



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

GAIL CHASE
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
January 9, 2004

Members Present: Gail Chase, Kathleen Phillips, Jose Herrera, Michael Salazar, Jim Roth, Lisa Aumack, Susan Allanson, Hank Peck, Steve LeGendre

Members absent: Rudy Buchanan, Cedric Davis, Roberta Gastineau, Karl Gauby, Milton Mattox, Dan Wright

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Mary Wilson, Becky Edstrom

Public Present: Pat Corrigan, Lynn Brysacz, Jeri Gerold, Cheri McCracken, Mike Downs

Public by Telephone: Susanna Mandaville, Elizabeth Ferrier

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on January 9, 2004, at 9:13 a.m. with Gail Chase presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Ms. Phillips moved, seconded by Ms. Allanson, to approve the general meeting minutes of December 5, 2003, as amended to correct a spelling error. The motion passed unanimously.

Ms. Phillips moved, seconded by Ms. Allanson, to approve the executive session minutes of December 5, 2003, as submitted. The motion passed unanimously.

4. Review, Consideration and Action on Complaints and Other Disciplinary Matters

A. 2003-0021 and 2003-0022, Steve Grams, SA-1402

Ms. Rinaudo summarized the facts of the complaints and results of the agency's investigation. The professional was noticed, but did not appear.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Mr. LeGendre, to approve the Substance Abuse Credentialing Committee's recommendation to dismiss both complaints as unsubstantiated. The motion passed unanimously.

B. 2003-0012 and 2002-0015, Mariann Nelson, SW applicant

Ms. Rinaudo summarized the facts of the complaints and results of her investigation. The professional and her attorney were noticed, but did not appear. The complainant, Mr. Downs, appeared in person.

Following review and discussion by Board members, Mr. Peck moved, seconded by Ms. Allanson, to approve the Social Work Credentialing Committee's recommendation to deny certification based on the professional's failure to meet minimum requirements by taking and passing the required exam and pursuant to A.A.C. R4-6-901(D), based on the following findings of unprofessional practice:

1. Violation of A.R.S. §32-3251(10)(f), making use of statements of a character tending to deceive or mislead the public;
2. Violation of A.R.S. §32-3251(10)(i), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession, as it relates to NASW Code of Ethics 4.04, social workers should not participate in, condone, or be associated with dishonesty, fraud, or deception, and NASW Code of Ethics 1.06(a), Social workers should be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment; and

3. Violation of A.R.S. §32-3251(10)(j), any conduct, practice or condition that impairs the ability to safely and competently practice.

The motion passed unanimously. See attached roll call.

C. 2003-0003, Teri Geier, SW-10176I

Ms. Rinaudo summarized the facts of the complaint and results of the agency's investigation. The professional's attorney, Cheri McCracken, appeared in person. The complainants, Ms. Mandaville and Ms. Ferrier, appeared telephonically.

Following review and discussion by Board members, Ms. Allanson moved, seconded by Mr. Roth, to approve the Social Work Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

D. 2003-0008, Micki Kloss, MFT-0157

Ms. Rinaudo reported that the professional's attorney has requested a continuance of this matter.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Mr. Peck, to continue this matter. The motion passed unanimously.

E. 2002-0001, Penny Maniscalco Goodman, SW-2926I

Ms. Rinaudo summarized the facts of the complaint and the professional's compliance with consent agreement stipulations. The professional was noticed, but did not appear.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Ms. Allanson, to release the professional from the consent agreement. The motion passed unanimously.

F. 2002-0002, Mary Sievert, CC-2109A

Ms. Rinaudo summarized the facts of the complaint and the professional's compliance with consent agreement stipulations. The professional was available by telephone, but did not participate.

Following review and discussion by Board members, Ms. Allanson moved, seconded by Mr. Salazar, to release the professional from the consent agreement. The motion passed unanimously.

G. NJ03-0010, Richard Gooflieb

H. NJ03-0011, Michael Hughes

I. NJ03-0009, Barry Linde

J. NJ03-0012, Catherine Arnold

K. NJ03-0012, Richard Strahle

L. NJ03-0014, Mike Haggard

M. NJ03-0015, Bernard De Marias

Mr. Roth moved, seconded by Ms. Allanson, to dismiss complaints NJ03-0009 through NJ03-0015 as non-jurisdictional. The motion passed unanimously.

N. Malcolm Leal

Ms. Rinaudo summarized the facts of the complaint and the results of her investigation. Following review and discussion by Board members, Mr. Peck moved, seconded by Dr. Aumack, to issue a cease and desist order. The motion passed unanimously. See attached roll call.

O. Eric Hemphill

Ms. Rinaudo summarized the facts of the complaint and the results of her investigation. Following review and discussion by Board members, Ms. Phillips moved, seconded by Ms. Allanson, to issue a cease and desist order. The motion passed unanimously. See attached roll call.

5. Review, Consideration and Action on Applicants Recommended for Certification

Substance Abuse

Mr. Salazar moved, seconded by Mr. Roth, to approve 39 applicants for Substance Abuse Counselor certification. The motion passed unanimously.

Social Work

Ms. Allanson moved, seconded by Mr. Roth, to approve one applicant for Baccalaureate Social Worker certification, 10 applicants for Master Social Worker certification and 24 applicants for Independent Social Worker certification. The motion passed unanimously.

Counseling

Dr. Aumack moved, seconded by Ms. Phillips, to approve 11 applicants for Associate Counselor certification and 22 applicants for Professional Counselor certification. The motion passed unanimously.

6. Report from the Chair and items for review, consideration and possible action

No report

7. Report from the Treasurer and items for review, consideration and possible action

A. Monthly report

Mr. LeGendre reported that revenues continue to exceed expenditures.

Ms. Rinaudo reported that the agency expects expenses to increase in January because of the costs associated with the extension of the Board's contract with Stuart Goodman and its contract for help with the rules package.

8. Report from the Executive Director and/or staff

A. Agency operations

No report.

B. Licensure rules

Ms. Rinaudo reported that the Rules Subcommittee met on December 23, 2003, and resolved many issues in the draft. The subcommittee will have two additional meetings before the rules are posted on the Board's website and distributed for public comment. Public meetings will be held for 60 days in Phoenix, Tucson and Flagstaff.

C. SA scope of practice

Ms. Rinaudo reported that the agency has been made aware of concerns expressed by professionals around the state concerning the substance abuse scope of practice under licensure and questions relating to whether a LISAC with a master's degree can continue to practice general mental health counseling after licensure becomes effective. Additionally, questions have been raised as to whether a substance abuse counselor license will be required for a professional to practice substance abuse counseling.

Members discussed the scope of practice for substance abuse counselors under licensure, which is limited to treating chemical dependency and related problems. This scope of practice was intentionally narrowed to prevent licensed substance abuse counselors from treating general mental health issues unrelated to chemical dependency. Members also discussed the licensure scopes of practice for the other three disciplines, which include treatment of all types of general mental health issues. Members clarified that, regardless of these broad scopes of practice, a licensee may not provide any treatment without possessing appropriate training, education and experience to do so safely and competently.

Mr. Harris asked members to always bring these types of issues before the Board for interpretation and to be careful when speaking to clarify that they are not speaking on behalf of the Board.

9. Committee Reports

No report

11. National and regional news regarding the profession

None

12. Future agenda items

None

13. Call for public comment

None

14. Establishment of future meeting dates

The next meeting is scheduled for February 6, 2004, at 9:00 a.m. in room B-2.

15. Adjournment

Ms. Phillips moved, seconded by Ms. Allanson, to adjourn. The motion passed unanimously and the meeting was adjourned at 9:52 a.m.

Steve LeGendre
Secretary/Treasurer

Date