



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
February 4, 2005

Members Present: Cedric Davis, Steve LeGendre, Laura Waterman, Jose Herrera, Kathleen Phillips, Ruth Lee
Members Absent: Dan Wright
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor General's Office, Kami Thur, Mary Wilson
Public Present: Maxine Lyons, Ruth Ann LeFebvre, Jennifer Brummet, Frank Cummings
Public by telephone: Guy Ziegler

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on February 4, 2005, at 8:44 a.m. with Mr. LeGendre presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Ms. Phillips moved, seconded by Mr. Herrera, to approve the general meeting minutes from the January 7, 2004, meeting as submitted. The motion carried with Ms. Lee abstaining.

4. **Administrative Hearings**

A. *Jennifer Brummet, CSAC applicant*

Board members and staff were introduced. Ms. Mangiapane from the Solicitor General's Office appeared on behalf of the Board. Mr. LeGendre reviewed the rules of procedure for a formal administrative hearing.

Ms. Brummet appeared in person and gave an opening statement. Mr. Harris, A.A.G., appeared on behalf of the State and gave an opening statement.

Ms. Brummet was sworn in and testified on her own behalf.

Ms. Rinaudo, Executive Director of the Board, was sworn in and testified regarding the basis for the Substance Abuse Credentialing Committee's denial of Ms. Brummet's Certified Substance Abuse Counselor application.

Mr. LeGendre admitted State's Exhibits 1-5 into evidence.

Ms. Brummet cross-examined Ms. Rinaudo.

Ms. Brummet made a closing statement and requested that the Board overturn the Committee's denial of her certification application.

Mr. Harris made a closing statement and requested that the Board affirm the Committee's denial of Ms. Brummet's certification application.

Following discussion, Dr. Waterman moved, seconded by Ms. Phillips, to affirm the Substance Abuse Credentialing Committee's denial of the professional's certification application. The motion passed unanimously. See attached roll call.

B. Guy Ziegler, CSAC applicant

Ms. Rinaudo reported that the professional was properly noticed, but has not appeared for the formal hearing. Because the professional was properly noticed regarding the time and date of this hearing, Mr. Harris requested that the Board move forward with the hearing.

Ms. Mangiapane advised the Board that it can go forward with the hearing or it can postpone the hearing to allow Mr. Ziegler an additional opportunity to participate. Board staff located Mr. Ziegler by telephone. He indicated that he was willing to participate by telephone.

Mr. Ziegler gave an opening statement. Mr. Harris, A.A.G., appeared on behalf of the State and gave an opening statement.

Mr. Ziegler stated that he has no additional information or documentation to offer in support of his appeal.

Ms. Rinaudo, Executive Director of the Board, was sworn in and testified regarding the basis for the Substance Abuse Credentialing Committee's denial of Mr. Ziegler's Certified Substance Abuse Counselor application.

Mr. LeGendre admitted State's Exhibits 1-6 into evidence.

Mr. Ziegler made a closing statement and requested that the Board overturn the Committee's denial of his certification application.

Mr. Harris made a closing statement and requested that the Board affirm the Committee's denial of Mr. Ziegler's certification application.

Following discussion, Ms. Phillips moved, seconded by Dr. Davis, to affirm the Substance Abuse Credentialing Committee's denial of the professional's certification application. The motion passed unanimously. See attached roll call.

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

A. 2003-0016, Joan Parkinson, LAC-10432

Ms. Rinaudo summarized the facts of the complaint filed against Ms. Parkinson.

Ms. Parkinson was noticed, but did not appear.

Following discussion, Dr. Waterman moved, seconded by Dr. Davis, to approve the Counseling Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously.

B. 2003-0067, Frank Cummings, LPC-0917

Ms. Rinaudo summarized the facts of the complaint filed against Mr. Cummings.

After review and discussion, Ms. Phillips moved, seconded by Dr. Davis, to dismiss the complaint based on lack of jurisdiction. The motion passed unanimously.

C. 2003-0008, Mikki Kloss, LMFT-0157

Mr. Harris reviewed the facts of the case. Dr. Kloss was noticed, but did not appear.

Mr. Harris reported that the professional has requested an amendment to the consent agreement that would delete the systems theory course requirement and allow early release from the terms of the consent agreement after 6 months of clinical supervision.

After review and discussion, Ms. Phillips moved, seconded by Dr. Davis, to accept the consent agreement as modified, subject to the professional's acceptance, and if not accepted, to continue with the formal hearing now scheduled for February 25, 2005. The motion passed unanimously. See attached roll call.

The Board took a break from 11:28 a.m. reconvening at 11:35 a.m.

D. Richard Giberti, LPC-10574 and LISAC-1509

Mr. Harris reviewed the facts of the case regarding the summary suspension of the professional's license. Mr. Giberti was noticed, but did not appear. He has signed the interim consent agreement and has agreed not to practice pending further action by the Board.

After review and discussion, Ms. Phillips, moved, seconded by Dr. Waterman, to accept the signed interim consent agreement. The motion passed unanimously.

E. Deana Johnson, LISAC-10554

Ms. Rinaudo reported that the professional has completed all terms of the consent agreement. Ms. Johnson was noticed, but did not appear.

After review and discussion, Dr. Davis moved, seconded by Dr. Waterman, to release the professional from the terms of the consent agreement. The motion passed unanimously.

F. Michael Salazar, LISAC-1390

Ms. Rinaudo summarized the facts of the case. Mr. Salazar was noticed, but did not appear.

After review and discussion, Dr. Waterman moved, seconded by Ms. Phillips, to approve the Counseling Credentialing Committee's recommendation to accept the signed consent agreement for the revocation of Mr. Salazar's license. The motion passed unanimously. See attached roll call.

G. NJ04-0024, Stuart Estes

Ms. Rinaudo reported that the professional is not licensed by this Board and the complaint indicates he is a case manager at Value Options.

Following discussion, Dr. Waterman moved, seconded by Ms. Phillips, to dismiss the complaint as non-jurisdictional. No further investigation appears necessary at this time. The motion passed unanimously.

H. NJ04-0025, Linda Levy

Dr. Waterman recused herself from all matters involving Ms. Levy.

Ms. Rinaudo reported that the professional is not licensed by this Board. She reviewed documents provided with the complaint, including a written report prepared by the professional and her curriculum vitae.

After review and discussion, Ms. Phillips moved, seconded by Ms. Lee, to dismiss the complaint as non-jurisdictional and to direct staff to continue the investigation regarding whether Ms. Levy is engaged in the unlawful practice of psychotherapy. The motion passed unanimously.

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

Social Work

Dr. Davis moved, seconded by Mr. LeGendre, to approve 4 applicants as Licensed Clinical Social Workers, 12 applicants as Licensed Master Social Workers, and 1 applicant as a Licensed Baccalaureate Social Worker. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. LeGendre, to deny Christine Cohan's application. The motion passed unanimously.

Counseling

Dr. Waterman recused herself from all matters involving Linda Vance.

Mr. LeGendre moved, seconded by Dr. Davis, to approve 17 applicants as Licensed Professional Counselors and 21 applicants as Licensed Associate Counselors. The motion carried with Dr. Waterman recused.

Dr. Waterman moved, seconded by Mr. LeGendre, to deny the applications of Faith Harrison, Jeffrey Rifkin and Elizabeth Van Tuinen-Youngs. The motion passed unanimously.

Substance Abuse

Dr. Waterman recused herself from all matters involving Elizabeth Shallenberger.

Mr. LeGendre moved, seconded by Dr. Davis, to approve 2 applicants as Licensed Independent Substance Abuse Counselors and 1 applicant as a Licensed Associate Substance Abuse Counselor. The motion carried with Dr. Waterman recused.

Marriage & Family Therapy

Mr. LeGendre moved, seconded by Dr. Davis, to approve 1 applicant as a Licensed Marriage & Family Therapist and 1 applicant as a Licensed Associate Marriage & Family Therapist. The motion passed unanimously.

Mr. LeGendre moved, seconded by Dr. Davis, to deny Adrienne Kronholm's application. The motion passed unanimously.

7. Report from the Chair

A. Election of officers

Members discussed the process for elections and the importance of seniority in choosing new officers. Dr. Waterman moved, seconded by Dr. Davis, to elect Ms. Phillips as interim Chair of the Board. The motion passed unanimously.

B. Appointment of Rules Subcommittee

Ms. Rinaudo reported that the following members have offered to serve on the Rules Subcommittee:

- Kathleen Phillips, Board;
- Dan Wright, Marriage & Family Therapy Credentialing Committee;
- Traci Sawyer-Sinkbeil, Social Work Credentialing Committee;
- Del Worley, Substance Abuse Credentialing Committee; and
- JoAnne Ellsworth, Counseling Credentialing Committee.

Mr. LeGendre moved, seconded by Dr. Davis, to appoint the Rules Subcommittee consisting of the members named above. The motion passed unanimously.

C. Review of pending legislation

Ms. Rinaudo reported regarding pending legislation impacting the Board's jurisdiction. Members addressed the need for the Board to be prepared to respond in a timely manner to pending legislation.

D. Authorization for Executive Director to speak on behalf of the Board

Following discussion, Mr. LeGendre moved, seconded by Dr. Waterman, to authorize the Executive Director to speak on behalf of the Board regarding pending legislation. The motion passed unanimously.

8. Report from the Treasurer

A. Monthly financial report

Mr. LeGendre presented the monthly financial report.

B. Budget update

Ms. Rinaudo reported regarding the progress of the Board's budget through the legislative process.

9. Report from Executive Director and/or staff.

A. General Agency Operations

No report.

B. Acceptance of work experience acquired as BHT

Ms. Rinaudo reported that behavioral health technicians practicing at licensed Department of Health Services facilities are exempt from licensure. Applications have been received where the work experience was acquired when the applicant was an unlicensed behavioral health technician after July 1, 2004.

Ms. Rinaudo has scheduled discussion of the issue by each of the credentialing committees in February. She will report back to the Board regarding the credentialing committees' recommendations as to whether the Board should accept work experience acquired as an unlicensed technician.

C. Sanctions for professionals who failed to disclose criminal history on previous applications/renewals

Ms. Rinaudo indicated that the Board has received information that a number of applicants and licensees failed to appropriately disclose their criminal history on previous certification and renewal applications where, had the information been disclosed, it likely would not have impacted the professional's ability to be certified or to renew their certification. The Board needs to review this issue to determine what type of action, if any, should be pursued with regard to these failure to disclose cases.

Ms. Rinaudo has scheduled discussion of this issue by each of the credentialing committees in February. She will report back to the Board regarding the credentialing committees' recommendations.

10. Committee Reports.

None

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

None

12. Future agenda items

None

13. Call for public comment

None

14. Establishment of future meeting date(s)

The next meeting is scheduled for March 4, 2005, at 8:30 a.m. in room B-2.

The final meeting calendar for 2005 was reviewed. Dr. Davis moved, seconded by Dr. Waterman, to approve the 2005 meeting calendar. The motion passed unanimously.

15. Adjournment

Dr. Waterman moved, seconded by Ms. Lee, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:40 p.m.

Steve LeGendre
Secretary/Treasurer

Date