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BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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JANET NAPOLITANO  
Governor

DEBRA RINAUDO  
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
March 7, 2003

Members Present: Lisa Aumack, Gail Chase, Kirk Bowden, Roberta Gastineau (9:05), Kathleen Phillips, Diane Pruetz, Dan Wright, Susan Allanson, Cedric Davis, Steve LeGendre, Marianne Clinch, Hank Peck

Members absent: Milton Mattox, Karl Gauby, Jim Roth, Michael Salazar

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

Public Present: Christine Packard, Steven Kramer, Jon Seigel, Mark Ogden, Barbara Pennington, Scott Holden, Ann Marie Jensen, Richard Jensen, Carolyn Vargas, Jonathan Heilner

Public by telephone: Patricia Rzonca, Rick Kunkle, Jody Baldonado

1. **Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on March 7, 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 Ms. Allanson, to approve the general meeting minutes of February 7, 2003, as submitted. The motion carried with Ms. Chase and Mr. Peck abstaining.

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

A. *2002-0038, Richard Slechta, SA-applicant*

Ms. Chase introduced Board members and staff. Mr. Harris appeared on behalf of the state. Ms. Mangiapane appeared on behalf of the Board and addressed procedural issues regarding the fact that the professional was properly noticed, but did not appear. As an applicant appealing denial of his certification, Mr. Slechta has the burden of proof in this proceeding.

Ms. Chase explained the process and then tabled consideration of this matter for twenty minutes to allow time for Mr. Slechta to arrive. Ms. Chase reconvened the hearing at 9:25 AM.

Mr. Harris questioned Ms. Reynolds, Chief Investigator for the Board, to establish that Mr. Slechta had been served notice of this hearing by certified and regular mail. The delivery receipt for the certified letter was signed by Windie White on January 30, 2003, at the address listed on Mr. Slechta's appeal request.

Mr. Harris requested dismissal of the appeal based on the fact that 1) the Board provided timely and adequate notice of this hearing, 2) the burden of proof is on Mr. Slechta, and, 3) he failed to appear.

Ms. Aumack moved, seconded by Ms. Allanson, to dismiss Mr. Slechta's appeal reaffirm the Board's prior order to deny Mr. Slechta's certification application based on a finding of unprofessional conduct. The motion passed unanimously.

B. *2002-0031, Carolyn Vargas, SW-34671*

Ms. Reynolds summarized the facts of the case. Ms. Vargas and her attorney, Mr. Kramer, appeared in person and addressed the Board. Mr. Kramer stated that the findings of fact in the consent agreement facts and the committee's findings are not the same. Mr. Kramer requested a continuance to meet with Ms. Reynolds and Mr. Harris to review the differences and to try to reach agreement on the consent agreement.

Following review and discussion by Board members, Ms. Gastineau moved, seconded by Ms. Pruetz, to table consideration of this matter for 30 days. The motion passed unanimously.

*C. 2002-0032, Barbara Pennington, SA-0438*

Ms. Reynolds summarized the facts of the case. Ms. Pennington and her attorney, Mr. Holden, appeared in person and addressed the Board. Mr. Kunkle and Ms. Baldonado, the complainants, appeared telephonically. The Board considered a letter from the professional's current employer and Mr. Holden's testimony that his client made a poor decision, is sorry and will accept any discipline except revocation.

Following review and discussion by Board members, Ms. Aumack moved, seconded by Ms. Pruetz, to approve the Substance Abuse Credentialing Committee's request to remand this case to formal hearing for revocation. The motion passed unanimously.

*D. 2002-0039, Wendy White, CC-1172*

Ms. Reynolds summarized the facts of the case. Ms. Reynolds reported that the complainant has requested that this issue be continued so he can obtain an attorney, as he had requested after the informal meeting. The complainant was properly noticed for the informal and Board meeting, which provided ample time to obtain an attorney. The professional was noticed, but did not appear.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Mr. Peck, to approve the Counseling Credentialing Committee recommendation to dismiss this complaint as unfounded. The motion passed unanimously.

*E. 2002-0017 and 2002-0023, AnnMarie Jensen, CC-1896*

Ms. Reynolds summarized the facts of the case. Ms. Jensen and her attorney, Mr. Ogden, appeared in person. Mr. Ogden questioned the Board regarding procedural issues relating to the signed consent agreement.

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

*F. 2002-0024, Christine Packard, CC-1693*

Ms. Reynolds summarized the facts of the case. Ms. Packard appeared in person. Ms. Reynolds informed members regarding additional information submitted by the complainant.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Mr. Bowden, to approve the Counseling Credentialing Committee's recommendation to dismiss the complaint as unsubstantiated. The motion passed unanimously. See attached roll call.

*G. 2001-0003 and 2001-0004, Jon Seigel, SW-0283I*

Ms. Reynolds indicated that Mr. Seigel has met compliance with the stipulations of the consent agreement and noted that the chair of the Counseling Credentialing Committee approved release from the consent agreement stipulations. Mr. Seigel appeared in person and addressed the Board.

Following review and discussion by Board members, Ms. Allanson moved, seconded by Mr. Bowden, to release the professional from the stipulations of the consent agreement. The motion passed unanimously.

*H. Patricia Rzonca, SA applicant*

Ms. Reynolds summarized the facts of the case and reviewed the consent agreement for members. Ms. Rzonca appeared telephonically and addressed the Board regarding the public nature of all Board orders. Mr. Harris explained that all Board business is a matter of public record and that when Ms. Rzonca completes the stipulations of the consent agreement, that information also will become public information.

Ms. Rzonca asked whether her counselor could provide the required supervision. Dr. Davis stated that would be a dual relationship prohibited under ethical codes.

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

*The Board took a break from 10:00 AM to 10:08 AM*

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

*Substance Abuse*

Ms. Pruetz 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. Pruetz, to accept one applicant for Certified Baccalaureate Social Worker, six applicants for Certified Master Social Worker and nine applicants for Certified Independent Social Worker. The motion passed unanimously.

*Counseling*

Mr. Bowden moved, seconded by Ms. Allanson, to accept eighteen applicants for Certified Associate Counselor and twenty-eight applicants for Certified Professional Counselor. The motion passed unanimously.

*Marriage & Family Therapy*

Mr. Wright moved, seconded by Ms. Allanson, to accept five applicants for Certified Marriage & Family Therapist. The motion passed unanimously.

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

*A. Substantive Policy Statement regarding CSAC scope of practice at OBHL facilities*

Ms. Rinaudo reported that this policy statement is the result of negotiations pertaining to the licensure bill. The statement informs the public that the Board will consider a CSAC employed by an agency licensed by OBHL who is in compliance with OBHL rules to be practicing within their scope as defined in A.R.S. 32-3251(8).

*B. Substantive Policy Statement regarding CSAC scope of practice at IHS funded facilities*

Ms. Rinaudo reported that this policy statement is the result of negotiations pertaining to the licensure bill. The statement informs the public that the Board will consider a CSAC employed by an agency receiving funds from IHS who is in compliance with Indian Health Manual, Part 3, Chapter 18 mandates to be practicing within their scope as defined in A.R.S. 32-3251(8).

Following review and discussion, Ms. Aumack moved, seconded by Mr. Bowden, to adopt the two substantive policy statements regarding CSACs working in OBHL licensed and IHS funded agencies. The motion passed unanimously.

*C. Substantive Policy Statement regarding supervised work experience*

Tabled

*D. Substantive Policy Statement regarding CPC supervision*

Ms. Rinaudo reported that this policy statement informs the public of the guidelines the committee will use when reviewing supervision exemption requests for professional counselor certification.

Following review and discussion, Mr. Peck moved, seconded by Ms. Allanson, to adopt the substantive policy statement regarding counseling supervision exemptions. 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 and expenditures are as budgeted.

Ms. Rinaudo reported that the joint appropriations subcommittee on health voted unanimously to restore the funding for the credentialing position previously recommended for elimination. The subcommittee also recommended approval of funding for the rent increase and payment of 50 percent of our legal counsel's time.

**8. Report from the Executive Director and/or staff**

*A. General Agency Operations*

*B. Update on licensure*

Ms. Rinaudo reported that the bill passed the Rules Committee by a unanimous vote and the amendments were adopted in an engrossed version by the House on the floor Thursday.

Ms. Rinaudo reported that outstanding issues have been resolved with all identified stakeholders.

9. **Committee reports**

No report.

10. **National and regional news regarding the profession(s)**

None

11. **Future agenda items**

None

12. **Call for public comment**

None

13. **Establishment of future meeting dates**

The next meeting is scheduled for April 4, 2003, at 9:00 a.m. in room B-2.

14. **Adjournment**

Dr. Davis moved, seconded by Ms. Pruetz, to adjourn. The motion passed unanimously and the meeting was adjourned at 10:35 a.m.

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Steve LeGendre  
Secretary/Treasurer

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Date