



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
October 3, 2008

Members Present: Diane Brassea, Laura de Blank, Gloria Gabler, Robert Evans (out at 12:20 p.m.), Ruth Lee, Jose Herrera (in at 11:35 a.m.)

Members Absent: Teresa Menchaca, Kahryn Nix

Staff Present: Patricia Reynolds, Marc Harris, A.A.G., Mary Jo Foster, Solicitor General's Office, Kami Thur, Lynanne Chapman, Sherry Blatner, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on October 3, 2008, at 9:07 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Ms. de Blank moved, seconded by Ms. Brassea, to approve the general meeting minutes from September 5, 2008, as submitted. The motion passed unanimously. Mr. Evans abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2006-0103, Ronnie Bennett, LMFT-10238

Review, consideration and action regarding the professional's request for release from the consent agreement.

B. 2005-0141, David Brown, LMFT-0148

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. de Blank, to dismiss the complaint and issue a letter of concern as recommended by the Marriage and Family Credentialing Committee. The motion passed unanimously. See attached roll call.

C. 2008-0111, Craig Davis, LASAC-13102

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint.

D. 2008-0109, Mary Erhart, LISAC-0874

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint.

E. 2006-0063, 2007-0063 and 2007-0072, Christine Fielder, LMFT-10162, LPC-11218 and LISAC-10841

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to accept the proposed signed consent agreement.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Brassea, to accept the proposed consent agreement as recommended by the Marriage and Family Credentialing Committee. The motion passed unanimously. See attached roll call.

F. 2007-0144, Karmin Fowler, LAC-12577

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint.

G. 2008-0117, Cesar Gallegos Gamez, LAC applicant, LAC-5175T and LAMFT applicant

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint.

Dr. Gabler indicated that the professional was her student 8 years ago, but she is unaware of anything that would prevent her from making an unbiased decision in this matter.

The complainant addressed the Board telephonically.

The professional and his attorney, Lauren Weinzweig, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Lee, to dismiss the complaint as recommended by the Marriage and Family Therapy Credentialing Committee. The motion passed unanimously.

H. 2006-0009, Deborah Garrett, LCSW-3836 expired

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint.

I. 2009-0014, Patricia Hulke, LMSW applicant

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

J. 2006-0070, Shelly Kaufman, LPC-0597

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint.

K. 2006-0067, Ruth Kawasaki, LPC-1377

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to accept the proposed signed consent agreement.

L. 2007-0151, Alison Mejia, LAC-12739

Review, consideration and action regarding the professional's request for release from the consent agreement.

M. 2005-0081, Henry Marquez, LISAC-10512 expired and LCSW-10713 expired

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint.

N. 2008-0110, Ronald Paul, LMSW applicant

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint.

O. 2005-0027, Blance Reina, LPC-10548

Review, consideration and action regarding the professional's request for release from the consent agreement.

P. 2006-0045, Amanda Rowe, LPC-10679

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint.

Q. 2007-0077 and 2007-0080, James Simpson, LPC-0359

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaints.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Brassea, to dismiss the complaints as recommended by the Counseling Credentialing Committee. The motion passed unanimously.

R. NJ08-0003, Kathy Infeld

Review, consideration and action to dismiss the complaint as non-jurisdictional.

S. NJ08-0004, Robert Valdez

Review, consideration and action to dismiss the complaint as non-jurisdictional.

T. NJ08-0006, Ronald Leebove

Review, consideration and action to dismiss the complaint as non-jurisdictional.

Mr. Evans moved, seconded by Ms. Brassea, to approve consent agenda items A, C, D, F, H-P and R-T as presented. The motion passed unanimously. See attached roll call.

The Board took a break at 10:29 a.m., reconvening its public meeting at 10:41 a.m.

5. Administrative Hearings

A. 2007-0139 and 2009-0008, Janis Kirkland, LAC-12584

Ms. de Blank reviewed the procedures for conducting an administrative hearing.

Mary Jo Foster appeared as the Board's legal representative.

Mr. Harris appeared on behalf of the State.

The professional was properly noticed, but did not appear.

Mr. Harris made an opening statement.

The State called Patricia Reynolds, Deputy Director, as a witness. She was sworn in and testified.

Mr. Harris moved State's Exhibits 1-4 into evidence.

State's Exhibits 1-4 were entered into evidence.

Mr. Harris made a closing argument.

Following discussion by members, Mr. Evans moved, seconded by Ms. Lee, to adopt the factual allegations and charges from the Notice of Hearing as findings of fact and conclusions of law. The motion passed unanimously. See attached roll call.

Following further discussion, Mr. Evans moved, seconded by Mr. Herrera, to issue an order revoking the professional's license. The motion passed unanimously. See attached roll call.

6. Formal Interviews

None

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

A. 2005-0127, 2008-0017 and 2008-0033, Earlene Dear, LCSW-0195

Ms. Reynolds summarized the results of the Board's investigation.

The complainants were properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. de Blank, to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

Following further discussion, Mr. Evans moved, seconded by Ms. de Blank, to vacate the formal hearing scheduled for October 31, 2008. The motion passed unanimously.

B. Larry Pam, LISAC-10311

Ms. Blatner summarized the results of the Board's investigation.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. Lee, to open a complaint and order the professional to undergo a substance abuse evaluation by an addictionologist within 60 days and have the results reviewed by the Substance Abuse Credentialing Committee for consideration of a consent agreement. The motion passed unanimously.

C. 2006-0091, Yola Ghammashi, LPC-1842

Ms. Reynolds summarized the results of the Board's investigation and indicated that the professional has not signed the consent agreement.

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Brassea, to invite the professional to participate in a formal interview and, if not accepted, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call.

D. 2006-0050, 2007-0034 and 2008-0050, Caecilia Winnubst, LCSW-2466

Ms. Thur summarized the results of the Board's investigation.

The professional addressed the Board telephonically.

The professional's attorney, Mark Grove, appeared in person and addressed the Board.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Brassea, to accept the consent agreement amended as follows:

- The professional shall not return to the practice of behavioral health
- The professional shall submit a written request for inactive status, including the \$100 fee
- In 2010 the professional may extend her inactive status or allow the license to lapse

The motion passed unanimously. See attached roll call.

2006-0050

Members reviewed the proposed letter of concern.

The professional's attorney, Mark Grove, addressed the Board.

Mr. Harris addressed the Board.

Following review by members, Mr. Evans moved, seconded by Ms. Lee, to issue the letter of concern as presented. Mr. Evans and Ms. Lee withdrew the motion.

Following further discussion, Mr. Evans moved, seconded by Ms. Lee, to take no additional action as the case is addressed in the proposed consent agreement. The motion passed unanimously.

8. Applications for licensure: review, consideration and action

Social Work

Ms. de Blank moved, seconded by Ms. Lee, to approve 6 applicants as Licensed Clinical Social Workers, 1 applicant as a Reciprocal Licensed Clinical Social Worker and 14 applicants as Licensed Master Social Workers. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 1 applicant based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Ms. Brassea, to approve 10 applicants as Licensed Associate Counselors and 7 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 10 applicants based on failure to meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

Substance Abuse

Mr. Evans moved, seconded by Ms. Brassea, to approve 2 applicants as Licensed Independent Substance Abuse Counselors, 1 applicant as a Licensed Associate Substance Abuse Counselor and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Ms. Brassea, to approve 2 applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Ms. Brassea, to deny 1 applicant based on not passing the required exam. The motion passed unanimously.

9. Report from Chair.

A. Chair report

No report.

B. Member reports

No report.

C. Review of A.R.S. §32-3206

Tabled

D. Procedures for professionals on restricted practice to transition clients

Tabled

E. Form language for Interim Consent Agreements

Mr. Harris explained the language used in Interim Consent Agreements when they are used as a time-out for the professional. When the professional is ready to return to practice, the credentialing committee can recommend a consent agreement with specific findings and conclusions.

F. Development of a definition for "censure"

Mr. Harris described the way the word censure is used in consent agreements or when the Board is issuing an Order of Censure.

Members directed staff to add the language "which is an official action against your license" when the word censure is used.

10. Report from the Treasurer

Monthly Financial Report

Dr. Gabler moved, seconded by Mr. Herrera, to accept the monthly financial report as presented. The motion passed unanimously.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Challenges of licensees practicing within the behavioral health system

Tabled

12. Committee Reports

None

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

None

14. Future agenda items

- Board discussion regarding processes for member and public input into possible changes in rules, policies and procedures
- Discussion of budget

Procedures or policies regarding 1) determination of type of investigation and 2) elimination of investigations backlog and the possibility of using ad hoc committees

15. Call for public comment

None

16. Establishment of future meeting dates

The next meetings are scheduled for October 31, 2008, for formal hearings and November 7, 2008, at 9:00 a.m., regular meeting at 3443 North Central Avenue, Room 908.

17. Adjournment

Ms. Lee moved, seconded by Dr. Gabler, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:54 p.m.

Gloria Gabler
Secretary/Treasurer

Date