



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
June 6, 2003

Members Present: Gail Chase, Kirk Bowden, Diane Pruetz, Kathleen Phillips, Cedric Davis, Steve LeGendre, Marianne Clinch, Jim Roth (left at 11:00), Susan Allanson, Michael Salazar, Karl Gauby, Hank Peck

Members absent: Lisa Aumack, Roberta Gastineau, Dan Wright

Members by telephone: Milton Mattox

Staff Present: Debra Rinaudo, Patricia Reynolds, Marc Harris, A.A.G., Mary Wilson, Diane Williams, Pam Osborn, Wanda Contreras, Selena Samarrapaz

Public Present: Lori Martinez, Andrea Arrieta, Donna Beardsley, Richard Smith, Tim Hofmann, Ken Lucas, Don Fausel, Steve Myers, Howard Markson

Public by telephone: Diane Stafford

1. **Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on June 6, 2003, at 9:00 a.m. with Gail Chase presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Mr. Roth moved, seconded by Mr. LeGendre, to approve the general meeting minutes of May 2, 2003, as submitted. The motion carried with Mr. Salazar and Ms. Pruetz abstaining.

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

A. 2002-0026, Terry Fischer, CC-0095

Ms. Reynolds reported that the agency received a fax from Mr. Fischer at 12:30 a.m. on June 6th stating that he would be late for the meeting and requesting that his case be heard later in the meeting. The Board agreed to hear Mr. Fischer's case later in the meeting to afford him the opportunity to attend.

Mr. Fischer did not appear by 12:30 p.m. and the Board began the hearing. Ms. Reynolds reminded members of the rule that a Request for Review or Rehearing must be heard at the next Board meeting after the request is received and then summarized the facts of the complaint. The State was represented by Marc Harris of the Attorney General's Office and the Board was represented by Paula Bickett from the Solicitor Generals Office.

Mr. Harris, A.A.G., addressed the Board on behalf of the State.

Following review and discussion by Board members, Mr. Bowden moved, seconded by Mr. Peck, to deny the professional's Request for Review or Rehearing for the reasons set forth in the State's response. The motion passed unanimously. See attached roll call.

B. 2002-0034, Howard Markson, SW-04701

Ms. Reynolds summarized the facts of the complaint. Mr. Markson and his attorney, Mr. Myers, appeared in person and addressed the Board. The complainant appeared in person and addressed the committee.

Ms. Allanson moved, seconded by Mr. Bowden, 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 Board went into executive session at 11:30 a.m., reconvening its regular meeting at 11:48 a.m.

Following further review and discussion by Board members, Mr. LeGendre moved, seconded by Ms. Phillips, to reject the professional's request to dismiss the matter. The motion failed with Mr. LeGendre, Mr. Peck and Ms. Phillips in favor. See attached roll call.

Ms. Phillips moved, seconded by Mr. LeGendre, that the professional did not engage in conduct or practice in violation of A.R.S. §32-3251(i) as it relates to the NASW Code of Ethics 1.06(d). The motion carried with Dr. Davis, Mr. Gauby and Ms. Pruetz opposed. See attached roll call.

Ms. Phillips moved, seconded by Mr. LeGendre, that the professional did not engage in conduct or practice in violation of A.R.S. §32-3251(i) as it relates to the NASW Code of Ethics 1.03(f). The motion carried with Dr. Davis, Mr. Gauby, Ms. Pruetz and Mr. Salazar opposed. See attached roll call.

Ms. Chase moved, seconded by Ms. Allanson, that the professional did not violate A.R.S. §32-3251(i) as it relates to the NASW Code of Ethics 1.03(b) for not obtaining a written informed consent for treatment of a minor. The motion passed with Ms. Allanson, Dr. Davis, Mr. Gauby, Ms. Pruetz, and Mr. Salazar opposed. See attached roll call.

Ms. Phillips moved, seconded by Ms. Allanson, to dismiss the complaint. The motion passed with Dr. Davis, Mr. Gauby, Ms. Pruetz and Mr. Salazar opposed. See attached roll call.

C. 2002-0037, Lori Martinez, SA-1650 and CC-2395

Ms. Reynolds summarized the facts of the complaint. Ms. Martinez appeared in person and addressed the Board. The complainant, Ms. Stafford, addressed the Board telephonically.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Mr. Peck, to approve the Counseling Credentialing Committee's recommendation to accept a consent agreement with the same findings of fact and conclusions of law and to amend the stipulations so that the professional can petition for release from the consent agreement upon completion of the ethics course. The motion passed unanimously. See attached roll call.

D. 2002-0015, Mariann Nelson, SW applicant

Tabled

E. 1999-0003, Jeffrey Thomas, CC-1169

Ms. Reynolds summarized the facts of the complaint.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Mr. LeGendre, to accept the Counseling Credentialing Committee's recommendation to amend the consent agreement to require compliance with the stipulations of the original consent agreement by December 31, 2003. The motion passed unanimously. See attached roll call.

F. 2000-0043, Charles Lehman, MFT-0479 and SA-1373

Ms. Reynolds summarized the facts of the complaint and the professional's request for modification of the stipulations of the consent agreement.

Following review and discussion by Board members, Mr. Bowden moved, seconded by Dr. Davis, to accept the Marriage and Family Therapy Credentialing Committee's recommendation to amend the consent agreement to require compliance with all original consent agreement stipulations by December 31, 2003. The motion passed unanimously.

G. 2000-0026, Donna Beardsley, CC-0083

Ms. Reynolds summarized the facts of the complaint.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Mr. Bowden, to reinstate the professional's certificate and that the probationary terms of the original consent agreement now go into effect. The motion passed unanimously.

H. NJ03-0002, Edwin Torrojon and NJ03-0004, Cheryl Glass

Ms. Reynolds summarized the facts of the complaints. Following review and discussion by Board members, Ms. Allanson moved, seconded by Mr. Salazar, to dismiss complaint NJ03-0004 as non-jurisdictional and to remand NJ03-0002 to Ms. Reynolds for further investigation.

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

Substance Abuse

Mr. Salazar moved, seconded by Ms. Allanson, to accept twenty-seven applicants for Certified Substance Abuse Counselor. The motion passed unanimously.

Social Work

Dr. Davis moved, seconded by Ms. Allanson, to accept fourteen applicants for Certified Master Social Worker and ten applicants for Certified Independent Social Worker. The motion passed unanimously.

Counseling

Mr. Bowden moved, seconded by Ms. Pruetz, to accept fifteen applicants for Certified Associate Counselor and twenty-six applicants for Certified Professional Counselor. The motion passed unanimously.

Marriage & Family Therapy

Mr. LeGendre moved, seconded by Ms. Pruetz, to accept three applicants for Certified Marriage & Family Therapist. The motion passed unanimously.

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

A. Behavioral Health Coalition's request to address the Board

Mr. Hofmann addressed the Board on behalf of the Behavioral Health Professional's Coalition. Mr. Hofmann and members of the Coalition presented agency staff with a plaque and Ms. Rinaudo with an engraved paperweight in appreciation of their work toward successful passage of HB2206.

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

A. Monthly report

No report.

8. Report from the Executive Director and/or staff

A. General Agency Operations

B. Update on licensure

C. Review of HB2361

Tabled

D. Schedule extra meeting in June 2004

Ms. Rinaudo reported that due to the licensure bill going into effect on July 1, 2004, it appears likely that there will be applications outstanding during the month of June. In order to have the agency in a position to certify all qualified applicants, extra committee meetings have been scheduled and the Board will meet on June 30, 2004, by telephone to approve certification recommendations.

E. Licensure rules development

Ms. Rinaudo reported that rules for implementing the licensure statute need to be approved by the Board by July 1, 2004. The agency will develop a draft, have it reviewed by the committees and bring it before the Board for approval.

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 meeting is scheduled for July 11, 2003, at 9:00 a.m. in room B-2.

14. **Adjournment**

Ms. Allanson moved, seconded by Ms. Pruetz, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:42 p.m.

Steve LeGendre
Secretary/Treasurer

Date