



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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JANET NAPOLITANO  
Governor

CEDRIC DAVIS  
Board Chair

DEBRA RINAUDO  
Executive Director

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BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
August 4, 2006

Members Present: Cedric Davis, Dan Wright, Diane Brassea, Del Worley, Laura Waterman, Barbara Freeman, Ruth Lee, Jose Herrera

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor Generals Office, Sherry Blatner, Amy Shelton, Kami Thur, Mary Wilson, Elma Brambila

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on August 4, 2006, at 9:08 a.m. with Dr. Davis presiding.

**2. Roll Call**

See above.

**3. Review and Approval of Minutes**

Dr. Waterman moved, seconded by Mr. Wright, to approve the general meeting minutes from the July 7, 2006, meeting, as submitted. The motion passed unanimously. Mr. Herrera abstained from the vote.

**4. Administrative Hearings**

*A. 2006-0014, Brian Zuckerberg, LAC applicant*

Dr. Davis reviewed the procedure for a formal hearing and introduced Board members and staff.

Mr. Zuckerberg was present and was represented by his wife, Mrs. Zuckerberg.

Mr. Munns, Solicitor General's Office, appeared as the Board's legal advisor.

Mr. Harris, A.A.G., appeared on behalf of the state.

The parties presented their opening statements.

Mr. Zuckerberg was sworn in and testified on his own behalf. Respondent's Exhibits A through D were admitted into evidence.

Mr. Harris cross-examined Mr. Zuckerberg.

Ms. Thur, Board investigator, was sworn and testified. State's Exhibits 1 through 8 were admitted into evidence.

Mrs. Zuckerberg cross-examined Ms. Thur.

The parties gave their closing arguments.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Lee, to affirm the Counseling Credentialing Committee's recommendation to deny the application for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call vote.

*B. 2006-0102, Kim Morris, LCSW applicant and LISAC-10584*

Ms. Rinaudo reported regarding Ms. Morris's request for a continuation of this hearing.

Mr. Munns, Solicitor General's Office, appeared as the Board's legal advisor.

Mr. Harris, AAG, opposed Ms. Morris's request for a continuance based on her failure to establish good cause for granting her request.

Mr. Herrera moved, seconded by Mr. Wright, to deny the professional's request for a continuance of her formal hearing based on her failure to establish good cause for granting her request. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Herrera to grant the State's motion to consolidate the evidentiary portions of the disciplinary proceedings regarding Ms. Morris's substance abuse license and the denial of her social work license. The motion passed unanimously.

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

Ms. Thur was sworn in and testified. State's Exhibits 1 through 22 were admitted into evidence.

Mr. Harris gave a closing argument.

Following discussion, Dr. Davis moved, seconded by Ms. Worley, to adopt Findings of Fact 1-22 in the Notice of Hearing and Complaint with the following modifications:

1. Finding of Fact 14 is modified to include a statement that Respondent was designated as a LCSW in her contract with MKEL when she did not hold such a license.
2. Finding of Fact 14 is modified to include a statement that, by letter dated March 16, 2006, Dr. Irvine withdrew her verification of Respondent's supervised work experience and clinical supervision hours at MKEL.
3. Finding of Fact 15 is modified to include a statement that Respondent represented that she was a clinical social worker on her LCSW application.

The motion passed unanimously.

Following discussion, Dr. Waterman moved, seconded by Mr. Wright, to adopt Conclusions of Law 23-28 in the Notice of Hearing and Complaint.

Members noted that the State's evidence established that Ms. Morris failed to meet minimum licensure requirements in supervised work experience and clinical supervision hours as a result of Dr. Irvine's withdrawal of her verification of Ms. Morris's hours at MKEL.

Following discussion, Dr. Waterman moved, seconded by Mr. Wright, to revoke Respondent's LISAC. The motion passed unanimously. See attached roll call.

Following discussion, Ms. Worley moved, seconded by Mr. Herrera, to affirm the Social Work Credentialing Committee's recommendation to deny Respondent's LCSW application based on the Findings of Fact as amended adopted by the Board, the Conclusion of Law adopted by the Board, and Respondent's failure to establish that she meets minimum licensure requirements. The motion passed unanimously. See attached roll call.

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

*A. 2006-0128, Betty Relling, LAC applicant*

Ms. Blatner summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion, Dr. Waterman moved, seconded by Mr. Wright, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

*The Board took a break at 12:10 p.m., reconvening its public meeting at 12:25 p.m.*

*B. 2005-0006, Susan Rambo Brown, LISAC-0196*

Ms. Rinaudo summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion, Dr. Waterman moved, seconded by Mr. Wright, to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

*C. 2005-0066, Sally Stumpf, LPC applicant and LISAC-10936*

Ms. Thur summarized the facts of the case.

The professional was noticed, but did not appear.

Dr. Waterman moved, seconded by Mr. Wright, to find that the professional is in violation of A.R.S. §32-3251(12)(n), based on her failure to notify the agency of her change of address. The motion passed unanimously.

Following review and discussion, Dr. Waterman moved, seconded by Mr. Wright, to deny the LPC application for the reasons set forth by the Counseling Credentialing Committee and to remand to formal hearing the disciplinary matter regarding the professional's substance abuse license. The motion passed unanimously. See attached roll call.

*D. 2006-0090, Doreen Johnson, LBSW applicant*

Ms. Blatner summarized the facts of the case. Ms. Johnson has not signed the consent agreement offered by the Social Work Credentialing Committee.

The professional was noticed, but did not appear.

Following review and discussion, Dr. Davis moved, seconded by Ms. Lee, to deny the application based on a finding that the professional violated the following:

1. A.R.S. § 32-3251(12)(k), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession, as it relates to NASW Ethical Standard 3.04(b), Social workers should include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.
2. A.R.S. § 32-3251(12)(p), failing to conform to minimum practice stands as developed by the Board, as it relates to A.A.C. R4-6-1103, which requires professionals to maintain current and accurate records.

The Board also noted that the professional did not qualify for licensure based on her failure to pass the required examination. The motion passed unanimously. See attached roll call vote.

*E. 2005-0088, David Rankin, LISAC-1703*

Ms. Thur summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Brassea, to approve an amended consent agreement that provides that, if the professional provides direct client services while on probation, he must immediately notify the Board. At that time, the professional must receive clinical supervision as directed in the original consent agreement offered by the Counseling Credentialing Committee. The motion passed unanimously. See attached roll call.

*F. 2005-0128, Laura Chase, LISAC-11414 and LAC-11289*

Ms. Shelton summarized the facts of the case.

Ms. Chase appeared in person and addressed the Board.

Following review and discussion, Mr. Wright moved, seconded by Mr. Herrera, to re-offer the proposed consent agreement to the professional and if she does not sign that consent agreement within 30 days, to remand the case to formal hearing. The motion passed unanimously. Ms. Brassea abstained from the vote.

*G. 2005-0143, Laurie Lagemann, LPC-0233*

Ms. Shelton summarized the facts of the case.

The professional was noticed, but did not appear.

The complainant appeared in person and addressed the Board.

Following review and discussion, Dr. Waterman moved, seconded by Mr. Herrera, to re-offer the proposed consent agreement to the professional and if she does not sign that consent agreement within 30 days, to remand the case to formal hearing. The motion passed unanimously. See attached roll call vote.

*The Board took a break at 1:45 p.m., reconvening its public meeting at 1:55 p.m.*

*H. 2005-0059, Deborah Ritterbeck, LISAC-0428*

Ms. Thur summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion, Mr. Wright moved, seconded by Ms. Brassea, to re-offer the proposed consent agreement to the professional and if she does not sign that consent agreement within 30 days, to remand the case to formal hearing. The motion passed unanimously. See attached roll call vote.

*I. 2003-0039, Sandra Leal, LCSW-0811*

Ms. Rinaudo summarized the facts of the case.

The professional was noticed, but did not appear.

Following discussion by members, Dr. Davis moved, seconded by Ms. Worley, to release the professional from the terms of the consent agreement. The motion passed unanimously.

*J. 2005-0055, Jorena Ruddy, LPC-10594*

Ms. Shelton summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to accept the Counseling Credentialing Committee's recommendation to accept the modified consent agreement. The motion passed unanimously. See attached roll call vote.

*K. 2004-0034, John Carter, LISAC-0127*

Ms. Shelton summarized the facts of the case.

The professional appeared in person and addressed the Board.

The complainant was noticed, but did not appear.

Following review and discussion, Ms. Worley moved, seconded by Ms. Brassea, to accept the Marriage & Family Therapy Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

*L. 2003-0083, 2005-0113 and 2006-0072, Brenda Sheets, LISAC-1529*

Ms. Rinaudo summarized the facts of the case.

The professional was noticed, but did not appear.

Dr. Wright moved, seconded by Dr. Waterman, to rescind the Board's motion to remand Complaint No. 2003-0083, 2005-0113 and 2006-0072 to formal hearing. The motion passed unanimously. Mr. Herrera and Ms. Lee abstained from the vote because they were out of the room

Following further discussion, Ms. Worley moved, seconded by Dr. Waterman, to remand Complaint No. 2006-0072 to formal hearing. The motion passed unanimously.

*M. 2006-0080, Moira Cassidy, LISAC-10245*  
Ms. Blatner summarized the facts of the case,

The professional was noticed, but did not appear.

Following review and discussion, Ms. Worley moved, seconded by Ms. Brassea, to accept the signed consent agreement for the voluntary surrender of the professional's license. The motion passed unanimously.

*N. 2004-0025, Cynthia Zahn, LPC-0372*  
Ms. Thur summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to accept the non-disciplinary consent agreement. The motion passed unanimously.

*O. NJ06-0004, Susan Luffey*  
Ms. Rinaudo summarized the facts of the case.

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

*P. NJ06-0009, Cinda Drescher*  
Ms. Rinaudo summarized the facts of the case.

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

*Q. NJ06-0012, Connie Unger*  
Ms. Rinaudo summarized the facts of the case.

Ms. Worley moved, seconded by Ms. Brassea, to rescind the previous motion to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

Dr. Waterman moved, seconded by Ms. Lee, to issue a subpoena for the professional's forms and clinical records. The motion passed unanimously.

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

### *Social Work*

Dr. Davis moved, seconded by Mr. Wright, to approve 14 applicants as Licensed Clinical Social Workers and 17 applicants as Licensed Master Social Workers. The motion passed unanimously. Dr. Waterman was recused from the vote.

Dr. Davis moved, seconded by Mr. Wright, to deny eight applicants for social work licensure based on the applicants' failure to pass the required exam and one applicant based on not meeting minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

### *Counseling*

Dr. Davis moved, seconded by Ms. Worley, to approve 15 applicants as Licensed Professional Counselors and 11 applicants as Licensed Associate Counselors. The motion passed unanimously. Dr. Waterman was recused from the vote.

Dr. Waterman moved, seconded by Mr. Wright, to deny seven applicants for counseling licensure based on their failure to establish that they meet minimum licensure requirements in supervision and/or education. The motion passed unanimously.

Dr. Waterman moved, seconded by Ms. Brassea, to deny two applicants for counseling licensure based on a finding of unprofessional conduct and the applicants' failure to establish that they meet minimum licensure requirements in supervision and/or education. The motion passed unanimously.

*Substance Abuse*

Ms. Worley moved, seconded by Ms. Brassea, to approve three applicants as Licensed Independent Substance Abuse Counselors, three applicants as Licensed Associate Substance Abuse Counselors and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Ms. Worley moved, seconded by Dr. Waterman, to deny one applicant for substance abuse licensure based on the applicant's failure to pass the required exam and one applicant for substance abuse licensure based on the applicant's failure to establish that he/she meets minimum licensure requirements in supervision and/or education. The motion passed unanimously.

Ms. Worley moved, seconded by Ms. Brassea, to deny two applicants for substance abuse licensure based on a finding of unprofessional conduct and not meeting minimum requirements in supervision and/or education. The motion passed unanimously.

*Marriage & Family Therapy*

Mr. Wright moved, seconded by Ms. Worley, to approve six applicants as Licensed Marriage & Family Therapists and five applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Mr. Wright moved, seconded by Dr. Waterman, to deny two applicants for marriage and family therapy licensure based on their failure to pass the required exam and two applicants for marriage and family therapy licensure based on their failure to establish that they meet minimum requirements in education and/or supervised work experience.

**7. Report from the Chair**

No report

**8. Report from the Treasurer**

*A. Monthly financial report*

Dr. Waterman summarized the monthly financial report.

*B. Review, consideration and action regarding approval of the FY08-09 budget submission*

Ms. Rinaudo reported regarding development of the Board's FY08-09 budget submission.

**9. Report from Executive Director and/or staff.**

*A. General Agency Operations*

No report.

*B. Review, consideration and action regarding the FY06 Strategic Plan outcomes and development of the FY07 Strategic Plan*

Tabled.

**10. Committee Reports.**

None

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

None

**12. Future agenda items**

Ms. Worley's request for Board funding for her trip to China to help develop licensing standards for substance abuse counselors.

**13. Call for public comment**

None

**14. Establishment of future meeting date(s)**

The next meeting is scheduled for September 8, 2006, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

**15. Adjournment**

Dr. Waterman moved, seconded by Mr. Wright, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:45 p.m.

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Laura Waterman  
Secretary/Treasurer

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Date