



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

CEDRIC DAVIS
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
March 2, 2007

Members Present: Diane Brassea, Julian Pickens, Robert Evans, Jose Herrera, Ruth Lee
Members Absent: Laura de Blank, Cedric Davis, Kahryn Nix
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor Generals Office, Mary Grossi, Sherry Blatner, Jessica Burguan, Kami Thur, Sheila Perry-Johnson, Mary Wilson, Jill Huguez

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on March 2, 2007, at 9:08 a.m. with Mr. Pickens presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Mr. Evans moved, seconded by Ms. Lee, to approve the general meeting minutes from February 2, 2007, as amended. The motion passed unanimously. Ms. Lee abstained from the vote.

4. Administrative Hearings

A. Linda Focht, LAC Applicant

Dr. Pickens reviewed the procedures for conducting a formal administrative hearing.

Mr. Munns, Solicitor General's Office, appeared as the Board's legal advisor.

Ms. Focht made an opening statement.

Mr. Harris, A.A.G., appeared on behalf of the state and made an opening statement.

Dr. Les McCallen and Jeanne James, counseling program faculty from Prescott College, testified on behalf of Ms. Focht. Ms. Focht testified on her own behalf.

Respondent's Exhibit A was admitted into evidence.

Ms. Rinaudo, the Board's Executive Director, was sworn in and testified on behalf of the Board. Ms. Focht cross-examined Ms. Rinaudo.

State's Exhibits 1 through 9 were admitted into evidence.

Ms. Focht gave a closing statement.

Mr. Harris gave a closing statement.

Following review and discussion, Mr. Evans moved, seconded by Ms. Lee, to grant the license based on a finding that coursework Ms. Focht submitted meets the Board's curriculum requirements. The motion carried with Ms. Brassea and Dr. Pickens opposed. See attached roll call vote.

B. Joi Hollis, LPC applicant

Ms. Rinaudo reported that she received a voice message from Ms. Hollis withdrawing her request for a formal hearing.

5. **Formal Interviews**

None

6. **Complaints and other disciplinary matters: review, consideration and action.**

A. Joaquin Parra, LPC-10688 and LISAC-11387

Ms. Perry-Johnson summarized the facts of the investigation regarding the professional's recent conviction of Attempted Public Indecency with a Minor Under 15.

Mr. Parra addressed the Board telephonically.

Ms. Brassea moved, seconded by Mr. Evans, to open a complaint and accept the signed interim consent agreement indefinitely prohibiting the professional from practicing. The motion passed unanimously. See attached roll call.

B. 2007-0009, Rebecca Williamson, LPC-10260

Ms. Rinaudo summarized the facts of the case.

Ms. Williamson's attorney, Jill Osborne, appeared in person and addressed the Board. The professional was not present.

Following review and discussion, Ms. Brassea moved, seconded by Mr. Evans, to accept an interim consent agreement indefinitely prohibiting the professional from practicing and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

C. 2007-0101, Richard Krug, LAC applicant

Ms. Blatner summarized the facts of the case.

Mr. Krug addressed the Board telephonically and indicated that he would not accept the consent agreement offered by the Counseling Credentialing Committee.

Following review and discussion, Mr. Evans moved, seconded by Ms. Brassea, to deny the application based on a finding of unprofessional conduct as follows:

- The professional violated A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession, based on work performance issues resulting in the professional's termination from both behavioral health positions the professional has held since obtaining his graduate degree.

The motion passed unanimously. See attached roll call.

D. 2007-0099, Charles Hare, LCSW-11897

Ms. Grossi summarized the facts of the case.

The professional was noticed, but did not appear.

Following review and discussion, Ms. Lee moved, seconded by Mr. Evans, to approve the Social Work Credentialing Committee's recommendation to accept the proposed interim consent agreement and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

E. 2004-0007, Sherry Burk, LPC-1730

Ms. Rinaudo summarized the professional's request for modifications to the consent agreement.

The professional was noticed, but did not appear.

Following review and discussion, Ms. Lee moved, seconded by Mr. Herrera, to approve the Counseling Credentialing Committee's recommendation to deny the request for modification to the consent agreement. The motion passed unanimously.

F. 2007-0107, Shareef Muhammad, LSAT-applicant

Ms. Blatner summarized the facts of the case.

Mr. Muhammad appeared in person and addressed the Board.

Following review and discussion, Ms. Brassea moved, seconded by Ms. Lee, to approve the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

G. 2006-0041, Patricia Pruitt, LASAC-13029

Ms. Thur summarized the facts of the case.

Ms. Pruitt appeared in person and addressed the Board.

Following review and discussion, Ms. Brassea moved, seconded by Mr. Evans, to invite the professional to participate in a formal interview and, if not accepted, to remand the matter to formal hearing. The motion passed unanimously.

H. 2006-0060, Frank Leonardo, LISAC-10696

Tabled due to lack of quorum.

I. NJ07-0014, Leslie Van Valkenberg

Ms. Rinaudo summarized the facts of the case.

Ms. Lee moved, seconded by Ms. Brassea, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

J. 2006-0113, Wesley Lore, LAC-12159

Ms. Blatner summarized the facts of the case.

The professional was noticed, but did not appear

Following review and discussion, Ms. Lee moved, seconded by Mr. Herrera, to release the professional from the interim consent agreement and accept the proposed consent agreement with a modification to require the professional to submit the name of his proposed therapist within 30 days. The motion passed unanimously. See attached roll call.

K. 2005-0085, 2005-0134 and 2006-0049, Kris Radke, LPC-0186

Ms. Blatner summarized the facts of the case.

The professional was noticed, but did not appear

Following review and discussion, Ms. Brassea moved, seconded by Mr. Evans, to release the professional from the interim consent agreement and accept the proposed consent agreement. The motion passed unanimously. See attached roll call.

L. 2007-0055, Kathleen Wales, LMSW applicant

Ms. Blatner summarized the facts of the case.

The professional was noticed, but did not appear

Ms. Lee moved, seconded by Mr. Evans, to modify the consent agreement to require the professional to submit the name of her proposed therapist within 30 days. The motion passed unanimously.

Following further discussion by members, Dr. Pickens moved, seconded by Mr. Evans, to remand the case to the Substance Abuse Credentialing Committee for review of the terms of the consent agreement. Members expressed concern that the proposed consent agreement did not adequately address issues identified in the investigative report. The motion passed unanimously.

M. Shoshana Jacobsen

Ms. Rinaudo summarized the facts of the case.

Ms. Jacobsen and her attorney, Daniel Kaplan, appeared and addressed the Board.

Following review and discussion, Mr. Herrera moved, seconded by Ms. Lee, to release the professional from the terms of the consent agreement to dismiss the second complaint and issue a letter of concern as recommended by the Social Work Credentialing Committee. The motion passed unanimously.

The Board took a break from 11:08 a.m., reconvening its public meeting at 11:22 a.m.

7. **Consent Agenda: review, consideration and action**

A. 2006-0058, James Stewart, LASAC-13015

Review, consideration and action regarding the approval of the signed consent agreement for the voluntary surrender of the professional's license.

B. 2006-0113, Wesley Lore, LAC-12159

See agenda item 6(J).

C. 2005-0085, 2005-0134 and 2006-0049, Kris Radke, LPC-0186

See agenda item 6(K).

D. 2007-0055, Kathleen Wales, LMSW applicant

See agenda item 6(L).

E. 2004-0011 and 2205-0121, Shoshana Jacobsen, LCSW-0694

See agenda item 6(M).

F. 2007-0061, Laura Henry, LMSW applicant

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint.

The complainant appeared in person and addressed the Board after the Board completed its review of this matter.

G. 2007-0052, Tracy Butler, LPC-1114

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint.

Following discussion, Mr. Evans moved, seconded by Ms. Lee, to approve the consent agenda items A, F and G as submitted. The motion passed unanimously. See attached roll call.

The Board took a break from 1:20 p.m., reconvening its public meeting at 1:30 p.m.

8. **Applications for licensure: review, consideration and action**

Mr. Herrea moved, seconded by Ms. Brassea, to rescind the Board's February 2, 2007, motion to license Mr. Arieta as a Licensed Clinical Social Worker. The motion passed unanimously.

Social Work

Ms. Brassea moved, seconded by Mr. Evans, to approve four applicants as Licensed Clinical Social Workers, ten applicants as Licensed Master Social Workers and one applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Counseling

Mr. Herrera moved, seconded by Mr. Evans, to approve seven applicants as Licensed Professional Counselors and thirty-one applicants as Licensed Associate Counselors. The motion passed unanimously.

Mr. Herrera moved, seconded by Ms. Brassea, to deny six applicants for counseling licensure based on their failure to pass the required exam and three applicants based on their failure to establish that they meet minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

Substance Abuse

Mr. Evans moved, seconded by Ms. Brassea, to approve one applicant as a Licensed Independent Substance Abuse Counselor and two applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Mr. Evans moved, seconded by Ms. Brassea, to deny two applicants for substance abuse licensure based on their failure to pass the required exam. The motion passed unanimously.

Marriage & Family Therapy

Dr. Pickens moved, seconded by Mr. Evans, to deny two applicants for marriage and family therapy licensure based on their failure to establish that they meet minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

9. Report from Chair.

A. Chair report

None

B. Member reports

None

10. Report from Treasurer

A. Monthly financial report

Dr. Pickens moved, seconded by Mr. Evans, to accept the financial report as submitted. The motion passed unanimously.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Review, consideration and action regarding certificate of licensure signatures

Ms. Rinaudo reported regarding the format of the signatures on Board licenses. Traditionally, the licenses include the signature of the Board and credentialing committee chairs.

Members agreed that the signature of the credentialing committee chair is not necessary and can be deleted.

12. Committee reports

A. Social Work Credentialing Committee

The Social Work Credentialing Committee has requested Board approval to pay expenses for two members of the committee to attend the Association of Social Work Boards' Spring Education meeting.

Following discussion, Mr. Herrera moved, seconded by Ms. Brassea, to approve expenses, within State approved travel allowances, for two members of the Social Work Credentialing Committee to attend the ASWB Spring Education meeting. The motion passed unanimously.

13. National and regional trends and news regarding the profession(s)

Mr. Evans reported regarding the development of best practices for tracking outcomes in the therapeutic process.

14. Future agenda items

Mr. Herrera requested that the development of a Board process for including items on the agenda be agendaized for the April meeting.

15. Call for public comment

None

16. Establishment of future meeting dates

The next meeting is scheduled for April 6, 2007, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Ms. Lee moved, seconded by Dr. Pickens, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:55 p.m.

Julian Pickens
Secretary/Treasurer

Date