



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

MICHAEL SALAZAR
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
July 9, 2004

Members Present: Michael Salazar, Laura Waterman, Jose Herrera, Kathleen Phillips, Ruth Lee
Members Absent: Cedric Davis, Dan Wright, Steve LeGendre
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Jason Martin, Mary Wilson, Victoria Mangiapane
Public by telephone: Cynthia Beanblossom, Linda Calderone
Public Present: Natalie Horwitz, Javan Horwitz, William Harrison, Michael Wisely, Leslie Barasha, Yanile Abedellantes, Jean Parsons, Lorena Diaz, Patricia Ling, Michelle Mugge, Sandra Klar, Berenis Romo, Richard Louritien, Jason Smith, Jennifer Hoelf, Violetta Lopez, Roxanna Gomez, Melinda Gomez, Ann Marie Jensen, Richard Jensen, Louis Henry, Cathy Tullgren, Roy Tullgren, Shirley Yives, Brenda Darling, Elisha Au, Laura Smyth, Erika Guzman, Elaine Flannagan, Dale Litwiller, Tammy Aho, Elana Battle, Roderick Watkins, Tara Allen, Jamie Glick, Trudy Reed, Jim Hershey

1. **Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on July 9, 2004, at 9:05 a.m. with Michael Salazar presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Due to the July 1, 2004, statutory change in Board composition, Mr. Salazar invoked the rule of impossibility to allow approval of the minutes from past meetings.

Mr. Salazar moved, seconded by Mr. Herrera, to approve the general meeting minutes of June 4, 2004, as submitted. The motion carried with Ms. Lee abstaining.

Ms. Phillips moved, seconded by Mr. Herrera, to approve the general meeting minutes of June 29, 2004, as submitted. The motion carried with Ms. Waterman and Ms. Lee abstaining.

Ms. Phillips moved, seconded by Mr. Herrera, to approve the general meeting minutes of June 30, 2004, as submitted. The motion carried with Ms. Waterman and Ms. Lee abstaining.

4. **Administrative Hearings**

A. *2003-0057, Javan Horwitz, SA applicant*

Mr. Salazar reviewed the rules of conduct for a formal administrative hearing and Board members and staff introduced themselves. Mr. Horwitz and his attorney, Mr. Harrison, appeared in person. Mr. Harris, A.A.G., appeared on behalf of the state and Ms. Mangiapane, Solicitor General's Office, appeared representing the Board.

Mr. Harrison and Mr. Harris gave opening statements.

Mr. Harrison called Mr. Horwitz, who was sworn in and testified on his own behalf.

Ms. Lee moved, seconded by Ms. Phillips, to go into Executive Session for the purpose of receiving legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the committee went into executive session at 12:19 p.m., reconvening its public meeting at 12:22 p.m.

Mr. Harris called Ms. Rinaudo, Executive Director of the Board, who was sworn in and testified regarding the Board's investigation of Mr. Horwitz' application. Mr. Harrison cross-examined Ms. Rinaudo.

Mr. Salazar admitted Mr. Horwitz' Exhibits A-D into evidence. Mr. Harris noted that these exhibits are not relevant to the reasons for denial of Mr. Horwitz' application. Mr. Salazar admitted State's Exhibits 1-14 into evidence. The parties stipulated that Exhibit 14 is a copy of a letter sent to Mr. Horwitz after he passed the ICRC exam.

The Board took a break at 1:00 p.m. reconvening its public meeting at 1:10 p.m.

Mr. Harrison made a closing argument on Mr. Horwitz' behalf requesting a modification to the Substance Abuse Credentialing Committee's decision to deny certification.

Mr. Harris made a closing argument on behalf of the state asking the Board to affirm the denial of the application.

Following deliberation by Board members, Ms. Waterman moved, seconded by Ms. Lee, to affirm the Substance Abuse Credentialing Committee's recommendation to deny certification based upon the reasons set forth in the June 1, 2004, notice of hearing of denial of certification. The motion carried with Ms. Phillips opposed. See attached roll call.

B. 2003-0058, Natalie Horwitz, SA applicant

Mr. Salazar reviewed the rules of conduct for a formal administrative hearing and Board members and staff introduced themselves. Ms. Horwitz and her attorney, Mr. Harrison, appeared in person. Mr. Harris, A.A.G., appeared on behalf of the state and Ms. Mangiapane, Solicitor General's Office, appeared representing the Board.

Mr. Harrison and Mr. Harris gave opening statements.

Mr. Harrison called Ms. Horwitz who was sworn in and testified on her own behalf.

Mr. Harris called Ms. Rinaudo, Executive Director of the Board, who was sworn in and testified regarding the Board's investigation of Ms. Horwitz' application. Mr. Harrison cross-examined Ms. Rinaudo.

Mr. Salazar admitted State's Exhibits 1 through 15 into evidence. Mr. Salazar admitted Ms. Horwitz' Exhibits A and B into evidence.

Mr. Harrison made a closing argument on Ms. Horwitz' behalf requesting a modification to the Substance Abuse Credentialing Committee's decision to deny certification.

Mr. Harris made a closing argument on behalf of the state asking the Board to affirm the denial of the application.

Following deliberation by Board members, Ms. Waterman moved, seconded by Ms. Lee, to affirm the Substance Abuse Credentialing Committee's recommendation to deny certification based upon the reasons set forth in the June 1, 2004, notice of hearing of denial of certification. The motion carried with Ms. Phillips and Mr. Herrera opposed. See attached roll call.

The Board took a break at 11:45 a.m. reconvening its public meeting at 11:50 a.m.

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

A. 2004-0023, Alexandra Fortune, SW-34921

Mr. Martin summarized the facts of the complaint and terms of the proposed consent agreement. Ms. Fortune was noticed, but did not appear.

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

B. 2003-0061, Norman Mudd, MFT-0068

Mr. Martin summarized the facts of the complaint and the results of the investigation. Mr. Mudd was noticed, but did not appear.

Following review and discussion by members, Ms. Phillips moved, seconded by Mr. Herrera, to approve the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the compliant as unsubstantiated. The motion passed unanimously.

C. 2001-0042, Linda Calderone, SW-3652I

Mr. Martin summarized the professional's completion of the stipulations of the consent agreement. Ms. Calderone appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Phillips moved, seconded by Mr. Herrera, to approve the professional's request to be released from the terms of the consent agreement subject to the Board's receipt of a letter from Ms. Calderone's supervisor approving the early release. The motion passed unanimously.

D. 2002-0023 and 2002-0017, Anne Marie Jensen, CC-1896 and SA-1096

Mr. Martin summarized the professional's completion of the stipulations of the consent agreement. Ms. Jensen appeared in person.

Following review and discussion by members, Ms. Phillips moved, seconded by Mr. Herrera, to approve the professional's request to be released from the terms of the consent agreement. The motion passed unanimously.

E. 2002-0046, Miriam de Levie, SW-1778I

Mr. Martin summarized the professional's completion of the stipulations of the consent agreement. Ms. De Levie was noticed, but did not appear.

Following review and discussion by members, Ms. Phillips moved, seconded by Mr. Herrera, to approve the professional's request to be released from the terms of the consent agreement. The motion passed unanimously.

F. 2003-0080, Lorena Diaz, SW-1045M and CISW applicant

Mr. Martin summarized the facts of the complaint and reviewed the terms of the proposed consent agreement. Ms. Diaz appeared in person and addressed the Board.

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

G. 2004-0010, Eugene Dawson, SA-0827 and MFT-0010

Mr. Martin summarized the facts of the complaint and reviewed the terms of the proposed consent agreement. Mr. Dawson was noticed, but did not appear.

Following review and discussion by members, Ms. Phillips moved, seconded by Mr. Herrera, to approve the Marriage and Family Therapy Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

H. 2003-0042, Dale Litwiller, CC-10433 and SA-0028

Mr. Martin summarized the facts of the complaint, reviewed the terms of the first consent agreement that the professional failed to comply with and reviewed the terms of the proposed consent agreement. Mr. Litwiller appeared in person and addressed the Board.

Following review and discussion by members, Ms. Waterman moved, seconded by Ms. Phillips, to approve the Counseling Credentialing Committee's recommendation to offer a consent agreement that includes the terms of the first consent agreement, a \$360 civil penalty to be paid within 60 days and an additional year to comply. The motion passed unanimously. See attached roll call.

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

Ms. Rinaudo reported that a certification motion was made in error at the June 4, 2004, meeting of the Board.

Following discussion, Ms. Phillips moved, seconded by Ms. Waterman, to rescind the Board's June 4, 2004, motion to certify Gail Eaton as a Certified Master Social Worker. The motion passed unanimously. Due to the July 1, 2004, statutory change in Board composition, Mr. Salazar invoked the rule of impossibility to allow the Board to modify its previous motion.

Ms. Phillips moved, seconded by Ms. Waterman, to certify Gail Eaton as a Certified Independent Social Worker. The motion passed unanimously.

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

A. Appointment of Personnel Subcommittee members

Ms. Phillips moved, seconded by Ms. Waterman, to appoint Mr. Herrera to the Personnel Subcommittee.

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

A. Monthly report

Ms. Rinaudo reported that the revenues continue to exceed expenses.

B. Office of Attorney General contract renewal

Ms. Rinaudo reported that the Board's contract with the Attorney General's Office is due for renewal. Ms. Phillips moved, seconded by Ms. Lee, to renew the Board's contract with the Attorney General's Office. The motion passed unanimously.

Ms. Waterman noted her appreciation of Mr. Harris' availability for consults required during the extra meetings that were held during the month of June.

9. Report from the Executive Director and/or staff

A. Agency operations

B. Licensure update

Ms. Rinaudo reported that licensure has been implemented and licenses are being mailed in batches during July. All licenses will be mailed out by the end of July.

10. 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 Friday, August 6, 2004, at 9:00 a.m. in Room B-2.

15. Adjournment

Ms. Phillips moved, seconded by Ms. Lee, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:35 p.m.

Steve LeGendre
Secretary/Treasurer

Date