



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
January 5, 2007

Members Present: Cedric Davis, Laura Waterman, Ruth Lee (out at 1:03 p.m.), Jose Herrera (in at 1:15 p.m.), Del Worley, Barbara Freeman

Members Absent: Dan Wright, Diane Brassea

Staff Present: Amy Shelton, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Sherry Blatner, Kami Thur, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on January 5, 2007, at 9:09 a.m. with Dr. Davis presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Dr. Waterman moved, seconded by Ms. Worley to approve the Board meeting minutes of December 1, 2006. The motion passed unanimously. Dr. Cedric abstained from the vote.

4. Administrative Hearings

A. R. Jeffery Russ, LISAC applicant

Dr. Davis reviewed the procedures for a formal administrative hearing and introduced Board members.

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

Mr. Russ participated telephonically and made an opening statement.

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

Mr. Russ was sworn in and testified on his own behalf.

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

State's Exhibits 1 through 8 were admitted into evidence.

The parties gave their closing arguments.

Following review and discussion, Ms. Worley moved, seconded by Dr. Waterman to affirm the Substance Abuse Credentialing Committee's recommendation to deny the application for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call vote.

The Board took a break at 10:10 a.m., reconvening its public meeting at 10:15 a.m.

B. Isabella Moreno, LAMFT applicant

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

Ms. Moreno was properly noticed, but did not appear.

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

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

State's Exhibits 1 through 10 were admitted into evidence.

Mr. Harris gave a closing argument.

Following review and discussion, Ms. Lee moved, seconded by Ms. Worley, to affirm the Marriage and Family Therapy Credentialing Committee's recommendation to deny the application for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call vote.

C. Janet McFarland, LPC applicant

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

Ms. McFarland appeared and made an opening statement.

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

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

Respondent's exhibit A was admitted into evidence.

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

State's Exhibits 1 through 10 were admitted into evidence.

The parties gave their closing arguments.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to affirm the Counseling Credentialing Committee's recommendation to deny the application for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call vote.

The Board took a break from 11:42 a.m., reconvening its meeting at 11:51 a.m.

5. Formal Interviews.

A. 2002-0037, Lori Martinez, LISAC-1650 and LPC-2395

Dr. Davis reviewed procedures for conducting a formal interview.

Ms. Blatner summarized the facts of the investigation and the consent agreement previously offered to the professional.

Ms. Martinez appeared in person and addressed the Board.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Freeman, to adopt the Findings of Fact from the proposed consent agreement. The motion passed unanimously.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Freeman, to adopt the Conclusions of Law from the proposed consent agreement. The motion passed unanimously.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to adopt the Order from the proposed consent agreement. The motion passed unanimously.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to modify the Order to accurately reflect current licensure statutes. The motion passed unanimously.

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

A. 2003-0043, 2004-0029 and 2005-0046, Charles Lehman, LMFT-0479 and LISAC-1373

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

Mr. Lehman appeared in person and addressed the Board regarding his request for review or rehearing.

Mr. Harris appeared on behalf of the state and opposed Mr. Lehman's request for a review or rehearing based on Mr. Lehman's failure to articulate the specific grounds for his request.

Following review and discussion, Dr. Davis moved, seconded by Dr. Waterman, to deny the professional's request for a review or rehearing based on his failure to specify the grounds for his request, as required pursuant to A.A.C. R4-6-1002(A). The motion passed unanimously.

The Board took a break from 1:03 p.m., reconvening its meeting at 1:15 p.m.

B. 2003-0023, Neli Volante, LPC-2400 (suspended)

Mr. Harris summarized the facts of the case.

Dr. Waterman moved, seconded by Mr. Worley, to invite the professional to participate in a formal interview. The motion passed unanimously.

C. 2007-0074, Abby Shamatha, LAC-11815 and LPC applicant

Ms. Shelton summarized the facts of the case.

The professional's attorney, Larry Cohen, appeared on behalf of the professional and addressed the Board.

Dr. Waterman moved, seconded by Ms. Lee, to offer the professional a modified consent agreement that deletes Finding of Fact 2 from the proposed consent agreement. The motion passed unanimously. See attached roll call.

Mr. Cohen stated that he will advise the Board within 10 days as to whether the professional will accept the modified consent agreement.

D. 2007-0016, Glenna Cook, LAC-11048

Ms. Blatner summarized the facts of the case.

Ms. Cook appeared in person and addressed the Board.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to offer the professional a modified consent agreement that allows her to submit supervised work experience hours acquired before the effective date of the consent agreement, recognizing that the Counseling Credentialing Committee will consider any such work experience when it is submitted to determine whether it complies with licensure requirements. The motion passed unanimously. See attached roll call.

E. 2007-0039, Marc Espino, LAC applicant

Ms. Blatner summarized the facts of the case.

Mr. Espino appeared in person and addressed the Board.

Dr. Waterman moved, seconded by Mr. Herrera, to accept the proposed consent agreement. The motion passed unanimously. See attached roll call.

F. 2005-0142 and 2007-0049, Rayne Norton, LMSW-11723

Ms. Shelton summarized the facts of the case.

Ms. Norton was noticed, but did not appear.

Dr. Davis moved, seconded by Ms. Worley, to offer the professional a consent agreement for the voluntary surrender of her license and, if the consent agreement is not accepted, to remand this matter to formal hearing. The motion passed unanimously.

7. Consent Agenda: review, consideration and action

A. 2006-0161, Cheryl Anulare, LPC applicant

B. 2007-0058, Donna Schmidt, LAC applicant

Dr. Davis moved, seconded by Dr. Waterman, to accept the proposed consent agreements. The motion passed unanimously. See attached roll call vote.

C. 2007-0081, Linda Anson, LPC applicant

D. 2007-0070, Sabino Lozano, LCSW-1123 and LISAC-0955

- E. 2007-0071, David Gooden, LCSW-0808
- F. 2006-0126, Gregory Hinchcliff, LMSW-11743
- G. 2004-0021, Karen Newman, LISAC-10500
- H. 2005-0041, Catalina Christophe, LISAC-11560 and LPC applicant

Following discussion by members, Dr. Davis moved, seconded by Dr. Waterman, to dismiss complaints against Gregory Hinchcliff, Karen Newman and Catalina Christophe and to dismiss the complaints and issue a letter of concern to Sabino Lozano, David Gooden and Linda Anson. The motion passed unanimously.

8. Applications for licensure: review, consideration and action

Social Work

Dr. Davis moved, seconded by Dr. Waterman, to approve 7 applicants as Licensed Clinical Social Workers, 12 applicants as Licensed Master Social Workers, and 1 applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Dr. Davis moved, seconded by Dr. Waterman, to deny 1 applicant for social work licensure based on the applicants' failure to pass the required exam. The motion passed unanimously.

Counseling

Dr. Waterman moved, seconded by Mr. Herrera, to approve 12 applicants as Licensed Professional Counselors and 38 applicants as Licensed Associate Counselors. The motion passed unanimously.

Dr. Waterman moved, seconded by Ms. Worley, to deny 4 applicants for counseling licensure based on their failure to establish that they meet minimum licensure requirements in education and/or supervised work experience and 2 applicants based on a finding of unprofessional conduct and not meeting minimum requirements in education and/or work experience. The motion passed unanimously.

Substance Abuse

Ms. Worley moved, seconded by Mr. Herrera, to approve 1 applicant as a Licensed Independent Substance Abuse Counselor and 3 applicants as Licensed Associate Substance Abuse Counselor. The motion passed unanimously.

Ms. Worley moved, seconded by Ms. Freeman, to deny 1 applicant for substance abuse licensure based on the failure to establish that the applicant meets minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

Marriage & Family Therapy

Dr. Davis moved, seconded by Ms. Worley, to deny 2 applicants for marriage and family therapy licensure based on their failure to establish that they meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

9. Report from Chair.

A. Chair report

Dr. Davis thanked Board staff and members for their professionalism.

B. Member reports

None

10. Report from Treasurer

A. Monthly financial report

None

11. Report from the Executive Director and/or staff

A. General Agency Operations

None

B. Approval for out-of-state member travel

Tabled

C. Security at meetings

Members agreed to keep security present for all Board meetings, but to allow the credentialing committees to individually decide whether security is needed for every meeting.

Dr. Waterman asked staff to use security guards in a formal uniform to better deter inappropriate incidents or outbursts.

D. 2003-0035, Michael Robinson

Mr. Harris provided an update regarding legal proceedings.

E. 2005-0098, Shelia Eiseman

Mr. Harris provided an update regarding legal proceedings.

12. Committee reports

A. Work experience acquired as a leased employee.

Ms. Dougherty appeared in person and addressed the Board. Her attorney, Megan Grable, also appeared and addressed the Board.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Lee, to accept the work experience acquired at CPR. The motion passed unanimously.

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

None

14. Future agenda items

None

15. Call for public comment

None

16. Establishment of future meeting dates

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

17. Adjournment

Dr. Waterman moved, seconded by Ms. Worley, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:17 p.m.

Laura Waterman
Secretary/Treasurer

Date