



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
1400 WEST WASHINGTON, SUITE 350
PHOENIX, AZ 85007
PHONE: 602.542.1882 FAX: 602.364.0890
Arizona State Website: www.az.gov
Board Website: www.bbhe.state.az.us
Board E-mail Address: azbbhe@bbhe.state.az.us

JANET NAPOLITANO
Governor

MICHAEL SALAZAR
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
June 4, 2004

Members Present: Cedric Davis, Susan Allanson, Michael Salazar, Jim Roth, Karl Gauby, Roberta Gastineau, Dan Wright, Steve LeGendre

Members by Telephone: Milton Mattox, Hank Peck (off at 9:52)

Members Absent: Jose Herrera, Kathleen Phillips

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Jason Martin, Mary Wilson

Public Present: Connie Hillman, Tim Hofmann, Donald Fausel, Josefina Ahumada, Carol Stambaugh, Catherine Penn, Anne Parker, Pat Kerstner

1. **Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on June 4, 2004, at 9:04 a.m. with Steve LeGendre presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Mr. Roth moved, seconded by Dr. Davis, to approve the general meeting minutes of May 7, 2004, as submitted. The motion passed unanimously.

4. **Review, consideration and action of complaints and other disciplinary matters**

A. 2003-0070, *Connie Hillman, SA applicant*

Mr. Roth recused himself from all matters involving Ms. Hillman.

Mr. Martin summarized the facts of the complaint. Ms. Hillman appeared in person and addressed the Board.

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

B. *Timothy Smith*

Mr. Martin reported that the agency received a complaint that Mr. Smith has continued to use the CPC designation after this Board issued a cease and desist order.

Following review and discussion by members, Ms. Gastineau moved, seconded by Mr. Salazar, to issue a second cease and desist order and to notify the appropriate authorities. 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 Ms. Allanson, to approve 91 applicants for Substance Abuse Counselor certification. The motion carried with Mr. Roth abstaining.

Social Work

Dr. Davis moved, seconded by Ms. Allanson, to approve 2 applicants for Baccalaureate Social Worker certification, 20 applicants for Master Social Worker certification and 39 applicants for Independent Social Worker certification. The motion passed unanimously.

Counseling

Mr. Roth moved, seconded by Ms. Allanson, to approve 31 applicants for Associate Counselor certification and 37 applicants for Professional Counselor certification. The motion passed unanimously.

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

A. Election of new Board Chair

Ms. Gastineau moved, seconded by Mr. Roth, to nominate Mr. Salazar to serve as Chair. The motion passed unanimously.

Mr. Salazar accepted the nomination and presided over the balance of the meeting.

B. Review of Superior Court decision regarding Terry Fischer

Mr. Harris reported that the Board's decision regarding Terry Fischer's appeal was upheld by the Superior Court. The judge's decision in this matter was provided to members. Mr. Harris commended members for their conscientious work on this matter.

C. Final adoption of licensure rules

Ms. Rinaudo reported that the Rules Subcommittee, after considering all public comment received by the agency and input from the credentialing committees, has submitted the final draft of the licensure rules for adoption by the Board.

Ms. Rinaudo reviewed the proposed changes made since the last meeting of the Rules Subcommittee:

Mr. Hofmann and Ms. Ahumada addressed the Board regarding changes to the licensure rules requested by the Arizona Behavioral Health Professionals Coalition.

Mr. Hofmann also addressed the Board on behalf of the Arizona Counselors Association. He requested that the rules be modified as follows:

1. To require that clinical supervision of social work applicants provided by Licensed Professional Counselors and Licensed Marriage and Family Therapists be accepted. Dr. Kerstner addressed the Board in support of this change. Ms. Stambaugh and Dr. Fausel addressed the Board in opposition to this change.
2. To prohibit clinical supervision by Licensed Independent Substance Abuse Counselors from satisfying clinical supervision requirements for Licensed Professional Counselors, Licensed Clinical Social Workers and Licensed Marriage and Family Therapists.

Following discussion, Mr. Gauby moved, seconded by Mr. Wright, to modify the definition of "informed consent to treat" to change "licensee" to "an authorized representative of the behavioral health entity" with implementation delayed until July 1, 2006. The motion passed unanimously.

Following discussion, Mr. Gauby moved, seconded by Ms. Allanson, to provide that the Counseling Credentialing Committee will not grant an exemption for substance abuse counselors providing supervision after July 1, 2006. The motion passed unanimously. Following further discussion, Mr. Gauby moved, seconded by Ms. Allanson, to add the same language to the social work and marriage and family therapy clinical supervision sections of the rules. The motion passed unanimously.

Following discussion, Mr. Gauby moved, seconded by Ms. Allanson, to add a requirement that clinical supervisors providing clinical supervision to qualify an applicant for licensure at the independent level must be licensed after July 1, 2006. The motion passed unanimously.

Following discussion, Ms. Allanson moved, seconded by Mr. LeGendre, to delay implementation of R4-6-212(5)(d)(iii), the name and signature of the supervisee, until July 1, 2006. The motion passed unanimously. Following further discussion, Dr. Davis moved, seconded by Mr. Roth, to incorporate (i) into the body of (d). The motion passed unanimously.

Following discussion, Mr. LeGendre moved, seconded by Dr. Davis, to change "procedures and techniques" to "general procedures" in R4-6-1101(A)(2)(b). The motion passed unanimously.

Following discussion, Mr. Gauby moved, seconded by Dr. Davis, to replace "including" with "where appropriate" in R4-6-1102(A)(2). The motion passed unanimously.

Following discussion, Mr. Roth moved, seconded by Ms. Allanson, to delete R4-6-1103(12)(b). The motion passed unanimously.

Ms. Allanson moved, seconded by Mr. Wright, to adopt the licensure rules as amended. The motion passed unanimously.

D. Adoption of additional fees

Ms. Rinaudo reported that the licensure statute provides a requirement for fingerprinting and the authority to issue temporary licenses and licenses by reciprocity. The current fee schedule does not provide for these items. Ms. Rinaudo also reported that the Department of Public Safety requires the Board to collect the fingerprint fee from applicants and pay a total fee for all fingerprint reviews requested. The current fee for a fingerprint check is \$29.

Ms. Allanson moved, seconded by Dr. Davis, to set the fees at \$250 for a license by reciprocity, \$50 for a temporary license, the Department of Public Safety (DPS) rate for a fingerprint check and to accept personal checks for up to the amount of a fingerprint check by DPS. The motion passed unanimously.

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.

8. Report from the Executive Director and/or staff

A. Agency operations

No report.

B. Licensure rules

See 6(C).

C. Consideration of extended meeting time

Ms. Rinaudo reported that there are complaints and other business matters pending Board consideration and that there may be times the Board meetings will need to extend past noon.

Members agreed to be available for all day Board meetings. Agency staff will notify members in advance if it is anticipated that a meeting is not going to require extended time.

9. Committee Reports

No report

10. National and regional news regarding the profession

None

11. Future agenda items

None

12. Call for public comment

None

13. Establishment of future meeting dates

The next meetings are scheduled for Tuesday, June 29, 2004, and Wednesday, June 30, 2004, at 4:00 p.m. by telephone and Friday, July 9, 2004, at 9:00 a.m. in Room B-2.

14. Adjournment

Mr. Roth moved, seconded by Ms. Allanson, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:38 p.m.

Steve LeGendre
Secretary/Treasurer

Date