



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
3443 NORTH CENTRAL AVENUE, SUITE 1700  
PHOENIX, AZ 85012  
PHONE: 602.542.1882 FAX: 602-364-0890  
Website: [www.az.gov](http://www.az.gov)  
Website: [www.bbhe.state.az.us](http://www.bbhe.state.az.us)  
E-mail address: [azbbhe@bbhe.state.az.us](mailto:azbbhe@bbhe.state.az.us)

JANET NAPOLITANO  
Governor

KATHLEEN PHILLIPS  
Board Chair

DEBRA RINAUDO  
Executive Director

---

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
February 3, 2006

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

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor General's Office, Sherry Blatner, Amy Shelton, Mary Grossi, Mary Wilson, Karen Zilkie

Public Present: Jesse Newborn, Charles Hover, Gail Saraydar, Rodolfo Moreno, Scott Tiffany, Jane Santa Cruz, Melissa Black, Nicole Roskens, Clay Cox

Public by telephone: Nick Scalpone, Heather Watkinson

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on February 3, 2005, at 8:58 a.m. with Ms. Phillips presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Dr. Waterman moved, seconded by Mr. Herrera, to approve the general meeting minutes from the January 6, 2006, meeting, as submitted. The motion carried with Mr. Wright and Ms. Phillips abstaining.

4. **Administrative Hearings**

A. *Jane Santa Cruz, LPC applicant*

Ms. Phillips reviewed the rules for administrative hearings.

Ms. Santa Cruz made an opening statement.

Mr. Harris made an opening statement on behalf of the State.

Ms. Santa Cruz testified on her own behalf. She also asked that Exhibit A be admitted into evidence.

Ms. Phillips admitted Respondent's Exhibit A into evidence.

Mr. Harris called Ms. Rinaudo as the State's only witness. Ms. Rinaudo was sworn in and testified. Mr. Harris asked that State's Exhibits 1 through 10 be admitted into evidence.

Ms. Phillips admitted State's Exhibits 1 through 10 into evidence.

Ms. Santa Cruz made a closing argument.

Mr. Harris made a closing argument requesting that the Board affirm the denial of Ms. Santa Cruz's reassessment request.

Following review and discussion by members, Dr. Waterman moved, seconded by Dr. Davis, to affirm the denial of the applicant's reassessment request. The motion passed unanimously. See attached roll call.

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

*A. 2005-0069, John Morris, SA applicant*  
Tabled

*B. 2006-0028, Nicole Roskens, LPC-10823*

Ms. Blatner summarized the facts of the complaint and the Counseling Credentialing Committee's recommendation to accept the proposed consent agreement.

Ms. Roskens appeared in person and addressed the Board.

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

*C. 2003-0050, Jesse Newborn, LCSW-1460*

Ms. Shelton summarized the facts of the complaint and the Social Work Credentialing Committee's recommendation to dismiss the complaint.

Mr. Newborn and his attorney Mr. Hover, appeared in person and addressed the Board.

Following review and discussion, Dr. Davis moved, seconded by Ms. Worley, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

*D. 2003-0078, Diana Vigil, LPC-0805*

Ms. Rinaudo summarized the facts of the complaint and the Counseling Credentialing Committee's recommendation to dismiss the complaint.

Ms. Vigil was noticed, but did not appear.

The complainant appeared in person and addressed the Board.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

*The Board took a break at 11:10 a.m., reconvening its public meeting at 11:19 a.m.*

*E. 2006-0018, Clay Cox, LMFT-0338*

Ms. Blatner summarized the facts of the complaint and the Marriage & Family Therapy Credentialing Committee's recommendation to accept the signed consent agreement.

Mr. Cox appeared in person and addressed the Board.

Following review and discussion, Mr. Wright moved, seconded by Mr. Herrera, to offer the professional a modified the consent agreement that includes the following:

- Probation for six months.
- Monthly clinical supervision by a LMFT pre-approved by the Marriage & Family Therapy Credentialing Committee (MFTCC) Chair.
- Clinical supervisor will submit quarterly reports for approval by the MFTCC Chair.
- Bi-weekly counseling for a minimum of twelve sessions.
- Counselor must be masters level licensed at the independent level.
- Focus of counseling will be ethics, boundary issues, full-disclosure, addressing the professional's previous pattern of domestic violence, and transference and countertransference issues
- Counselor will submit quarterly reports for approval by the MFTCC Chair.
- All costs will be borne by the professional.

The motion passed unanimously. See attached roll call vote.

*F. 2004-0036, Heather Watkinson, LCSW-4113*

Ms. Rinaudo summarized the professional's request for release from the terms of her consent agreement.

Ms. Watkinson addressed the Board telephonically.

Following review and discussion, Dr. Davis moved, seconded by Mr. Wright, to release the professional from the terms of the consent agreement. The motion carried with Dr. Waterman abstaining.

*G. NJ06-0002, Rekha Shirtekar*

Ms. Rinaudo summarized the facts of the complaint. Ms. Shirtekar is not licensed by the Board.

Ms. Shirtekar was noticed, but did not appear.

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

*H. NJ06-0003, Nick Scalpone*

Ms. Blatner summarized the facts of the complaint. Mr. Scalpone is not licensed by the Board.

Mr. Scalpone addressed the Board telephonically.

Following review and discussion, Dr. Waterman moved, seconded by Mr. Herrera, to issue a Cease and Desist Order and to forward the matter to the Pima County Attorney's Office for action based on the finding that Mr. Scalpone was engaged in the practice of behavioral health without a license and while not under an exemption pursuant to A.R.S. §32-3271. The motion passed unanimously.

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

*I. NJ06-0004, Susan Luffey*

Ms. Rinaudo summarized the facts of the complaint. Ms. Luffey is not licensed by the Board.

Ms. Luffey was noticed, but did not appear.

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

Following further discussion, Ms. Phillips moved, seconded by Dr. Davis, to direct staff to obtain additional information from Ms. Luffey and her employer regarding her exemption status, a description of her job duties and Office of Behavioral Health Licensure status. The motion passed unanimously.

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

### *Social Work*

Dr. Davis moved, seconded by Ms. Worley, to approve 11 applicants as Licensed Clinical Social Workers, eight applicants as Licensed Master Social Workers and one applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Dr. Davis moved, seconded by Dr. Waterman, to deny one applicant for social work licensure based on the applicant's failure to establish that the applicant met minimum licensure requirements in work experience or education and one applicant based on not passing the required exam. The motion passed unanimously.

### *Counseling*

Dr. Waterman moved, seconded by Dr. Davis, to approve 12 applicants as Licensed Professional Counselors and seven applicants as Licensed Associate Counselors. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Wright, to deny five applicants for counseling licensure based on the applicants' failure to establish that they meet minimum licensure requirements in education and/or work experience. The motion passed unanimously. Dr. Waterman was recused from the vote.

*Substance Abuse*

Ms. Worley moved, seconded by Dr. Waterman, to approve 2 applicants as Licensed Associate Substance Abuse Counselors and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously. Ms. Phillips was recused from the vote.

Dr. Waterman moved, seconded by Mr. Wright, to deny two applicants for substance abuse licensure based on the applicants' failure to establish that they meet minimum licensure requirements in education and/or work experience. The motion passed unanimously. Ms. Worley was recused from the vote.

*Marriage & Family Therapy*

Mr. Wright moved, seconded by Dr. Davis, to approve one applicant as a Licensed Marriage & Family Therapist. The motion passed unanimously.

Mr. Wright moved, seconded by Dr. Davis, to deny two applicants for marriage and family therapy licensure based on the applicants' failure to establish that they meet minimum licensure requirements in education and/or work experience. The motion passed unanimously.

**7. Report from the Chair**

None

**8. Report from the Treasurer**

*A. Monthly financial report*

Dr. Davis reported regarding the agency's monthly revenues and expenses.

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

*A. General Agency Operations*

Ms. Rinaudo reviewed the current customer satisfaction survey results. Members agreed to take a 45 minute lunch break at the March Board meeting.

*B. Continuing education for meeting attendance*

Following discussion, members discussed a possible rule revision to allow licensee's to claim one hour of continuing education credit towards the Board's three hour ethics requirement for attendance at a credentialing committee meeting where complaints are discussed.

*C. ASWB Spring Education meeting*

Dr. Davis requested that the Board approve multiple members of the Social Work Credentialing Committee (SWCC) to attend the Spring 2006 Association of Social Work Boards (ASWB) Education meeting.

Dr. Waterman moved, seconded by Mr. Wright, to approve multiple members of the SWCC to attend the ASWB Spring Education Meeting. The motion carried with Ms. Lee and Mr. Herrera opposed based on inadequate information regarding the agenda of the meeting or the cost of member attendance.

*D. Proposed legislation*

Members discussed HB2780.

*E. Letter regarding appointments*

Members discussed the problems associated with not having timely appointments to vacant seats on the Board and its Credentialing Committees.

Dr. Waterman moved, seconded by Dr. Davis, to submit a letter to the Governor's Office regarding problems associated with the lack of timely member appointments. The motion passed unanimously.

**10. Committee Reports.**

None

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

None

**12. Future agenda items**

- Board decision from 9/21 regarding committee attendance at professional meetings
- Process for approval of committee member travel
- Evaluation of Executive Director

**13. Call for public comment**

None

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

The next meeting is scheduled for March 3, 2006, at 8:45 a.m., at 3443 North Central Avenue, Room 908.

**15. Adjournment**

Dr. Davis moved, seconded by Ms. Worley, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:45 p.m.

---

Cedric Davis  
Secretary/Treasurer

---

Date