



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
July 11, 2003

Members Present: Gail Chase, Kathleen Phillips, Cedric Davis, Steve LeGendre, Michael Salazar, Karl Gauby, Roberta Gastineau, Dan Wright, Jose Herrera

Members absent: Lisa Aumack, Hank Peck, Jim Roth, Susan Allanson, Kirk Bowden, Marianne Clinch

Members by telephone: Milton Mattox

Staff Present: Debra Rinaudo, Patricia Reynolds, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor General's Office, Mary Wilson, Tina Zepeda

Public Present: Donna Turner, Sally Walker, Jee Ditzik, Heather Bates, Caleb Pearson, Norman Veierstahler, Bill Connolly, Phyllis Grossman, Amy Hyman, Kimberly McWilliams, Michelle Running, Jean Parsons, Scott Holden, Barbara Pennington, Amy Vincent

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on July 11, 2003, at 9:02 a.m. with Gail Chase presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Ms. Phillips moved, seconded by Mr. Salazar, to approve the general meeting minutes of June 6, 2003, as submitted. The motion carried with Mr. Herrera and Mr. Wright abstaining.

Ms. Phillips moved, seconded by Mr. LeGendre, to approve the executive session minutes of June 6, 2003, as submitted. The motion carried with Mr. Herrera and Mr. Wright abstaining.

4. Formal Hearings

A. Barbara Pennington, SA-0438

Ms. Pennington, and her attorney, Mr. Holden, appeared in person. Mr. Harris, A.A.G., appeared on behalf of the state and Ms. Mangiapane, Solicitor General's Office, appeared to represent the Board.

Mr. Holden requested that the Board dismiss finding of fact 3 in the complaint and notice of hearing and conclusion of law 7, because Ms. Pennington was ABCAC certified at the time of application to the Board. Following discussion, Ms. Phillips moved, seconded by Dr. Davis, to strike finding of fact 3 and conclusion of law 7. The motion passed unanimously.

Mr. Harris and Mr. Holden gave opening statements to the Board. Mr. Harris called Ms. Reynolds, Chief Investigator for the Board, as the state's witness. She testified regarding the fraudulent transcripts and diplomas produced by the professional. Ms. Chase admitted state exhibits 1-13 into evidence.

Mr. Holden called Ms. Pennington to testify regarding her actions. Ms. Chase admitted exhibits A and B into evidence.

The Board took a break at 9:52 a.m. and reconvened the public meeting at 9:58 a.m.

During rebuttal testimony, Mr. Harris called Ms. Rinaudo, Executive Director of the Board. She testified that NARBHA does not require CSACs to have master's degrees.

Following review and discussion by Board members, Mr. Salazar moved, seconded by Mr. Gauby, to adopt findings of fact 4, 5 and 6. The motion passed unanimously.

Following review and discussion by Board members, Mr. Salazar moved, seconded by Ms. Phillips, to adopt conclusions of law 8 and 9. The motion passed unanimously.

Following review and discussion by Board members, Mr. LeGendre moved, seconded by Mr. Gauby, to issue an order revoking Ms. Pennington's certification. The motion passed unanimously. See attached roll call.

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

A. 2002-0044, Sharyl Cates, SW-0298I

Ms. Reynolds summarized the facts of the complaint. The professional was noticed, but did not appear.

Following review and discussion by Board members, Mr. LeGendre moved, seconded by Ms. Phillips, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint as unsubstantiated. The motion passed unanimously.

B. 2002-0049, Rosemarie Ludwig, CC-0399

Ms. Reynolds summarized the facts of the complaint. The professional was noticed, but did not appear.

Following review and discussion by Board members, Mr. Salazar moved, seconded by Mr. Gauby, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint as unsubstantiated. The motion passed unanimously.

C. 2002-0004, Phyllis Grossman, CC-1814

Ms. Reynolds summarized the facts of the complaint. Ms. Grossman appeared in person and addressed the board.

Following review and discussion by Board members, Dr. Davis moved, seconded by Mr. Salazar, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint as unsubstantiated. The motion passed unanimously.

D. Donice Green, SA-1553 and CC-2049

Ms. Reynolds summarized the facts of the complaint. The professional was noticed, but did not appear. Ms. Green has not signed the consent agreement offered by the Substance Abuse Credentialing Committee.

Following review and discussion by Board members, Mr. Gauby moved, seconded by Dr. Davis, to open a complaint and remand the complaint to formal hearing. The motion passed unanimously.

E. 2002-0027, Michael Liebman, CC-0142

Ms. Reynolds summarized the facts of the complaint. The professional was noticed, but did not appear.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Dr. Davis, to accept the Counseling Credentialing Committee's recommendation to release the professional from the consent agreement. The motion passed unanimously.

F. NJ03-0005, Robert Cottor and NJ03-0006, D.J. Gaughan

Ms. Reynolds summarized the complaints.

Following review and discussion by Board members, Mr. Salazar moved, seconded by Dr. Davis, to dismiss both complaints as non-jurisdictional. The motion passed unanimously.

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

Ms. Gastineau recused herself from all matters involving Ms. Calderone.

Ms. Reynolds summarized the facts of the complaint. The professional was noticed, but did not appear. Mr. Harris reported that Ms. Calderone is willing to sign a consent agreement that allows her to request early release from the consent agreement after six months of supervision if all other stipulations have been met.

Following review and discussion by Board members, Mr. Gauby moved, seconded by Ms. Phillips, to offer and accept an amended consent agreement that allows the professional to request early release from the consent agreement after the Board has received a minimum of two quarterly reports from the supervisor and all other stipulations have been met. The motion passed unanimously. See attached roll call.

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

Substance Abuse

Mr. Salazar moved, seconded by Dr. Davis, to approve thirty-nine applicants as Certified Substance Abuse Counselors. The motion passed unanimously.

Social Work

Dr. Davis moved, seconded by Mr. Salazar, to approve one applicant as a Certified Baccalaureate Social Worker, five applicants as Certified Master Social Workers and ten applicants as Certified Independent Social Workers. The motion passed unanimously.

Counseling

Mr. Gauby moved, seconded by Ms. Phillips, to approve eight applicants as Certified Associate Counselors and eleven applicants as Certified Professional Counselors. The motion passed unanimously.

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

A. Foreign transcript evaluators

Ms. Rinaudo reported that the agency has a longstanding relationship with Educational Credential Evaluators (ECE) and a policy to use ECE to evaluate foreign degrees submitted to meet educational requirements for certification. Recently, applicants have been submitting foreign transcript evaluations from various evaluators other than ECE.

Ms. Rinaudo indicated that there is a need to remain consistent among the disciplines when decisions are made regarding whether to accept a foreign degree. Ms. Rinaudo explained that ECE has joined with other evaluators to form an association to establish consistent standards in the field.

Some options are to continue using ECE exclusively, to begin using the evaluators in the association or to allow applicants to choose their own evaluator. Ms. Phillips and Mr. Gauby will provide information to Ms. Rinaudo reflecting policies used by other entities regarding foreign degree evaluations.

B. Policy regarding supervisors' misrepresentations to the Board

Ms. Rinaudo reported on the inconsistency among committees when addressing circumstances where a supervisor has provided misleading or incorrect information to the board.

Following review and discussion by members, it was agreed that the committees should open complaints to investigate supervisors who submit fraudulent information for applicants.

C. Nightingale Award nominations

Ms. Rinaudo reported that the Arizona Nurses Political Action Committee is seeking nominations for the 2003 Nightingale Award. This award is presented to a legislator who has demonstrated outstanding commitment to the health of the people of Arizona.

Following discussion by Board members, Ms. Phillips moved, seconded by Mr. Salazar, to nominate Representative Gullett for the 2003 Nightingale Award based on her outstanding commitment to issues regarding the mental health of the people of Arizona.

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

A. Monthly report

Mr. LeGendre reported that revenues and expenditures are as budgeted.

Ms. Rinaudo recommended that the Board hire a legislative liaison for the 2004 legislative session to address issues likely to arise regarding the transition to licensure.

9. Report from the Executive Director and/or staff

A. General Agency Operations

B. Development of licensure rules

Ms. Rinaudo reported that the Board is required to adopt licensure rules before July 1, 2004. Draft rules will be provided to the committees for review and then will come before the Board for approval.

Ms. Rinaudo suggested that the Board contract with someone outside of the agency to conduct the public/stakeholder review part of the rules development process. Board members generally agreed to budget for a rules review contract.

C. Review of HB2361

Mr. Harris reported that HB2361 takes effect on September 18, 2003. The bill requires that all certified or licensed professionals and applicants report to their regulatory board within 10 days if they are charged with a felony or a misdemeanor that could affect client safety. The agency will make independent determinations regarding whether to take action or to wait and see if a conviction results. If a professional fails to notify the Board, it is an act of unprofessional conduct. Mr. Harris is developing a list of misdemeanors that will need to be reported. The agency will publish the list when it is complete by notifying the professional organizations and posting it on the website.

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 August 1, 2003, at 9:00 a.m. in room B-2.

15. Adjournment

Dr. Davis moved, seconded by Mr. Salazar, to adjourn. The motion passed unanimously and the meeting was adjourned at 11:42 a.m.

Steve LeGendre
Secretary/Treasurer

Date