



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

MICHAEL SALAZAR
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
October 1, 2004

Members Present: Michael Salazar, Cedric Davis, Dan Wright, Laura Waterman, Ruth Lee
Members by telephone: Steve LeGendre
Members Absent: Kathleen Phillips, Jose Herrera
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christine Cassetta, Solicitor General's Office, Kami Thur, Mary Wilson
Public by telephone: Brian Terrell
Public Present: Glen Spykerman, Grace Hawkins, Lisa Aumack

1. **Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on October 1, 2004, at 9:05 a.m. with Michael Salazar 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 September 10, 2004, as submitted. The motion carried with Ms. Lee abstaining.

General meeting minutes from July 9, 2004, and August 6, 2004, and executive session minutes from July 9, 2004, were tabled due to lack of quorum.

4. **Administrative Hearings**

A. *Glen Spykerman*

Mr. Salazar reviewed the rules of conduct for a formal administrative hearing and Board members and staff introduced themselves. Mr. Spykerman appeared in person. Mr. Harris, A.A.G., appeared on behalf of the state and Ms. Cassetta, Solicitor General's Office, appeared representing the Board.

Mr. Spykerman and Mr. Harris gave opening statements.

Mr. Spykerman was sworn in and testified on his own behalf.

Mr. Harris called Ms. Thur, Investigator for the Board, who was sworn in and testified regarding the Board's investigation of Mr. Spykerman's application. Mr. Spykerman cross-examined Ms. Thur.

Mr. Harris called Dr. Aumack, who was sworn in and testified as an expert witness. Mr. Spykerman did not cross-examine Dr. Aumack.

Mr. Salazar admitted State's Exhibits 1-14 into evidence. Exhibits 13 and 14 are letters from Ms. Thur to the professional dated April 15, 2004, and May 3, 2004.

Mr. Salazar admitted defense Exhibits A and B.

Mr. Spykerman made a closing argument requesting a modification to the Counseling Credentialing Committee's decision to deny his licensure application.

Mr. Harris made a closing statement requesting that the Board affirm the Counseling Credentialing Committee's denial of Mr. Spykerman's application.

Following deliberation by Board members, Dr. Waterman moved, seconded by Mr. Wright, to affirm the Counseling Credentialing Committee's recommendation to deny licensure based upon the reasons set forth in the August 30, 2004, notice of hearing of denial of licensure. The motion passed unanimously. See attached roll call.

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

A. 2002-0014 and 2003-0042, Dale Litwiller, LPC-10433

Ms. Rinaudo summarized the facts of the complaint, results of the investigation and the proposed consent agreement. The professional was noticed, but did not appear.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Wright, to approve the Counseling Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

B. David Sherwood, LPC-2035

Ms. Thur summarized the facts of the complaint, results of the investigation and the proposed consent agreement. The professional was noticed, but did not appear.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Wright, to approve the Counseling Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

C. Brian Terrell, LPC-0909

Ms. Rinaudo summarized the facts of the case and the professional's compliance with terms of the consent agreement. The professional addressed the Board telephonically.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Wright, to grant the professional's request for reinstatement of his license. The motion passed unanimously.

D. 2003-0039, Sandra Leal LCSW-0811

Mr. Harris reviewed the proposed consent agreement. The professional was noticed, but did not appear.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Wright, to approve the proposed consent agreement. The motion passed unanimously. See attached roll call.

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

Mr. Salazar moved, seconded by Dr. Davis, to approve 30 Licensed Independent Substance Abuse Counselors, three Licensed Associate Substance Abuse Counselors and one Licensed Substance Abuse Technician. The motion passed unanimously.

Dr. Waterman moved, seconded by Dr. Davis, to approve 9 Licensed Professional Counselors and 7 Licensed Associate Counselors. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Wright, to approve two Licensed Baccalaureate Social Workers, six Licensed Master Social Workers and two Licensed Clinical Social Workers. The motion passed unanimously.

Mr. LeGendre appeared telephonically for the following two motions.

Mr. Salazar moved, seconded by Dr. Davis, to approve Charles Burbank as a Licensed Professional Counselor. The motion passed unanimously. Dr. Waterman is recused from matters involving Charles Burbank.

Dr. Waterman moved, seconded by Dr. Davis, to approve Jonathan Sholeff as a Licensed Independent Substance Abuse Counselor. The motion passed unanimously. Mr. Salazar is recused from matters involving Jonathan Sholeff.

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

No report.

B. FY05-07 Budget Request

Ms. Lee moved, seconded by Mr. Wright, to go into executive session without the meeting secretary and the Assistant Attorney General. The motion failed.

Dr. Waterman moved, seconded Dr. Davis, to go into executive session to discuss records exempt from public inspection pursuant to A.R.S. §38-431.03(2). The motion passed unanimously and the Board went into executive session at 11:47 a.m., reconvening its public meeting at 12:00 noon.

Following review and discussion, Dr. Waterman moved, seconded by Dr. Davis, to seek a salary increase for the Executive Director, as discussed in Executive Session, based on her extraordinary contributions to the agency. The motion passed unanimously.

9. Report from the Executive Director and/or staff

A. Agency operations

B. Increase member per diem

Dr. Waterman reported that she has researched the per diem for various boards and commissions and members discussed her findings.

Mr. Harris advised the Board that per diem increases must be approved by the legislature.

Members requested that Ms. Rinaudo review the option of seeking a per diem increase this legislative session with the Board's legislative liaison. She will also schedule this issue for review by the Credentialing Committees. The Board will review this issue again at its November meeting.

10. Committee Reports

No report

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 Friday, November 5, 2004, at 9:00 a.m. in Room B-2.

15. Adjournment

Mr. Wright moved, seconded by Dr. Waterman, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:25 p.m.

Steve LeGendre
Secretary/Treasurer

Date