



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  
November 7, 2003

Members Present: Gail Chase, Kathleen Phillips (left at 11:45 a.m.), Jose Herrera, Michael Salazar, Cedric Davis, Karl Gauby, Roberta Gastineau, Jim Roth, Steve LeGendre

Members absent: Dan Wright, Rudy Buchanan, Lisa Aumack, Susan Allanson, Hank Peck

Members by telephone: Milton Mattox

Staff Present: Debra Rinaudo, Patricia Reynolds, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor General's Office, Mary Wilson

Public Present: Anthony Wayne Johnson, Lorelei Jenkins, Jean Parsons, Renee Penington, Shelle Kinder, Martha Koffman, Angie Kroll, Danny Waldron, Mara Linder, Helen Emali, Rick Kunkle, Erin Meyer, Karolynn Maddalone, Anne Dodoka, Andrea Palmer, Christina Lagunas, Carolyn Briscoe, Bob Lev, Steve Politi

**1. Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on November 7, 2003, at 9:03 a.m. with Gail Chase presiding.

**2. Roll Call**

See above.

**3. Review and Approval of Minutes**

Ms. Phillips moved, seconded by Mr. Roth, to approve the general meeting minutes of October 3, 2003, as submitted. The motion passed unanimously.

**4. Administrative Hearing (9:00 a.m.)**

*A. Sharon Ray, SA-0517*

Ms. Chase reviewed the procedure for formal hearings and Board members introduced themselves. Ms. Ray was noticed, but did not appear. The Board delayed consideration of this matter until 9:20 a.m. to allow Ms. Ray time to appear. Mr. Harris, A.A.G., appeared on behalf of the state and Ms. Mangiapane, Solicitor General's Office, appeared representing the Board.

Mr. Harris gave his opening statement to the Board and called Ms. Reynolds, Deputy Director and Chief Investigator for the Board, as the state's witness. Ms. Reynolds testified regarding the NAADAC Code of Ethics, the Board's unprofessional practice standards, Ms. Ray's conduct that led to the filing of two criminal charges against her and her subsequent guilty plea to the charge of burglary, a class 4 felony. Ms. Chase admitted state's exhibits 1-10 into evidence.

Following review and discussion by Board members, Mr. Gauby moved, seconded by Dr. Davis, to adopt findings of fact 1 through 10. The motion passed unanimously.

Mr. Gauby moved, seconded by Mr. Roth, to adopt conclusions of law 1 through 5. The motion passed unanimously.

Mr. Roth moved, seconded by Dr. Davis, to revoke the professional's certification and impose a \$500 civil penalty to be paid within 90 days of the Board's order. The motion passed unanimously. See attached roll call.

*B. Robert Lev, SA applicant (1:00 p.m.)*

The following members participated in this matter: Gail Chase, Jose Herrera, Michael Salazar, Cedric Davis, Karl Gauby, Roberta Gastineau, Jim Roth, Steve LeGendre, Milton Mattox (telephone)

Ms. Chase reviewed the procedure for formal hearings and Board members introduced themselves. Mr. Lev and his attorney, Steve Politi, appeared in person. Mr. Harris, A.A.G., appeared on behalf of the state and Ms. Mangiapane, Solicitor General's Office, appeared representing the Board.

Mr. Politi called Mr. Lev to testify regarding his work history as a home ownership counselor and substance abuse counselor.

Mr. Harris called Ms. Rinaudo, Executive Director of the Board, as the state's witness. Ms. Rinaudo testified regarding statutory certification requirements and the bases for the Substance Abuse Credentialing Committee's denial of Mr. Lev's application.

Ms. Chase admitted State's exhibits 1-12 and Respondent's exhibit A into evidence.

Following review and discussion by Board members, Mr. Roth moved, seconded by Mr. Herrera, to affirm the Substance Abuse Credentialing Committee's denial of certification based upon Mr. Lev's failure to meet supervised work experience requirements. The motion passed unanimously. See attached roll call.

**5. Review, Consideration and Action on Complaints and Other Disciplinary Matters**

*A. 2003-0040, Karolynn Maddalone, MFT applicant*

Ms. Reynolds summarized the facts of the complaint and results of her investigation. The professional appeared in person and addressed the Board. Rick Kunkle, Director of Community Counseling in Show Low, appeared on behalf of Ms. Maddalone.

Following review and discussion by Board members, Mr. LeGendre moved, seconded by Ms. Phillips, to find the professional ineligible for certification based upon a violation of A.R.S. §32-3251(10)(b), the use of fraud or deceit in establishing qualifications, based upon her violation of written procedures while taking the required certification examination, and based upon her failure to meet certification requirements based upon her failure to pass the required examination. The motion passed unanimously. See attached roll call.

*B. 2003-0006, Dennis Hisko, SA-1047*

Ms. Reynolds briefly summarized the consent agreement. The professional was noticed, but did not appear.

Following review and discussion by Board members, Mr. Roth moved, seconded by Mr. LeGendre, to approve the Substance Abuse Credentialing Committee's recommendation to release the professional from the stipulations of the consent agreement. The motion passed unanimously.

*C. Frank Lucas, SA-1595*

Ms. Reynolds summarized the facts of the renewal and investigation. The professional was noticed, but did not appear.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Mr. Salazar, to accept the signed consent agreement and to authorize renewal of the professional's certification. The motion passed unanimously. See attached roll call.

*D. Roy Franklin, SW-28131*

Ms. Reynolds summarized the facts of her investigation. The professional was noticed, but did not appear.

Following review and discussion by Board members, Dr. Davis moved, seconded by Mr. Roth, to approve the Social Work Credentialing Committee's recommendation to accept the signed consent agreement stipulating surrender of the professional's certificate in lieu of revocation. The motion passed unanimously. See attached roll call.

*E. Lorelei Jenkins, SW applicant*

Ms. Reynolds summarized the facts of the complaint and her investigation. The professional appeared in person and addressed the Board.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Mr. Gauby, to approve the Social Work Credentialing Committee's recommendation to deny certification for unprofessional practice based upon a violation of A.R.S. §32-3251(10)(b), the use of fraud or deceit in establishing qualifications, based upon misrepresentations on a Prehab "Background Investigation Questionnaire" regarding a previous termination and inaccurate employment history, misrepresentations on Superstition Mental Health Center (SMMH) and Prehab employment applications regarding previous terminations and inaccurate employment history, misrepresentation regarding a Scottsdale Health Center (SHC) termination to SMMH and Prehab, and use of "CMSW" on fax cover sheets to the Board, a violation of A.R.S. §32-3251(10)(i), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession or that constitutes a danger to the health, safety and welfare of a client, as it relates to the NASW code of ethics 4.04, social workers should not be associated with dishonesty, fraud or deception and 4.06(c), social workers should ensure that representations regarding their qualifications, credentials, education and competence are accurate, based upon misrepresentations on a Prehab "Background Investigation Questionnaire" regarding a previous termination and inaccurate employment history, misrepresentations on SMMH and Prehab employment applications regarding previous terminations and inaccurate employment history, misrepresentation regarding a SHC termination to SMMH and Prehab, and use of "CMSW" on fax coversheets to the Board, a violation of A.R.S. §32-3251(10)(j), any conduct or practice that impairs the ability of the professional to safely and competently practice, based upon failure to comply with patient care rules at SHC and SMMH, and a violation of A.R.S. §32-3251(10)(f), making use of statements of a character tending to deceive or mislead the public, based upon misrepresentations on a Prehab "Background Investigation Questionnaire" regarding a previous termination and inaccurate employment history, misrepresentations on Superstition Mental Health Center (SMMH) and Prehab employment applications regarding previous terminations and inaccurate employment history, misrepresentation regarding a Scottsdale Health Center (SHC) termination to SMMH and Prehab, and use of "CMSW" on fax cover sheets to the Board. The motion passed unanimously. See attached roll call.

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

*Substance Abuse*

Mr. Salazar moved, seconded by Mr. Roth, to approve 23 applicants for Substance Abuse Counselor certification. The motion passed unanimously.

*Social Work*

Dr. Davis moved, seconded by Mr. Roth, to approve 23 applicants for Master Social Worker certification and 27 applicants for Independent Social Worker certification. The motion passed unanimously.

*Counseling*

Mr. Roth moved, seconded by Mr. Gauby, to approve 3 applicants for Associate Counselor certification and 12 applicants for Professional Counselor certification. The motion passed unanimously.

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

*No report*

**8. Report from the Treasurer and items for review, consideration and possible action**

*A. Monthly report*

Mr. LeGendre reported regarding the Board's finances.

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

*A. Agency operations*

Ms. Rinaudo reported that the Board continues to receive and process large numbers of applications. She also reported that she continues to make numerous presentations around the state regarding the transition from certification to licensure.

*B. Licensure rules*

No report.

*C. Arizona Professional Counselors for Fair Licensure proposal*

Ms. Rinaudo reported that she and Ms. Romney, the counseling credentialing specialist, attended a meeting of the Arizona Professional Counselors for Fair Licensure in Tucson. The group represents a small number of uncertified practitioners who believe that certification standards should be reduced to allow them to qualify for certification. Ms. Rinaudo and Ms. Romney responded to questions and indicated that the Board would be happy to provide resources and information to help them determine their eligibility for certification.

This group of practitioners then met with three legislators and expressed serious concerns regarding the difficulty they have meeting current certification requirements. They also made a number of serious allegations regarding what they perceived to be Ms. Rinaudo's inappropriate behavior.

Ms. Rinaudo met with these legislators and addressed concerns raised by the Tucson group. It was agreed that Ms. Rinaudo and the legislators will meet with practitioners from the Tucson group to try to address their concerns directly.

**10. Committee Reports**

*A. Personnel Subcommittee*

Mr. Gauby moved, seconded by Mr. Roth, to go into executive session pursuant to A.R.S. §38-431.03(A)(1) to conduct the annual performance review of the Executive Director. The motion passed unanimously and the Board went into executive session at 11:36, reconvening the public meeting at 11:42 a.m.

Following discussion by members, Ms. Gastineau moved, seconded by Mr. Roth, to accept the Personnel Subcommittee's recommendation to grant the executive director's salary increase. The motion passed unanimously.

**11. National and regional news regarding the profession**

None

**12. Future agenda items**

None

**13. Call for public comment**

None

**14. Establishment of future meeting dates**

The next meeting is scheduled for December 5, 2003, at 9:00 a.m. in room B-2. Members agreed that, because of the holiday, the January Board meeting will be on January 9, 2004, at 9:00 a.m. in Room B-2.

**15. Adjournment**

The Board took a break from 11:45 a.m. until 1:02 p.m. when it reconvened for the 1:00 p.m. formal hearing. Mr. Gauby moved, seconded by Mr. Roth, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:50 p.m.

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Steve LeGendre  
Secretary/Treasurer

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Date