



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

GAIL CHASE
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
May 7, 2004

Members Present: Cedric Davis, Susan Allanson, Gail Chase, Kathleen Phillips, Michael Salazar, Jim Roth, Karl Gauby (left at 10:30), Roberta Gastineau, Dan Wright, Steve LeGendre

Member by Telephone: Milton Mattox, Hank Peck

Members Absent: Jose Herrera

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Jason Martin, Mary Wilson

Public Present: Holly Gieszl, Carolyn McDonald, Jackie Uhlemann, Sande Roberts, Jacqueline Kahn, Shoshana Green Jacobs, Paul de Visme, Patti Bonnay, Linda Kothapally, Ron Faircloth

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on May 7, 2004, at 9:07 a.m. with Gail Chase presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Ms. Phillips moved, seconded by Mr. Gauby, to approve the general meeting minutes of April 2, 2004, as submitted. The motion carried with Ms. Gastineau and Mr. Wright abstaining.

4. Administrative Hearings

A. 2003-0027, Patricia Bonnay, CISW applicant

The professional and her attorney, Holly Gieszl, were present and addressed the Board. Mr. Harris addressed the Board regarding the proposed consent agreement negotiated by Board staff, the professional and Ms. Gieszl.

After discussion, the Board accepted a signed Consent Agreement in lieu of conducting a formal hearing.

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

A. 2003-0034, Michael Robinson, SW-101291

Ms. Gastineau recused herself from all matters involving Mr. Robinson.

Mr. Harris reported that Mr. Robinson has filed a lawsuit seeking to enjoin the Board from taking action on the complaint. Mr. Harris reported that he was notified by the court yesterday that the hearing regarding this matter was vacated and the matter was assigned to a different judge.

Mr. Harris advised members that the professional was properly noticed for this meeting so the Board can proceed without Mr. Robinson present.

Ms. Rinaudo summarized the results of the agency's investigation into Mr. Robinson's work history. The documentation and information obtained appears to demonstrate a consistent problem with the professional's clinical skills and resistance to supervision. Members expressed serious concern regarding the professional's ability to practice safely and competently.

Following discussion by Board members, Mr. Salazar moved, seconded by Ms. Allanson, to approve the Social Work Credentialing Committee's recommendation to remand the matter to formal hearing for the reasons outlined in the investigative summary. The motion passed unanimously.

Members discussed the possibility of issuing a summary suspension. Mr. Harris advised that the complaint will be filed and the matter scheduled for formal hearing as soon as possible.

B. 2004-0011, Shoshana Green-Jacobson, SW-0694I

Ms. Rinaudo summarized the facts of the case and the stipulations of the proposed consent agreement. Ms. Green-Jacobson appeared in person and addressed the Board.

Following review and discussion by Board members, Mr. Roth moved, seconded by Mr. Gauby, to approve the Social Work Credentialing Committee's recommendation to accept the signed consent agreement as modified to include a provision allowing the professional to submit a name other than that of her current therapist. The motion passed unanimously. See attached roll call.

C. 2003-0027, Patricia Bonnay, SW-10313M

Ms. Rinaudo summarized the facts of the case and the stipulations of the proposed consent agreement.

Ms. Bonnay and her attorney, Ms. Gieszl, appeared in person and addressed the Board. Ms. Gieszl expressed appreciation for Mr. Harris' patience and skill in negotiating an acceptable agreement.

Following review and discussion by Board members, Mr. Salazar moved, seconded by Ms. Allanson, to approve the the signed consent agreement. The motion passed unanimously. See attached roll call.

D. 1999-0003, Jeffrey Thomas, CC-1169

Ms. Rinaudo summarized the stipulations of the original consent agreement from 1999 and reported that the professional has now complied with all stipulations, including payment of the civil penalty. The professional has requested release from the terms of the consent agreement. The professional was noticed, but did not appear.

Following review and discussion by Board members, Mr. Gauby moved, seconded by Ms. Allanson, to grant the professional's request for release from the terms of the consent agreement. The motion passed unanimously. See attached roll call.

E. NJ04-0003, Timothy Smith

Mr. Harris reported that this item was incorrectly listed on the agenda as a non-jurisdictional complaint. Following discussion by Board members, Dr. Davis moved, seconded by Mr. Gauby, to continue consideration of this matter. The motion passed unanimously.

6. Review, Consideration and Action on Applicants Recommended for Certification

Substance Abuse

Mr. Salazar moved, seconded by Ms. Allanson, to approve 80 applicants for Substance Abuse Counselor certification. The motion passed unanimously.

Social Work

Dr. Davis moved, seconded by Ms. Allanson, to approve 3 applicants for Baccalaureate Social Worker certification, 29 applicants for Master Social Worker certification and 34 applicants for Independent Social Worker certification. The motion passed unanimously.

Counseling

Mr. Roth moved, seconded by Ms. Allanson, to approve 12 applicants for Associate Counselor certification and 24 applicants for Professional Counselor certification. The motion passed unanimously.

Marriage and Family Therapy

Mr. Wright moved, seconded by Mr. Roth, to approve 3 applicants for Associate Marriage and Family Therapist certification and 6 applicants for Marriage and Family Therapist certification. The motion passed unanimously.

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

Selection of new Board Chair

Ms. Gastineau reported that Mr. Salazar has expressed interest in serving as Chair of the Board and requested that any other member who has interest in the position notify her by e-mail. The new Chair will be elected at the June meeting.

Ms. Chase expressed her satisfaction in having served and encouraged other members to take advantage of the experience.

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 and that the fund balance can support additional staff if needed.

9. Report from the Executive Director and/or staff

A. Agency operations

Ms. Rinaudo reported that agency staff continues to work on processing the increasing number of applications received and thanked all Board and committee members for their extra work during the past few months.

B. Licensure rules

Ms. Rinaudo reported that the public comment period on the draft rules ended on April 15, 2004. The Rules Subcommittee met in April to consider public comment to the rules package.

The Rules Subcommittee will have two more meetings before the final draft is presented to the Board in June for review and approval.

C. Licensure update

Ms. Rinaudo reported that no statutory changes to licensure are possible this legislative session.

D. AzPCFL lawsuit for injunctive relief

Mr. Harris reviewed the Board's motion to dismiss the Arizona Professional Counselors for Fair Licensure's lawsuit seeking injunctive relief regarding licensure. Mr. Harris advised the Board that case law is clear that the right to practice a profession is a privilege, not a right, subject to state regulation.

E. HB2348

Ms. Rinaudo reported that HB2348 would mandate specific continuing education for individuals providing court ordered services.

10. Committee Reports

No report

11. National and regional news regarding the profession

None

12. Future agenda items

None

13. Call for public comment

Gail Parker addressed the Board regarding her concerns regarding her inability to obtain certification via reciprocity.

14. Establishment of future meeting dates

The next meetings are scheduled for June 4, 2004, at 9:00 a.m. in room B-2, Tuesday, June 29, 2004, and Wednesday, June 30, 2004, at 4:00 p.m. by telephone.

15. Adjournment

Ms. Allanson moved, seconded by Mr. Roth, to adjourn. The motion passed unanimously and the meeting was adjourned at 10:52 a.m.

Steve LeGendre
Secretary/Treasurer

Date