



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
November 3, 2006

Members Present: Cedric Davis, Diane Brassea, Ruth Lee, Jose Herrera, Dan Wright, Del Worley, Barbara Freeman

Members Absent: Laura Waterman

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor Generals Office
Mary Grossi, Sherry Blatner, Amy Shelton, Mary Wilson, Elma Brambilla

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on November 3, 2006, at 9:13 a.m. with Dr. Davis presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Ms. Worley moved, seconded by Mr. Herrera, to approve the general meeting minutes from the September 8, 2006, meeting, as amended. The motion passed unanimously.

Mr. Wright moved, seconded by Ms. Worley, to approve the general meeting minutes from the October 6, 2006, meeting, as submitted. The motion passed unanimously. Ms. Freeman abstained from the vote.

4. Administrative Hearings

A. 2005-0100, John Bodie, LISAC-0844

Ms. Worley was recused from all matters involving Mr. Bodie.

Mr. Harris reported that Mr. Gaines, Mr. Bodie's attorney, has indicated that the professional is willing to enter into a consent agreement for the voluntary surrender his license, which will be treated as a revocation.

Mr. Harris requested that the Board adopt the proposed consent agreement.

Following discussion by members, Dr. Davis moved, seconded by Mr. Wright, to adopt the proposed consent agreement subject to Mr. Bodie's acceptance. The motion passed unanimously. See attached roll call.

B. 2006-0026, Judith Longo, LCSW-0088 (inactive)

Dr. Davis reviewed the procedures for a formal administrative hearing.

Ms. Longo was noticed, but did not appear.

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

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

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

State's Exhibits 1 through 7 were admitted into evidence.

Mr. Harris made a closing argument.

Ms. Freeman moved, seconded by Mr. Wright, to adopt factual allegations 1-9 from the Complaint and Notice of Hearing as the Board's findings of fact, and charge 10 from the Complaint and Notice of Hearing as the Board's conclusion of law. The motion passed unanimously.

Ms. Worley moved, seconded by Ms. Lee, to revoke the professional's license based on the findings of fact and conclusions of law adopted by the Board. The motion passed unanimously. See attached roll call.

C. 2003-0060 and 2007-0020, Carl Cooke, LISAC-10266 (suspended)

Dr. Davis reviewed the procedures for a formal administrative hearing.

Mr. Cooke was noticed, but did not appear.

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

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

Ms. Shelton, Board investigator, was sworn in and testified on behalf of the Board.

State's Exhibits 1 through 8 were admitted into evidence.

Mr. Harris made a closing argument.

Ms. Worley moved, seconded by Mr. Herrera, to adopt factual allegations 1-7 from the Complaint and Notice of Hearing as the Board's findings of fact, and charges 8-11 from the Complaint and Notice of Hearing as the Board's conclusions of law. The motion passed unanimously.

Ms. Worley moved, seconded by Mr. Herrera, to revoke the professional's license based on the findings of fact and conclusions of law adopted by the Board. The motion passed unanimously. See attached roll call.

5. Formal Interviews

A. 2006-0018, Clay Cox, LMFT-0338

Dr. Davis reviewed the procedures for a formal interview and introduced Board members.

Mr. Cox appeared on his own behalf.

Ms. Blatner summarized the facts of the complaint the Board's investigation and the procedural history of this matter.

Mr. Cox addressed the Board.

Mr. Wright reported regarding the Marriage and Family Therapy Credentialing Committee's deliberations and concerns.

Following discussion by members, Mr. Wright moved, seconded by Ms. Brassea, to adopt findings of fact 1-9 from the Board's proposed consent agreement and to add two findings of fact as follows:

- In October 2003, Respondent and his girlfriend entered therapy with Mary Hotvedt. Respondent did not advise Dr. Hotvedt that he is a licensed therapist. The girlfriend indicated that Respondent did not advise her that he was being treated for a STD, despite having been asked. The girlfriend described Respondent as "bellicose" and "condescending" in their disagreements.
- Although Respondent presented information regarding domestic violence counseling he receive, both court-ordered and personal, he failed to demonstrate that this counseling adequately addressed his history and pattern of domestic violence issues or the potential for these issues to adversely affect his marriage and family therapist practice.

The motion passed unanimously.

Following further discussion, Mrs. Worley moved, seconded by Ms. Brassea, to adopt conclusions of law 1-3 from the Board's proposed consent agreement. The motion passed unanimously.

Ms. Lee moved, seconded by Ms. Freeman, to adopt the order from the Board's proposed consent agreement. The motion passed unanimously. See attached roll call vote.

The Board took a break from 11:28 a.m., reconvening its public meeting at 11:40 a.m.

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

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

Mr. Harris summarized the facts of the case.

Ms. Burk addressed the Board telephonically. Ms. Burk's attorney, Mr. Gaffney, addressed the Board on her behalf.

The complainant appeared in person and addressed the Board.

Ms. Worley moved, seconded by Ms. Brassea, to include a requirement in the consent agreement offered to the professional prohibiting her from maintaining her own private practice. The motion passed unanimously.

Following review and discussion, Mr. Wright moved, seconded by Ms. Brassea, to adopt the proposed consent agreement, as discussed. The motion passed unanimously.

B. 2007-0038, Richard Rodriguez, LAC applicant

Ms. Blatner summarized the facts of the case.

Mr. Rodriguez appeared in person and addressed the Board.

Following review and discussion, Mr. Wright moved, seconded by Ms. Worley, to accept the Counseling Credentialing Committee's recommendation to accept the proposed consent agreement. The motion passed unanimously.

C. George Guynn, LASAC applicant

Mr. Guynn was noticed, but did not appear.

Following review and discussion, Mr. Wright moved, seconded by Ms. Worley, to find that because the application was received after July 1, 2004, it will be reviewed under licensure standards. The motion passed unanimously.

D. NJ07-0002, Charles Coppinger

Ms. Rinaudo summarized the facts of the case.

Ms. Worley moved, seconded by Mr. Wright, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

7. Consent Agenda: review, consideration and action

A. 2003-0063, Susan Nelson, LISAC-1218 and LMSW-3813

B. 2007-0048, Louis Galland, LAC applicant

C. 2004-0039, LaWanda Winningham, LISAC-10217

D. 2005-0011, Deborah Cosgrove, LISAC-10511 (expired)

Ms. Grossi summarized the facts of the case.

Ms. Cosgrove was noticed, but did not appear.

The complainant addressed the Board telephonically.

Following review and discussion, Ms. Worley moved, seconded by Mr. Wright, to accept the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

- E. 2006-0159, Todd Call, LMFT-10240
- F. 2006-0158, Gary Hees, LPC-12141
- G. 2007-0002, Holly Hathcock, LAMFT-10194

Following discussion by members, Dr. Davis moved, seconded by Ms. Worley, to dismiss complaints against Susan Nelson, LaWanda Winningham, Todd Call, Gary Hees and Holly Hathcock and to dismiss the complaint and issue a letter of concern to Louis Galland. The motion passed unanimously.

8. Applications for licensure: review, consideration and action

Social Work

Dr. Davis moved, seconded by Ms. Worley, to approve nine applicants as Licensed Clinical Social Workers and fourteen applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Worley, to deny four applicants for social work licensure based on the applicants' failure to pass the required exam, one applicant based on not meeting minimum licensure requirements in education and/or supervised work experience, and one applicant based on a finding of unprofessional conduct and the applicant's failure to establish passage of the required exam. The motion passed unanimously.

Counseling

Dr. Davis moved, seconded by Mr. Wright, to approve six applicants as Licensed Professional Counselors and fifteen applicants as Licensed Associate Counselors. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Wright, to deny eight applicants for counseling licensure 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

Ms. Worley moved, seconded by Mr. Wright, to approve two applicants as Licensed Independent Substance Abuse Counselors, four applicants as Licensed Associate Substance Abuse Counselors, and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Ms. Worley moved, seconded by Mr. Herrera, to deny one applicant for substance abuse licensure based on the failure to establish that he meets minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

Marriage & Family Therapy

Mr. Wright moved, seconded by Ms. Worley, to approve five applicants as Licensed Associate Marriage and Family Therapists and two applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

Mr. Wright moved, seconded by Ms. Worley, to deny one applicant for marriage and family therapy licensure based on the failure to establish that she meets minimum requirements in education and/or supervised work experience and two applicants based on their failure to pass the required exam. The motion passed unanimously.

9. Report from Chair.

A. Chair report

Dr. Davis reminded members he will be attending the annual ASWB conference.

B. Member reports

None

C. Board meeting attendance

Members reviewed the attendance policy.

Dr. Davis emphasized the need for members to attend all meetings.

Ms. Rinaudo requested that members promptly answer e-mails regarding meeting attendance to reduce the administrative time required to schedule Board meetings.

10. Report from Treasurer

A. Monthly financial report

Ms. Rinaudo reported regarding the Board's budget request for additional staff which, if approved, will allow the Board to decrease processing times for applications, renewals and complaints. Ms. Rinaudo reviewed the significant increase in the demands for Board services resulting from licensure. Employing additional staff will result in a significant increase in expenses for the Board.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Review, consideration and action regarding the adoption of a substantive policy statement regarding the interpretation of AAC R4-6-212(G)

Following discussion, Ms. Worley moved, seconded by Mr. Wright, to adopt substantive policy statement 2006-03 regarding clinical supervision. The motion passed unanimously.

C. Review, consideration and action regarding the adoption of a substantive policy statement regarding the interpretation of supervised work experience and clinical supervision rules

Following discussion, Ms. Worley moved, seconded by Mr. Herrera, to adopt substantive policy statement 2006-04 regarding work experience and clinical supervision. The motion passed unanimously.

12. Committee reports

A. Review, consideration and action regarding the Social Work Credentialing Committee's recommendation for appointment of members to the study committee created in Section 6 of HB2780.

Ms. Rinaudo reported that HB2780 created a study committee to make recommendations regarding Board consideration of supervised work experience acquired in hospital or educational settings.

Dr. Davis moved, seconded by Mr. Wright, to appoint Susan Larkin, Josefina Ahumada, Cedric Davis, John Gutierrez and Doug Mitchell to the study committee. The motion passed unanimously.

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

None

14. Future agenda items

None

15. Call for public comment

None

16. Establishment of future meeting dates

The next meeting is scheduled for December 1, 2006, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Approval of 2007 calendar

Ms. Brassea moved, seconded by Mr. Wright, to schedule the July Board meeting for June 29th and to approve the Board's 2007 calendar. The motion passed unanimously.

17. Adjournment

Mr. Wright moved, seconded by Ms. Worley, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:10 p.m.

Laura Waterman
Secretary/Treasurer

Date