



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANICE K. BREWER
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
March 6, 2009

Members Present: Laura de Blank, Gloria Gabler, Ruth Lee, Kahryn Nix, Jose Herrera, Doug Mitchell (in at 9:42 a.m.)

Members absent: Robert Evans, Diane Brassea

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on March 6, 2009, at 9:32 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Herrera moved, seconded by Ms. Nix, to approve the general meeting minutes from February 6, 2009, as submitted. The motion passed unanimously. Ms. de Blank abstained from the vote.

4. Consent Agenda: review, consideration and action

Members requested that items A, L and M be pulled from the consent agenda and considered separately.

A. 2007-0168, Anne Ahland, LBSW-1971

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

Ms. Lee explained why she thinks the complaint should not be dismissed. Mr. Mitchell explained the basis for the committee's recommendation.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. de Blank, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint. The motion carried with Ms. Lee opposed.

B. 2007-0091, Dena Baumgartner, LPC-0491 and LMFT-0368

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

C. 2007-0124, JoAnne Butler, LMSW-11582

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

D. 2007-0075, Eric Cuestas-Thompson, LCSW-12502 and LISAC-10713

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

E. 2007-0141, Darlene Demmer, LCSW-1924

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

F. 2007-0145, Cathleen Jarvis, LCSW-2276

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

G. 2007-0087, Richard Kunkle, LCSW-2818

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

H. 2008-0089, Toni Leiboff, LAC-12669

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

I. 2008-0054, Michall Moore, LAC-12325

Review, consideration and action to accept the proposed signed modified consent agreement.

J. 2009-0034, Anthony Parrish, LISAC-1381

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

K. 2007-0095, Mary Lou Philage, LCSW-0178 and LISAC-11661

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

L. 2007-0132, Danielle Reed, LCSW-12155

Ms. Nix indicated that her company does work for Mr. Hover's firm, but there is nothing in that relationship to prevent her from making an unbiased decision in this matter.

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

Ms. Reed's attorney, Charles Hover, was available for questions.

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

M. 2007-0084, Anthony Rubin, LPC-0259 and LMFT-0202

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

Following review and discussion by members, Ms. Nix moved, seconded by Dr. Gabler, to dismiss the complaint as recommended by the Counseling Credentialing Committee. The motion passed unanimously.

N. 2006-0071, Michael Teta, LISAC-1655

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

O. 2007-0046, Gale West, LCSW-2572

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

Ms. Lee moved, seconded by Ms. Nix, to approve the consent agenda items B – K, N and O. The motion passed unanimously. See attached roll call.

5. Administrative Hearings 11:00 AM

A. 2006-0008, Dylan Machado, LMSW-10758

Ms. de Blank reviewed the procedure for conducting administrative hearings.

The professional was properly noticed, but did not appear.

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

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

Ms. Martinez, Board Investigator, was sworn in and testified on behalf of the State.

Ms. de Blank admitted State's Exhibits 1 – 11 into evidence.

Mr. Harris made a closing argument.

Following discussion by members, Ms. Lee moved, seconded by Ms. Mitchell, to adopt factual allegations 1-9 from the Notice of Hearing as findings of fact and the charges from the Notice of Hearing as conclusions of law. The motion passed unanimously.

Following further discussion, Ms. Nix moved, seconded by Mr. Herrera, to issue an order revoking the professional's license. The motion passed unanimously. See attached roll call.

B. 2009-0065, Kevin Christopher (formerly Wisz), LSAT applicant

The professional was present and made an opening statement.

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

Christopher Munns, Solicitor General's Office, appeared as the Board's legal representative.

Mr. Christopher was sworn in and testified.

Ms. de Blank admitted Mr. Christopher's exhibits A1 – A10 into evidence.

Ms. Blatner, Board Investigator, was sworn in and testified on behalf of the State.

Ms. de Blank admitted State's Exhibits 1 – 9 into evidence.

Kirk Bowden was sworn-in and testified as an expert witness on behalf of the State.

Mr. Christopher made a closing argument.

Mr. Harris made a closing argument.

Following review and discussion by members, Ms. de Blank moved, seconded by Mr. Herrera, to deny the application for licensure pursuant to A.R.S. §32-3275(6) as it relates to A.R.S. §32-3251(12)(f) and A.R.S. §32-3251(12)(l). The motion passed unanimously. See attached roll call vote.

C. 2007-0076, Teresa O'Brien, LAC-12220

The professional was properly noticed, but did not appear.

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

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

Ms. Blatner, Board Investigator, was sworn in and testified on behalf of the State.

Ms. de Blank admitted State's Exhibits 1 – 12 into evidence.

Following discussion by members, Ms. de Blank moved, seconded by Ms. Lee, to adopt factual allegations 1-7 from the Notice of Hearing as findings of fact and charges 1 and 2 from the Notice of Hearing as conclusions of law. The motion passed unanimously.

Following further discussion, Ms. Lee moved, seconded by Ms. de Blank, to issue an order revoking the professional's license. The motion passed unanimously. See attached roll call.

6. Formal Interviews

None

The Board took a break at 11:35 a.m., reconvening its public meeting at 11:48 a.m.

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

A. 2007-0028 and 2009-0077, Julie Passarge, LPC-10101 (suspended)

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

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Nix moved, seconded by Mr. Herrera, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

B. 2006-0111, Robert Stankaitis, LISAC-10290

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Mr. Herrera, to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

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

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

The professional was properly noticed, but did not appear.

Following discussion by members, Ms. Lee moved, seconded by Mr. Mitchell, to remand the matter to formal hearing. The motion passed unanimously.

D. 2009-0009, Judy Emerson, LCSW-2591

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

The complainant submitted additional information which was provided to members, but did not appear.

The professional and her attorney, Faren Akins, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by, Ms. Nix, to accept the non-disciplinary consent agreement as recommended by the Social Work Credentialing Committee. The motion passed unanimously. See attached roll call vote.

E. 2007-0037 and 2008-0066, Burdette Leikvoll, LPC-0331 and LISAC-0677

Ms. Rinaudo summarized the results of the Board's investigation and the committee's recommendation.

The professional's attorney, Charles Hover, was available for questions.

Following review and discussion by members, Ms. Lee moved, seconded by, Dr. Gabler, to re-offer the consent agreement amended to stipulate that early release may be available after 18 months 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. 2008-0101, Paul Salcido, LSAT-12005

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Nix moved, seconded by Dr. Gabler, to remand the matter to formal hearing. The motion passed unanimously.

G. 2005-0099, Felice Goff, LCSW-0749

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

The professional's attorney, Charles Hover, was available for questions.

Following review and discussion by members, Ms. Nix moved, seconded by Mr. Herrera, to dismiss the complaint as recommended by the Social Work Credentialing Committee. The motion passed unanimously.

H. 2008-0029, Rosann Schaye, LPC-0454

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

The professional was properly noticed, but did not appear.

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

I. Brenda Taylor, LISAC-1503

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

The professional was properly noticed, but did not appear.

Following review and discussion, Ms. Nix moved, seconded by Ms. Lee, to open a complaint and accept the signed Interim Consent Agreement. The motion passed unanimously. See attached roll call.

J. NJ07-0031, Jack Friedland

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

Board staff was unable to reach the professional at the number provided.

Following review and discussion by members, Mr. Herrera moved, seconded by Mr. Mitchell, to dismiss the complaint as non-jurisdictional and to issue a cease and desist order. The motion passed unanimously.

K. NJ09-0016, David D. Edgington

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

The professional appeared in person and addressed the Board.

Ms. Lee moved, seconded by Ms. de Blank, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the Board went into executive session at 11:03 a.m., reconvening its public meeting at 11:22 a.m.

Following review and discussion by members, Mr. Herrera moved, seconded by Ms. Lee, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

Following further discussion by members, Ms. de Blank moved, seconded by Ms. Lee, to table further consideration of the matter and direct staff to work with the professional with regard to a possible clarification on the professional's website that the professional does not provide any type of psychotherapy. The motion passed unanimously.

The Board took a break at 2:32 p.m., reconvening its public meeting at 2:40 p.m.

8. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Dr. Gabler, to approve 3 applicants as Licensed Bachelor Social Workers, 13 applicants as Licensed Master Social Workers, 2 applicants as Reciprocal Licensed Clinical Social Workers and 1 applicant as a Licensed Clinical Social Worker. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. de Blank, to deny 1 applicant based on failure to pass the required exam and 1 applicant based on a finding of unprofessional conduct. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Dr. Gabler, to approve 17 applicants as Licensed Associate Counselors, 9 applicants as Licensed Professional Counselors and 1 applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Substance Abuse

Ms. de Blank moved, seconded by Ms. Lee, to approve 3 applicants as Licensed Independent Substance Abuse Counselors and 4 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Ms. Lee, to deny 1 applicant based on a finding of unprofessional conduct. The motion passed unanimously.

9. Report from Chair.

A. Chair report

No report.

B. Member reports

No report.

10. Report from the Treasurer

A. Monthly Financial Report

Mr. Herrera moved, seconded by Ms. Nix, 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. Scheduling of special board meetings to conduct formal hearings

Members agreed to a May 29 2009, Board meeting to conduct formal hearings.

12. Committee Reports

None

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

None

14. Future agenda items

Credentialing committees review regarding rules

15. Call for public comment

None

16. Establishment of future meeting dates

The next regular meeting is scheduled for April 3, 2009, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Ms. Nix moved, seconded by Ms. Lee, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:10 p.m.

Gloria Gabler
Secretary/Treasurer

Date