



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
August 1, 2008

Members Present: Kahryn Nix, Diane Brassea, Laura de Blank, Robert Evans, Gloria Gabler, Teresa Menchaca

Members Absent: Ruth Lee, Jose Herrera

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on August 1, 2008, at 9:06 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Evans moved, seconded by Ms. Brassea, to approve the general meeting minutes from July 2, 2008, as submitted. The motion passed unanimously. Ms. Gabler, Ms. de Blank and Ms. Menchaca abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2006-0100, Tina Bakalis, LPC-11078 and LISAC-10671

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

B. 2006-0035, Daniel Behling, LISAC-0469 and LMFT-0289

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

C. 2008-0102, Celia Boone, LMSW-3400

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

Following discussion by members, Ms. de Blank moved, seconded by Ms. Nix, to remove this matter from the consent agenda and reschedule it next month. The motion failed with Ms. Nix in favor.

D. 2007-0100, Allene Brooks, LPC-12652 and LISAC-1582

Review, consideration and action regarding the professional's request for release from the consent agreement.

E. 2005-0008, Elizabeth Darland, LMFT-0463

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

F. 2008-0091, Jacqueline Hartman, LCSW-2613

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

G. 2007-0082, Marvin D. James, LISAC-11486 (expired)

Review, consideration and action regarding the professional's request for release from the consent agreement.

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

Review, consideration and action regarding the professional's request for release from the consent agreement.

I. 2005-0036 / ND07-0005, Patricia Krumweide, LPC-0105

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

J. 2008-0044, Bridget Naughton, LISAC-1538

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

K. 2005-0082, Jeanne Rust-Lester, LPC-1997

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

L. 2008-0058, Gail Santilli-Gruver, LCSW-0280

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

M. 2008-0121, James B. Stewart, LSIAC-0846

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

N. 2006-0097, Benjamin Tyau, LAC-12294

Review, consideration and action regarding the professional's request for release from the consent agreement.

O. NJ07-0042, Lecreschia Witcher

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

P. NJ07-0043, Gary Slone

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

Q. NJ07-0044, Lila Mora

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

R. NJ07-0045, Michael Smith

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

S. NJ07-0046, Linda Levy

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

T. NJ07-0047, Terry Bartell-Caffazzo

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

U. NJ07-0048, Gary Slone

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

Mr. Evans moved, seconded by Ms. Brassea, to approve the consent agenda as presented. The motion passed unanimously. See attached roll call vote.

5. **Administrative Hearings**

A. 2006-0008, Dylan Machado, LMSW-10758 (suspended)

Ms. Rinaudo summarized the history of this matter. The professional did not participate in the committee review of the complaint, but has requested a continuance to allow him to provide additional information and participate in the Board's review of the complaint.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Brassea, to approve the professional's request for a continuance. The motion passed unanimously.

6. Formal Interviews

None

7. Complaints and other disciplinary matters: review, consideration and action

A. 2008-0006, Susan Bramlette, LMFT-10129 (expired)

Ms. Rinaudo summarized the results of the Board's investigation.

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Menchaca, to accept the signed consent agreement as recommended by the Marriage and Family Therapy Credentialing Committee. The motion passed unanimously. See attached roll call vote.

B. 2008-0005, Steven Brinton, LCSW-1699

Ms. Rinaudo summarized the results of the Board's investigation.

The complainant was properly noticed, but did not appear.

The professional and his attorney, Charles Hover, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Menchaca, to amend the proposed consent agreement as follows:

- The license will be placed on probation for a period of 24 months with an option for early release after 12 months
- The professional shall receive a psychological evaluation by a pre-approved psychologist and the report will be considered by the Social Work Credentialing Committee, which will recommend amendments as appropriate based on the report
- The professional shall work in an agency licensed by OBHL and receive clinical supervision at the rate of 1 hour per every 40 hours of work
- The professional can submit courses completed after the Board's receipt of the complaint, but before acceptance of the consent agreement, for consideration as compliance with the consent agreement.

and if not signed, to invite the professional to participate in a formal interview and, if refused, to remand to formal hearing. The motion passed unanimously. See attached roll call vote.

The Board took a break at 10:18 a.m., reconvening its public meeting at 10:32 a.m.

C. 2008-0107, Nancy Friends, LPC-1711 and LISAC-0856

Ms. Rinaudo summarized the results of the Board's investigation.

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Nix moved, seconded by Ms. de Blank, to accept the signed consent agreement as recommended by the Counseling Credentialing Committee. The motion passed unanimously. See attached roll call.

D. 2005-0101, Linda Gastello, LISAC-11531

Ms. Rinaudo summarized the results of the Board's investigation.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Brassea, to remand the matter to formal hearing. The motion passed unanimously.

E. 2008-0120, Jane Johnson, LSAT-12022

Ms. Rinaudo summarized the results of the Board's investigation.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Ms. Menchaca moved, seconded by Ms. Brassea, to amend the consent agreement to add the following violations and amend the findings of fact correspondingly:

- A.R.S. §32-3251(12)(n), failing to comply with any consent agreement issued by the Board.
- A.R.S. §32-3251(12)(n), failing to comply with any rule adopted by the Board, as it relates to A.A.C. R4-6-205, a licensee shall notify the Board in writing no later than 30 days after any change of the licensee's residence or office mailing address or residence or office telephone number.

The motion passed unanimously. Mr. Evans abstained from the vote.

Following further discussion, Ms. Menchaca moved, seconded by Mr. Evans, to amend the original consent agreement as follows:

- Extend the period of probation indefinitely
- Professional shall not practice under her license
- The professional shall provide written notice to the Board within 10 days of returning to practice
- The professional shall not practice under her license unless she is in compliance with the clinical supervision requirements set forth in the consent agreement

The motion passed unanimously. See attached roll call.

F. 2006-0098, Gabrielle Lawrence, LPC-0709

Ms. Rinaudo summarized the results of the Board's investigation.

The complainant appeared in person and addressed the Board.

The professional and her attorney, Stephen Myers, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Menchaca, to dismiss the complaint as recommended by the Counseling Credentialing Committee. The motion was withdrawn.

Following further discussion by members, Mr. Evans moved, seconded by Ms. Menchaca, to dismiss the complaint as recommended by the Counseling Credentialing Committee. The motion passed unanimously.

G. 2008-0054, Michall Moore, LAC-12325

Ms. Rinaudo summarized the results of the Board's investigation.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Brassea moved, seconded by Mr. Evans, to amend the consent agreement as follows:

- Include a finding of a violation of A.R.S. § 32-3251(12)(k), any conduct or practice that constitutes a danger to the health, welfare or safety of a client, and A.R.S. § 32-3251(12)(bb), harassing or retaliating against a complainant in a disciplinary investigation.
- Modify the order to require completion of 3 continuing education hours in HIPAA, 3 continuing education hours in clinical recordkeeping, and a 3-semester graduate level diagnosis, assessment and treatment course, all pre-approved by the Committee Chair.
- The professional can submit any coursework completed after the complaint was filed for consideration by the Committee Chair
- The professional shall not provide any type of neurofeedback services to any current or former psychotherapy clients

and, if not signed, to invite the professional to participate in a formal interview and, if refused, to remand to formal hearing. The motion passed unanimously. See attached roll call vote.

H. Anne Carver, LISAC-13091 and LPC-11752

Ms. Rinaudo summarized the results of the Board's investigation.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Nix moved, seconded by Mr. Evans, to accept the signed Interim Consent Agreement not to practice. The motion passed unanimously. See attached roll call.

The Board took a break at 12:25 p.m., reconvening its public meeting at 12:38 p.m.

8. Applications for licensure: review, consideration and action

Social Work

Ms. Menchaca moved, seconded by Mr. Evans, to approve 4 applicants as Licensed Clinical Social Workers, 7 applicants as Licensed Master Social Workers and 1 applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Ms. Menchaca moved, seconded by Mr. Evans, to deny 3 applicants based on their failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Ms. Brassea, to approve 17 applicants as Licensed Associate Counselors and 10 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to approve 1 applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 6 applicants based on their failure to pass the required exam and 9 applicants based on their failure to meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

Substance Abuse

Mr. Evans moved, seconded by Ms. Brassea, to approve 8 applicants as Licensed Associate Substance Abuse Counselors and 4 applicants as Licensed Substance Abuse Technicians. The motion passed unanimously.

Mr. Evans moved, seconded by Ms. Brassea, to deny 3 applicants based on their failure to meet minimum requirements in supervision and/or education. The motion passed unanimously.

Marriage & Family Therapy

Ms. Gabler moved, seconded by Mr. Evans, to approve 8 applicants as Licensed Associate Marriage and Family Therapists and 2 applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

Mr. Gabler moved, seconded by Mr. Evans, to deny 6 applicants based on their failure to pass the required exam. The motion passed unanimously.

9. Report from Chair.

A. Chair report

No report.

B. Member reports

No report.

C. Review of A.R.S. §32-3206

Ms. Nix summarized her attempt to gather information regarding how other Boards interpret A.R.S. §32-3206.

D. Election of Chair and Secretary

Tabled until all members are present.

E. FY08 strategic plan outcomes and FY09 strategic plan

Members reviewed the FY08 strategic plan outcomes.

Following review and discussion by members, Ms. de Blank moved, seconded by Mr. Evans, to accept the FY08 outcomes as presented. The motion passed unanimously.

Members discussed the strategic plan for FY09.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Menchaca, to accept the FY09 strategic plan as discussed. The motion passed unanimously.

F. FY10-11 Budget

Ms. Rinaudo reviewed the proposed FY10-11 budget.

Following review and discussion by members Ms. De Blank moved, seconded by Ms. Menchaca, to approve the FY10-11 budget as presented. The motion passed unanimously.

G. Nursing Board request

Ms. Rinaudo reported that the Arizona Board of Nursing has requested support in requesting an Attorney General's opinion regarding the necessity for duplicate requests for proof of citizenship from renewal applicants.

Following review and discussion by members, Ms. Nix moved, seconded by Ms. Brassea, to support the Arizona Board of Nursing in its request for an Attorney General opinion. The motion passed unanimously.

10. Report from the Treasurer

Monthly Financial Report

Ms. Rinaudo reported regarding the monthly financial reports.

Ms. Menchaca moved, seconded by Ms. Brassea, to accept the May and June financial reports as presented. The motion passed unanimously.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Background questions on license and renewal applications

Ms. Rinaudo distributed copies of the Medical Board's license application background questions for review and comparison to this Board's license application background questions.

Members discussed possible changes to the Board's current procedures for processing cases where a professional fails to appropriately disclose criminal history.

C. Rules package to reduce required continuing education hours

Ms. Rinaudo reported regarding the rules package needed to reduce the renewal requirement for continuing education from 40 hours to 30 hours.

Following review and discussion, Ms. Menchaca moved, seconded by Ms. Nix, to approve the rules package as presented. The motion passed unanimously.

12. Committee Reports

None

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

None

14. Future agenda items

- Transition plan development for licensees required to terminate their private practices
- Board's role in addressing challenges of licensees practicing within the public behavioral health system

15. Call for public comment

None

16. Establishment of future meeting dates

The next meeting is scheduled for September 5, 2008, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Ms. Nix moved, seconded by Ms. Menchaca, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:30 p.m.

Secretary/Treasurer

Date