moved, seconded by Mr. Wright, to find that the professional does not appear to be providing psychotherapy. The motion carried with Ms. Lee abstaining.

Ms. Lee indicated she abstained because she did not have the opportunity to review the non-jurisdictional complaint.

F. NJ04-0032, Taena Abbitt

Ms. Rinaudo summarized the complaint.

Dr. Davis moved, seconded by Ms. Worley, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

G. NJ04-0033, Paege Long

Ms. Rinaudo summarized the complaint.

Dr. Davis moved, seconded by Mr. Wright, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

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

Dr. Davis moved, seconded by Mr. Wright, to rescind the Board's July 8, 2005, motion to license Jeffrey Thomas as a clinical social worker. The motion passed unanimously.

Social Work

Dr. Davis moved, seconded by Ms. Worley, to approve 16 applicants as Licensed Clinical Social Workers and nine applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Wright, to deny two applicants for social work licensure based on the failure to meet minimum requirements. The motion passed unanimously.

Counseling

Dr. Davis moved, seconded by Ms. Worley, to approve eight applicants as Licensed Professional Counselors and 13 applicants as Licensed Associate Counselors. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Worley, to deny four applicants for counseling licensure based on the failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Ms. Worley moved, seconded by Dr. Davis, to approve four applicants as Licensed Independent Substance Abuse Counselors, six applicants as Licensed Associate Substance Abuse Counselors and one Licensed Substance Abuse Technician. The motion passed unanimously.

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

Marriage and Family Therapy

Mr. Wright moved, seconded by Dr. Davis, to approve three applicants as Licensed Marriage and Family Therapists and four applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Ms. Worley moved, seconded by Dr. Davis, to deny two applicants for marriage and family therapist licensure based on the failure to meet minimum requirements. The motion passed unanimously.

7. Report from the Chair

A. Attorney General's opinion regarding e-mail communication by a public body
Tabled.

8. Report from the Treasurer

A. Monthly financial report

Dr. Davis provided the monthly treasurer's report.

9. Report from Executive Director and/or staff.

A. General Agency Operations

Ms. Rinaudo reported that all August meetings will be held at 1400 W. Washington Room B-2.

B. Review of Michael Robinson's lawsuit against the Board

Ms. Rinaudo reported regarding the lawsuit Mr. Robinson filed against the Board.

C. Review of Dr. Waterman's request to address the AASCB regarding the licensure process

Ms. Rinaudo reported that Dr. Waterman has requested Board approval to present information regarding the licensure process in Arizona to the American Association of State Counseling Board's at the annual meeting in January 2006.

Mr. Wright moved, seconded by Ms. Worley, to approve Dr. Waterman's presentation as requested. The motion passed unanimously

10. Committee Reports.

A. Personnel Subcommittee

1. Strategic Plan Review

Members reviewed the FY2005 strategic plan outcomes and discussed the proposed FY2006 strategic plan. Mr. Herrera indicated that the Board should be spending more time in developing a strategic planning process

Members agreed to meet on Wednesday, September 21, 2005, at 9:00 a.m., to review the Board's FY2007 budget request and to discuss strategic planning.

Dr. Davis moved, seconded by Mr. Wright, to approve the proposed FY2006 strategic plan. The motion passed unanimously.

The Board took a break at 12:25 p.m., reconvening its public meeting at 12:32 p.m.

2. Salary Increase for Executive Director

Mr. Herrera indicated the need for the Board to complete a formal review process for the Executive Director. Members discussed establishing a formal procedure and process for an annual review of the Executive Director.

Ms. Lee moved, seconded by Mr. Wright, to require an annual formal performance review process of the Executive Director at the May Board meeting. The motion passed unanimously.

Ms. Phillips moved, seconded by Mr. Wright, to go into Executive Session to review personnel issues pursuant to A.R.S. §38-431.03(A)(1). The motion passed unanimously and the Board went into Executive Session at 1:07 p.m., reconvening its public meeting at 1:37 p.m.

Mr. Herrera moved, seconded by Ms. Lee, to approve the salary increase for the Executive Director as discussed during Executive Session. The motion passed unanimously.

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

None

12. Future agenda items

A. Complaint triage process

13. Call for public comment

None

14. Establishment of future meeting date(s)

The next meeting is scheduled for September 9, 2005 at 8:45 a.m., at 3443 North Central Avenue, 9th floor conference room.

15. **Adjournment**

Mr. Wright moved, seconded by Ms Worley, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:39 p.m.

Cedric Davis
Secretary/Treasurer

Date