



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

CEDRIC DAVIS
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
February 2, 2007

Members Present: Cedric Davis, Diane Brassea, Julian Pickens, Robert Evans, Laura de Blank, Jose Herrera
(in at 12:40 p.m.)

Members Absent: Ruth Lee, Kahryn Nix

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor Generals Office,
Mary Grossi, Sherry Blatner, Jessica Burguan, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on February 2, 2007, at 9:08 a.m. with Dr. Davis presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Approval of the minutes was tabled due to a lack of quorum.

4. Administrative Hearings

A. Carolyn Rhodes, LPC applicant

Members reviewed the professional's faxed request, received by the Board on February 1, 2007, requesting a postponement of the formal hearing.

Mr. Harris, A.A.G., addressed the Board regarding the need for an applicant to establish good cause to justify a continuance of a formal hearing.

Following discussion by members, Ms. Brassea moved, seconded by Dr. Davis, to deny the request for a continuance. The motion passed unanimously.

Dr. Davis reviewed the procedures for conducting a formal administrative hearing.

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

Mr. Harris, A.A.G., appeared on behalf of the state and made an opening statement.

Ms. Rinaudo, the Board's Executive Director, was sworn in and testified on behalf of the Board.

State's exhibits 1 through 12 were admitted into evidence. Mr. Harris reviewed documents Ms. Rhodes submitted for Board consideration. All these documents were included in the State's exhibits.

Mr. Harris gave a closing argument.

Following review and discussion, Ms. Brassea moved, seconded by Dr. Davis, to affirm the Counseling Credentialing Committee's recommendation to deny the application based on Ms. Rhodes' failure to establish that she completed required coursework in Professional Counseling Ethics and Multicultural Foundations. The motion passed unanimously. See attached roll call vote.

5. Formal Interviews

None

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

A. 2007-0069, Anna Book, LAC applicant and LISAC-10371

Ms. Rinaudo reported regarding the procedural history of the pending complaint as it applies to the professional's Licensed Associate Counselor application and her current Licensed Independent Substance Abuse Counselor license.

The professional's attorney, Mr. Kaplan, addressed the Board. Mr. Kaplan requested a settlement conference to address issues currently pending before the Board.

Ms. de Blank moved, seconded by Mr. Evans, to remand the pending complaint as it applies to the professional's LISAC license to formal hearing. The motion passed unanimously.

B. 2002-0008, Brian Terrell, LPC-0909

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

Mr. Terrell appeared in person and addressed the Board.

Following review and discussion, Mr. Evans moved, seconded by Ms. de Blank, to release the professional from the consent agreement. The motion passed unanimously.

C. 2006-0029, Judy Pease, LISAC-11635

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

Ms. Pease appeared in person and addressed the Board.

Following review and discussion, Mr. Evans moved, seconded by Mr. Pickens, to release the professional from the consent agreement. The motion passed unanimously.

D. 2007-0004, Valerie Gale, LMFT-0134, LISAC-0575 and LPC-1006

Ms. Grossi summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion, Ms. Brassea moved, seconded by Mr. Evans, to invite the professional to participate in a formal interview and, if she declines, to remand the case to formal hearing. The motion passed unanimously.

E. 2007-0082, Marvin James, LISAC-11486

Ms. Blatner summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion, Ms. Brassea moved, seconded by Ms. de Blank, to accept the Substance Abuse Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously.

F. 2005-0013, Rebecca Curie, LAC applicant

Ms. Rinaudo summarized the facts of the case.

Mr. Cohen, attorney for the professional, requested that finding of fact 2 and conclusion of law 2 regarding the professional's failure to maintain treatment plans be deleted from the consent agreement based on the submission of additional information.

Following review and discussion, Mr. Evans moved, seconded by Ms. de Blank, to accept the Counseling Credentialing Committee's recommendation to accept the consent agreement with the modifications Mr. Cohen requested. The motion passed unanimously. See attached roll call.

G. 2007-0024, James Bissell, LAC applicant and LASAC applicant

Ms. Rinaudo summarized the differences between the consent agreements proposed by the Substance Abuse Credentialing Committee and the Counseling Credentialing Committee in this matter.

Mr. Bissell appeared in person and addressed the Board.

Following review and discussion, Dr. Davis moved, seconded by Ms. Brassea, to offer the professional the consent agreement recommended by the Counseling Credentialing Committee and, if the professional does not sign the consent agreement, to deny the Licensed Associate Substance Abuse Counselor and Licensed Associate Counselor applications. The motion passed unanimously. See attached roll call vote.

H. NJ07-0005, Joseph Patterson

Ms. Rinaudo summarized the non-jurisdictional complaint.

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

The Board took a break from 10:05 a.m., reconvening its public meeting at 10:14 a.m.

7. Consent Agenda: review, consideration and action

A. 2007-0053, Rochelle Speare, LCSW-10110

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

B. 2004-0020, William Snellgrove, CISW-3869

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

C. 2004-0022, Steven Grams, LISAC-1405

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

D. 2006-0052, Kathleen Keil, LCSW-2246

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

Mr. Harris explained the purpose of the consent agenda for the benefit of new Board members.

Following discussion, Mr. Evans moved, seconded by Ms. Brassea, to accept the consent agenda items A through D as submitted. The motion passed unanimously.

8. Applications for licensure: review, consideration and action

Social Work

Dr. Davis moved, seconded by Mr. Evans, to approve ten applicants as Licensed Clinical Social Workers, fifteen applicants as Licensed Master Social Workers and one applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Evans, to deny six applicants for social work licensure based on the applicants' failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Ms. Brassea, to approve nine applicants as Licensed Professional Counselors and twenty-three applicants as Licensed Associate Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny nine applicants for counseling licensure based on their failure to establish that they meet minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

Substance Abuse

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

Mr. Evans moved, seconded by Ms. Brassea, to deny one applicant for substance abuse licensure based on her failure to pass the required exam and one applicant based on a finding of unprofessional conduct. The motion passed unanimously.

Marriage & Family Therapy

Mr. Pickens moved, seconded by Ms. Brassea, to approve one applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

9. Report from Chair.

A. Chair report

Dr. Davis thanked new members for their service on the Board.

B. Member reports

None

C. Election of Secretary

Dr. Davis nominated Mr. Pickens to serve as Secretary/Treasurer.

Following discussion, Ms. Brassea moved, seconded by Mr. Evans, to elect Mr. Pickens to serve as Secretary/Treasurer. The motion passed unanimously.

10. Report from Treasurer

A. Monthly financial report

Ms. Rinaudo reviewed the monthly financial report.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Review, consideration and action regarding HB2115 and HB2479

Ms. Rinaudo reviewed the bills and their impact on Board processes.

C. Review, consideration and action regarding Board process for out-of-state travel

Ms. Rinaudo summarized the Board's September 2005 decision to allow the credentialing committees to appoint one member to attend the annual conference of related licensing boards.

Dr. Davis moved, seconded by Ms. de Blank, to uphold the Board's past decision regarding out-of-state travel. The motion carried with Ms. Brassea and Mr. Evans opposed.

D. Update of FY08-09 budget

Ms. Rinaudo reported regarding the Office of Strategic Planning and Budgeting and Joint Legislative Budget Committee's recommendation regarding the Board's FY08-09 budget.

Diane Brassea opposed the out of town travel expense vote and closing the expense and budget items since other Board members questioning the budget and expenses were not present to address the reoccurring item on agenda.

12. Committee reports

None

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

None

14. Future agenda items

Several members indicated concern that the Board considered the member travel funding issue even though the member who asked to review this issue was absent. Members discussed re-agendizing the funding issue to allow participation by the member who originally requested Board discussion of this issue.

There was not a consensus amongst the Board members as to whether this issue should be placed on a future agenda. As a possible alternative Mr. Harris, AAG advised the Board that when an item lacks a consensus, any member of the Board may move to have it placed on a future agenda with the outcome of the vote determining whether the matter will appear on a subsequent agenda.

Ms. Brassea moved, seconded by Mr. Herrera, to re-agendize the member travel issue on the Board's March agenda. The motion failed with Ms. Brassea, Mr. Herrera and Mr. Evans voting in favor of the motion and Dr. Davis, Ms. de Blank and Mr. Pickens voting in opposition to the motion.

15. Call for public comment

Diane Brassea made a request to reopen or add expense and budget items on the March 2, 2007 agenda, and chair advised this was not allowed as this agenda item was for Public Comments Only.

16. Establishment of future meeting dates

The next meeting is scheduled for March 2, 2007, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Dr. Davis moved, seconded by Ms. Brassea, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:59 p.m.

Julian Pickens
Secretary/Treasurer

Date