



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

KATHLEEN PHILLIPS
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
November 4, 2005

Members Present: Kathleen Phillips, Dan Wright, Del Worley, Laura Waterman, Barbara Freeman, Ruth Lee

Members Absent: Jose Herrera, Cedric Davis

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor General's Office, Sherry Blatner, Amy Shelton, Kami Thur, Mary Wilson, Debra Rosinsky

Public Present: Rebekah J. Booth, Jan Owens, Steve Davis, Janet Lee O'Connor, Wendy Phipot, Vanessa Hernandez, Kevin Theriot, Mara Linden, Janet Raymer, David Selden, Janice Brown, Elizabeth Sunnucks, Mark Grove, D. Seth Jenkins, Barbara McArthur, Lindsey Gold, Erika Collins, Pat Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on November 4, 2005, at 9:00 a.m. with Ms. Phillips presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Dr. Waterman moved, seconded by Mr. Wright, to approve the general meeting minutes from the October 7, 2005, meeting, as submitted. The motion carried with Ms. Phillips abstaining.

4. Administrative Hearings

A. Nancy Ryan, LPC applicant

Ms. Rinaudo distributed a letter from Ms. Ryan, which the Board received on November 3, 2005. Ms. Ryan advised the Board that she was withdrawing her request for a formal hearing and that she intends to apply at the associate level of licensure.

Following discussion, Ms. Phillips moved, seconded by Dr. Waterman, to vacate this hearing based on Ms. Ryan's letter. The motion passed unanimously.

B. Janice Brown, LASAC applicant

Board members and staff were introduced. Ms. Mangiapane from the Solicitor General's Office appeared on behalf of the Board. Mr. Harris, A.A.G., appeared on behalf of the State.

Ms. Brown was present and was represented by her attorney, Mr. Selden.

Mr. Selden gave an opening statement. Mr. Harris gave an opening statement.

Mr. Selden called Ms. Brown as his only witness. Ms. Brown was sworn in and testified on her own behalf. Board members questioned Ms. Brown.

Ms. Phillips admitted Respondent's Exhibits A and B into evidence.

Mr. Harris called Ms. Rinaudo as the State's only witness. Ms. Rinaudo was sworn in and testified regarding the basis for the Substance Abuse Credentialing Committee's denial of Ms. Brown's Licensed Associate Substance Abuse Counselor application. Mr. Selden cross-examined Ms. Rinaudo.

Ms. Phillips admitted State's Exhibits 1 through 9 into evidence.

Mr. Selden made a closing argument and requested that the Board overturn the Committee's denial of Ms. Brown's application.

Mr. Harris made a closing statement and requested that the Board affirm the Committee's denial of Ms. Brown's licensure application.

Ms. Worley moved, seconded by Mr. Wright, to affirm the denial of Ms. Brown's licensure application. The motion passed unanimously. See attached roll call.

C. Gail Parker, SA applicant

Ms. Rinaudo reported regarding Board staff's communications with Ms. Parker. Ms. Parker did not submit any written information for Board consideration.

Following discussion, Ms. Phillips moved, seconded by Mr. Wright, to vacate the hearing based on the fact that the applicant's failure to appear left her unable to meet her burden of establishing that she meets licensure requirements. The motion passed unanimously.

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

A. 2005-0096, Robert Fern

Mr. Harris reported regarding the proposed settlement agreement of the pending judicial review action. He reported that the findings of fact and conclusions of law in the proposed settlement have not changed from those originally adopted by the Board and Mr. Fern's license remains revoked. The order is modified to delete all civil penalties and imposes a total fee of \$500.00 to reimburse the Board for its administrative costs.

Mr. Fern was noticed, but did not appear.

Dr. Waterman expressed disappointment with the proposed settlement because she believes that the professional's language and attacks on the members of the board are deserving of the more severe civil penalty.

Following discussion, Ms. Worley moved, seconded by Mr. Wright, to accept the signed settlement agreement and order. The motion passed unanimously. See attached roll call.

B. 2006-0044, Juan Salgado, LISAC-0432

Ms. Blatner summarized the facts of the case and reviewed the proposed consent agreement.

Mr. Salgado was noticed, but did not appear.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to accept the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint and issue a Letter of Concern. The motion passed unanimously.

C. 2005-0115, Steven Davis, LPC-2022

Ms. Thur summarized the facts of the case.

Mr. Davis appeared in person and addressed the Board.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint and issue a Letter of Concern. The motion passed unanimously.

D. 2003-0036, Lee Phelps, LISAC-10462 and LMSW-10669

Ms. Blatner summarized the facts of the case.

Mr. Phelps was noticed, but did not appear.

The complainant addressed the Board telephonically.

Following review and discussion, Dr. Waterman moved, seconded by Ms. Worley, to accept the Social Work Credentialing Committee's recommendation to accept the proposed consent agreement. The motion passed unanimously. See attached roll call.

E. 2003-0030, Jan Owens, LISAC-1288

Ms. Shelton summarized the professional's request for release from the terms of her consent agreement.

Ms. Owens appeared in person and addressed the Board.

Following review and discussion, Ms. Phillips moved, seconded by Mr. Wright, to release the professional from the consent agreement. The motion passed unanimously.

F. 2003-0079, Kevin Theriot, LCSW-0065

Ms. Shelton summarized the facts of the case. The complainant was noticed, but did not appear.

Mr. Theriot and his attorney, Mr. Gove, appeared in person and addressed the Board.

Ms. Worley moved, seconded by Mr. Wright, to accept the Social Work Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

G. 2003-0046, Barbara McArthur, LMFT-0160 and LPC-0239

Ms. Blatner summarized the facts of the case.

Ms. McArthur and her husband appeared in person and addressed the Board. The complainants were noticed, but did not appear.

Following review and discussion, Mr. Wright moved, seconded by Dr. Waterman, to accept the Marriage & Family Therapy Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

H. NJ04-0034, Sonia Wendt

Ms. Thur summarized the facts of the complaint. Ms. Wendt is not licensed by the Board.

Following review and discussion, Mr. Wright moved, seconded by Dr. Waterman, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

I. NJ04-0035, Penny Bare

Ms. Thur summarized the facts of the complaint. Ms. Bare is not licensed by the Board.

The Board reviewed information regarding the type of services Ms. Bare offered through her brochure, which she made available to the public. Members indicated that it appears Ms. Bare is violating A.R.S. §32-3286, which prohibits a person not licensed by the Board from engaging in the practice of behavioral health.

Following review and discussion, Dr. Waterman moved, seconded by Mr. Wright, to dismiss the complaint as non-jurisdictional, issue a Cease and Desist Order and refer the matter to local law enforcement for further action. The motion passed unanimously.

6. Review, consideration and action of applications for licensure.

Social Work

Dr. Waterman moved, seconded by Mr. Wright, to approve six applicants as Licensed Clinical Social Workers and 15 applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Waterman moved, seconded by Mr. Wright, to deny six applicants for social work licensure based on the applicants' failure to establish that they meet minimum licensure requirements. The motion passed unanimously.

Counseling

Ms. Worley moved, seconded by Mr. Wright, to approve nine applicants as Licensed Professional Counselors and 11 applicants as Licensed Associate Counselors. The motion passed unanimously. Dr. Waterman was recused from the vote.

Dr. Waterman moved, seconded by Mr. Wright, to deny eight applicants for counseling licensure based on the applicants' failure to establish that they meet minimum licensure requirements. The motion passed unanimously.

Substance Abuse

Ms. Worley moved, seconded by Dr. Waterman, to approve Linda Bahrami as a Licensed Associate Substance Abuse Counselor. The motion passed unanimously.

Ms. Worley moved, seconded by Mr. Wright, to deny eight applicants for substance abuse licensure based on the applicants' failure to establish that they meet minimum licensure requirements. The motion passed unanimously.

Marriage & Family Therapy

Mr. Wright moved, seconded by Ms. Phillips, to approve three applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

7. **Report from the Chair**

No report

8. **Report from the Treasurer**

A. *Monthly financial report*

No report.

9. **Report from Executive Director and/or staff.**

A. *General Agency Operations*

No report.

10. **Committee Reports.**

None

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

None

12. **Future agenda items**

None

13. **Call for public comment**

None

14. **Establishment of future meeting date(s)**

The next meeting is scheduled for December 2, 2005, at 8:45 a.m., at 3443 North Central Avenue, Room 908.

15. **Adjournment**

Mr. Wright moved, seconded by Dr. Waterman, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:43 p.m.

Cedric Davis
Secretary/Treasurer

Date