



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 7, 2008

Members Present: Cedric Davis, Jose Herrera (out at 3:23 p.m.), Julian Pickens, Diane Brassea, Laura de Blank, Robert Evans, Kahryn Nix, Ruth Lee (out at 4:45 p.m.)

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Eleni Katerelos, Sherry Blatner, Kami Thur, Lynanne Chapman, Patricia Reynolds, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on March 7, 2008, at 9:15 a.m. with Dr. Davis presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Evans moved, seconded by Ms. Brassea, to approve the general meeting minutes from February 1, 2008, as submitted. The motion passed unanimously. Ms. Lee and Ms. Nix abstained from the vote.

Mr. Evans moved, seconded by Dr. Pickens, to approve the executive session minutes from February 1, 2008, as submitted. The motion passed unanimously. Ms. Lee and Ms. Nix abstained from the vote.

Mr. Herrera moved, seconded by Dr. Pickens, to approve the general meeting minutes from February 29, 2008, as submitted. The motion passed unanimously. Dr. Davis, Ms. Lee and Ms. Brassea abstained from the vote.

Dr. Pickens moved, seconded by Mr. Herrera, to approve the general meeting minutes from February 29, 2008, as amended. The motion passed unanimously. Dr. Davis, Ms. Lee and Ms. Brassea abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2006-0161, Cheryl Anulare, LPC-12512

Review, consideration and action regarding the professional's request for release from the consent agreement.

B. 2005-0084 and 2005-0117, Lynda Durfy, LPC-2554

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to accept the proposed signed consent agreement.

Ms. Thur summarized the results of the Board's investigation.

The professional appeared in person and addressed the Board.

Following review and discussion, Dr. Davis moved, seconded by Mr. Evans, to re-offer the professional the proposed consent agreement with the following modifications:

- The period of probation is reduced from 24 months to 12 months
- The requirement that the professional work only in an OBHL licensed facility is deleted

and, if not signed, 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. See attached roll call vote.

C. 2007-0128, Kathleen Hernandez, LMSW-11377

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to accept the proposed signed consent agreement.

D. 2004-0033, Clarice Parham, LPC-2306

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

E. 2008-0009, David Rankin, LISAC-1703

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to accept the proposed signed consent agreement.

F. 2004-0040, Priscilla Reynolds, LCSW-0314

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to accept the proposed signed consent agreement.

Ms. Thur summarized the results of the Board's investigation.

The professional was properly noticed, but did not appear.

The complainant addressed the Board telephonically.

Following review and discussion, Ms. Nix moved, seconded by Ms. de Blank, to accept the proposed signed consent agreement. The motion passed unanimously. See attached roll call.

G. 2008-0016, Deena Stewart-Hitzke, LISAC-10275

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

Ms. Thur summarized the results of the Board's investigation.

The professional's attorney was present and addressed the Board.

Following review and discussion, Dr. Davis moved, seconded by Mr. Evans, to dismiss the complaint. The motion passed unanimously.

H. 2008-0061, Richard Young, LAMFT applicant

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to accept the proposed signed consent agreement.

Dr. Davis moved, seconded by Ms. Brassea, to approve items A, C, D, E, and H on the consent agenda. The motion passed unanimously. See attached roll call vote. Mr. Evans was recused from the vote.

5. Administrative Hearings

A. 2008-0063, William Riedel, LPC-10358 (suspended)

Tabled

B. 2006-0072, Brenda Sheets, LISAC-1529

Dr. Davis reviewed procedures for Board review of a recommended decision by an ALJ.

Mr. Harris addressed the Board on behalf of the State.

Mr. Wolver addressed the Board on behalf of the professional.

Following review and discussion, Dr. Davis moved, seconded by Ms. Nix, to adopt the proposed Findings of Fact in the recommended decision. The motion passed unanimously.

Following review and discussion, Mr. Evans moved, seconded by Ms. de Blank, to adopt the proposed Conclusions of Law in the recommended decision. The motion passed unanimously.

Following review and discussion, Dr. Davis moved, seconded by Mr. Evans, to modify the Order in the recommended decision as follows:

- The professional's license is suspended for a minimum of 12 months.
- During suspension, the professional will complete an in classroom 3 semester credit hour graduate level course in behavioral health ethics
- The ethics course cannot be completed via the Internet
- The professional will pay the Board's assessed investigative costs
- Investigative costs must be paid in full prior to release of the professional from suspension
- After completion of suspension, the professional's license will be placed on probation for a minimum of 24 months
- The professional shall work only in a agency licensed by OBHL
- The professional shall not maintain any type of private practice
- The professional will receive clinical supervision by an independently licensed behavioral health professional pre-approved by the Substance Abuse Credentialing Committee chair or designee
- The professional will receive a minimum of 1 hours of clinical supervision for every 40 hours worked
- The clinical supervisor shall submit quarterly reports for approval by the Substance Abuse Credentialing Committee chair or designee
- The professional may request early release after a minimum of 12 months if all other conditions of probation have been met
- The professional shall not provide clinical supervision while on probation

The motion passed unanimously. See attached roll call vote.

The Board took a break at 10:55 a.m., reconvening its public meeting at 11:05 a.m.

The Board took a break at 11:45 a.m., reconvening its public meeting at 11:53 a.m.

6. Formal Interviews

None

7. Complaints and other disciplinary matters: review, consideration and action

A. 2005-0030, Esther Emadi, LPC-2047

The professional and her attorney, Debbie Hill were present. Ms. Hill addressed the Board regarding the proposed signed consent agreement.

Melissa Cornelius, Assistant Attorney General, was present and addressed the Board regarding the proposed signed consent agreement.

Following review and discussion by members, Dr. Pickens moved, seconded by Mr. Herrera, to accept the proposed consent agreement. The motion passed unanimously. See attached roll call. Ms. Nix was recused from the vote.

B. Dennis Sorrelman, LISAC-0774

Ms. Katerelos summarized the results of the Board's investigation.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. de Blank, to open a complaint and dismiss the complaint with a letter of concern. The motion passed unanimously.

C. Mary Tyler, LCSW-3808

Ms. Katerelos summarized the results of the Board's investigation.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Evans, to open a complaint and dismiss the complaint with a letter of concern. The motion passed unanimously.

D. Efrain Carrillo, LCSW-11056

Ms. Katerelos summarized the results of the Board's investigation.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Dr. Pickens moved, seconded by Ms. de Blank, to open a complaint and dismiss the complaint with a letter of concern. The motion passed unanimously.

E. 2005-0127, 2008-0017 and 2008-0033, Earlene Dear, LCSW-0195

Ms. Reynolds summarized the results of the Board's investigation.

The professional's attorney, Michael Vangelli, appeared telephonically and addressed the Board.

The complainant in 2008-0017 and her mother and brother-in-law appeared in person and her attorney, Mike McNamara, appeared telephonically and addressed the Board.

Following review and discussion, Dr. Davis moved to approve the proposed consent agreement and, if not signed, invite the professional to a formal interview and, if not accepted, remand the matter to a formal hearing. The motion failed for lack of a second.

Mr. Evans moved, seconded by Ms. Lee, to offer the professional a consent agreement with the following modifications:

- The professional's license is suspended for 90 days
- After completion of the suspension, the professional's license will be placed on probation for a minimum of 33 months
- All required education must be completed in a classroom setting
- Clinical supervision shall also address best practices for completing intakes and intake documentation, including at risk crisis plans

and, if not signed, 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. See attached roll call vote.

F. 2008-0060, Caroline Allen, LMSW applicant

Ms. Blatner summarized the results of her investigation.

The applicant and her attorney, Christine Cassetta, appeared in person and addressed the Board.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. de Blank, to offer the professional a non-disciplinary consent agreement pursuant to A.R.S. §32-3281(G)(3) and require that she complete a 3-semester credit hour graduate level behavioral health ethics course pre-approved by the Social Work Credentialing Committee chair or designee within 12 months of the license being issued. The motion passed unanimously.

G. 2006-0117, Micki Kloss, LMFT-0157

Ms. Reynolds summarized the results of the Board's investigation.

The professional and her attorney, Kelly McDonald, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Evans, to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

H. 2008-0026, Micki Kloss, LMFT-0157

Ms. Reynolds summarized the results of the Board's investigation.

The complainant appeared in person and addressed the Board.

The professional and her attorney, Kelly McDonald, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Pickens moved, seconded by Ms. Nix, to re-offer the proposed consent agreement to the professional with the following modifications:

- Delete the Conclusion of Law finding a violation of A.R.S. § 32-3251(12)(t)
- The clinical supervisor shall meet a minimum of twice monthly with the professional
- One of the monthly clinical supervision sessions may occur telephonically
- The clinical supervisor shall meet with the professional in person for at least one of the monthly clinical supervision sessions
- The focus of the clinical supervision shall remain record-keeping and confidentiality requirements

and, if not signed, invite the professional to attend a formal interview and, if not accepted, remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

I. NJ07-0033, Robert Valdez

Ms. Rinaudo summarized the facts of the complaint.

Ms. Nix moved, seconded by Ms. de Blank, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

J. NJ07-0036, Audrey Goldman

Tabled

The Board took a break at 2:21 p.m., reconvening its public meeting at 2:31 p.m.

8. Applications for licensure: review, consideration and action

Social Work

Dr. Davis moved, seconded by Ms. de Blank, to approve 10 applicants as Licensed Clinical Social Workers and 13 applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Evans, to deny 5 applicants for social work licensure based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Dr. Davis, to approve 26 applicants as a Licensed Associate Counselors and 21 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 3 applicants for counseling licensure based on failure to pass the required exam and 10 applicants based on failure to establish they meet minimum requirements in supervised work experience and/or education. The motion passed unanimously.

Substance Abuse

Mr. Evans moved, seconded by Ms. de Blank, to approve 3 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Marriage & Family Therapy

Dr. Pickens moved, seconded by Ms. de Blank, to approve 5 applicants as a Licensed Associate Marriage and Family Therapists and 2 applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

9. Report from Chair.

A. Chair report

No report.

B. Member reports

No report.

C. Discussion regarding disclosure of confidential records pursuant to A.R.S. §32-3206

Tabled

D. Review regarding investigative materials

Tabled

E. Review regarding professionals who fail to disclose their criminal history on licensure and renewal applications

Ms. Kateleros reviewed Board procedure regarding cases where a professional fails to disclose his/her criminal history where disclosure would not likely have resulted in any Board action. The Board's current procedure is to have a Credentialing Committee open a complaint and recommend to the Board to dismiss the complaint with a letter of concern.

Following review and discussion, members agreed to have such cases heard directly by the Board and to continue to apply this procedure to the large number of pending cases where, as a result of the criminal background history checks completed after 07/04, the Board has obtained information indicating that a large number of professionals failed to appropriately disclose their criminal history to the Board.

10. Report from Treasurer

A. Monthly financial report

Ms. Rinaudo reported regarding the monthly financial report.

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

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Discussion regarding HB2325

Ms. Rinaudo reported regarding the progress of HB2325.

C. Discussion regarding HB2470

Ms. Rinaudo reported regarding the progress of HB2470.

12. Committee reports

None

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

None

14. Future agenda items

Discussion of background questions on Board licensure and renewal applications

15. Call for public comment

None

16. Establishment of future meeting dates

The next meeting is scheduled for April 4, 2008, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Dr. Pickens moved, seconded by Mr. Evans, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:20 p.m.

Julian Pickens
Secretary/Treasurer

Date