



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
1400 WEST WASHINGTON, SUITE 350
PHOENIX, AZ 85007
PHONE: 602.542.1882 FAX: 602.542.1830
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

GAIL CHASE
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
March 5, 2004

Members Present: Kathleen Phillips (left at 12:30), Michael Salazar, Jim Roth, Lisa Aumack (left at 12:20), Roberta Gastineau, Karl Gauby, Dan Wright, Jose Herrera, Steve LeGendre, Hank Peck

Member by Telephone: Milton Mattox

Members Absent: Cedric Davis, Susan Allanson, Gail Chase

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor General's Office, Jason Martin, Kami Thur, Mary Wilson

Public Present: Micki Kloss, John Doyle, James Bloch, Steve Myers, Diane Genco, Catherine Penn, Catherine Martin, Greg Stephens, Anne Parker, Yvonne Spykerman, Jacqueline Kahn, Cynthia Seginski-Draph

Public by Telephone: Lorelei Jenkins, Marinez Niskey

1. **Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on March 5, 2004, at 9:03 a.m. with Steve LeGendre presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Mr. Gauby moved, seconded by Mr. Roth, to approve the general meeting minutes of February 6, 2004, as amended. The motion carried with Mr. Herrera, Mr. LeGendre and Mr. Peck abstaining.

4. **Administrative Hearings**

A. *Lorelei Jenkins, SW applicant*

Mr. LeGendre reviewed the procedure for formal hearings and Board members introduced themselves. Ms. Jenkins appeared telephonically and addressed the Board. Mr. Harris, A.A.G., appeared on behalf of the state and Ms. Mangiapane, Solicitor General's Office, appeared representing the Board.

Ms. Jenkins and Mr. Harris gave opening statements.

Ms. Rinaudo, Executive Director of the Board, was sworn in and testified regarding the agency's investigation of this matter.

Mr. LeGendre admitted exhibits 1-9 into evidence. Mr. Harris gave a closing argument asking the Board to reaffirm the previous denial of the professional's Certified Master Social Worker application.

Ms. Jenkins gave a closing argument.

Following review and discussion by Board members, Dr. Aumack moved, seconded by Mr. Gauby, to adopt paragraphs 1-7 of the draft findings of fact. The motion passed unanimously.

Mr. Peck moved, seconded by Mr. Roth, to adopt paragraphs 1 through 3 of the draft conclusions of law and to add conclusion of law 4 stating that the professional is ineligible for certification based on R4-6-901(A). The motion passed unanimously.

Dr. Aumack moved, seconded by Mr. Gauby, to issue an order affirming the previous denial of certification. The motion passed unanimously. See attached roll call.

The Board took a break from 10:05 to 10:15 a.m.

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

A. 2003-0008, Micki Kloss, MFT-0157

Ms. Rinaudo summarized the facts of the complaint, the results of the Board's investigation and the committee's recommendation. Dr. Kloss and her attorney, Mr. Doyle, appeared in person and addressed the Board.

The complainant appeared in person and addressed the Board.

Following review and discussion by Board members, Dr. Aumack moved, seconded by Mr. Salazar, to offer a modified consent agreement with all of the original stipulations and an additional requirement as follows:

- One year of supervision;
- Supervisor to be certified or licensed independent behavioral health professional at the masters level and pre-approved by the committee chair;
- Focus of supervision on management of conflict in divorce and ethical standards in conflict situations;
- Monthly supervision meetings; and quarterly reports from the supervisor to the committee chair.
- If the consent agreement is not signed, remand to formal hearing.

The motion passed unanimously.

B. 2003-0074, Charles Farrell, SW-0627I

Ms. Rinaudo summarized the facts of the case. The professional was noticed, but did not appear. The professional submitted a letter regarding this matter for Board review.

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

C. 2003-0032, Diane Genco, CC-1330

Ms. Rinaudo summarized the facts of the case. The professional and her attorney, Mr. Myers, appeared in person and addressed the Board.

Following review and discussion by Board members, Dr. Aumack, moved, seconded by Mr. Gauby, to offer a new consent agreement as follows:

- The same findings of fact as in the original consent agreement;
- Conclusion of law number two to find a violation of A.R.S. 32-3251(10)(i), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession, as it relates to the ACA Code of Ethics C(5)(c), the counselor is accurate, honest and unbiased in reporting professional activities and judgments to third parties;
- Modify the order to remove all references to probation;
- Replace the supervision course with a workshop in clinical recordkeeping to be completed within one year of the effective date of the order;
- Require supervision of all clinical supervision provided by the professional.

The motion passed unanimously. See attached roll call.

D. 2004-0001, Marinez Niskey, SA-10586

Ms. Rinaudo summarized the facts of the case. Ms. Niskey addressed the Board telephonically.

Following review and discussion by Board members, Dr. Aumack moved, seconded by Ms. Phillips, to offer a new consent agreement ordering revocation of the certification. The motion passed unanimously. See attached roll call.

E. David Lader, CPC applicant

Ms. Rinaudo summarized the facts of the case. The professional was noticed, but did not appear.

Following review and discussion by Board members, Mr. Roth moved, seconded by Mr. Salazar, to accept the Counseling Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

F. NJ03-0016, Jan Fooks

G. NJ03-0017, Edwin Torrejon

H. NJ03-0018, Robert Cottor

Ms. Phillips moved, seconded by Mr. Roth, to dismiss the complaints against Ms. Fooks, Mr. Torrejon and Mr. Cottor as non-jurisdictional. The motion passed unanimously.

I. Laroie Shelldon Davis

Ms. Rinaudo reported that the agency received a request for verification of Mr. Davis's professional counselor certification. Mr. Davis held himself out as a Certified Professional Counselor on a resume he submitted with an employment application. Following review and discussion by Board members, Mr. Gauby moved, seconded by Ms. Phillips, to issue a cease and desist order. 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 Mr. Peck, to approve 40 applicants for Substance Abuse Counselor certification. The motion passed unanimously.

Social Work

Ms. Gastineau moved, seconded by Mr. Peck, to approve two applicants for Baccalaureate Social Worker certification, 20 applicants for Master Social Worker certification and 28 applicants for Independent Social Worker certification. The motion passed unanimously.

Counseling

Mr. Roth moved, seconded by Mr. Salazar, to approve 21 applicants for Associate Counselor certification and 31 applicants for Professional Counselor certification. The motion passed unanimously.

Marriage and Family Therapy

Mr. Wright moved, seconded by Mr. Gauby, to approve 3 applicants for Marriage and Family Therapist certification. The motion passed unanimously.

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

No report

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

A. Monthly report

Mr. LeGendre reported that revenues continue to exceed expenditures.

9. Report from the Executive Director and/or staff

A. Agency operations

Ms. Rinaudo introduced Jason Martin as the new Deputy Director and Chief Investigator for the agency.

B. Licensure rules

Ms. Rinaudo reported regarding the public comment period on the draft licensure rules.

C. Licensure update

No report

D. Maricopa Community College District's request for substantive policy statement

Ms. Rinaudo advised the Board that additional information will be distributed and requested that members review all information prior to the April meeting. Members should direct questions to Ms. Rinaudo.

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 April 2, 2004, at 9:00 a.m. in room B-2.

15. Adjournment

Mr. Salazar moved, seconded by Mr. Gauby, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:33 p.m.

Steve LeGendre
Secretary/Treasurer

Date