



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 31, 2008

Members Present: Diane Brassea, Laura de Blank, Gloria Gabler, Ruth Lee, Kahryn Nix
Members Absent: Teresa Menchaca, Robert Evans, Jose Herrera
Staff Present: Patricia Reynolds, Deputy Director, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Lynanne Chapman, Investigator, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on October 31, 2008, at 1:00 p.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Administrative Hearings

A. 2005-0101, Linda Gastello, LISAC-11531

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

Christopher Munns 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 Lynanne Chapman, Board Investigator, as a witness. She was sworn in and testified.

Mr. Harris moved State's Exhibits 1 – 6 into evidence.

State's Exhibits 1 – 6 were admitted into evidence.

Mr. Harris moved State's Exhibit 8 into evidence.

State's Exhibit 8 was admitted into evidence.

Mr. Harris made a closing argument.

Following discussion by members, Ms. Nix moved, seconded by Dr. Gabler, to adopt the factual allegations and charges from the Notice of Hearing as findings of fact and conclusions of law and to issue an order assessing costs not to exceed one thousand dollars and to revoke the professional's license. The motion passed unanimously. See attached roll call.

B. 2005-0142 and 2007-0049, Rayne Norton, LMSW-11723

Ms. de Blank reviewed the procedure for hearing a motion for review or rehearing.

Christopher Munns appeared as the Board's legal representative.

Mr. Harris appeared on behalf of the State.

The professional and her attorney, H.M. Walthall, appeared and addressed the Board.

Mr. Harris addressed the Board regarding the motion for rehearing and requested that the Board deny the motion.

The Board took a break at 2:00 p.m. reconvening its public meeting at 2:10 p.m.

Ms. Brassea moved to grant a rehearing. The motion failed for lack of a second.

Mr. Walthall asked that the complaint be dismissed because the invoices supporting the Board's cost assessment were not part of the investigative file.

Mr. Harris objected to Mr. Walthall's request.

Ms. Brassea moved to grant a rehearing pursuant to A.A.C. R4-6-1002(4). The motion failed for lack of a second.

Ms. de Blank moved, seconded by Dr. Gabler, to grant a review pursuant to A.A.C. R4-6-1002(4) for the limited purpose of reviewing the Board's cost assessment. The motion passed unanimously.

Ms. Lee moved, seconded by Ms. Nix, to move to modify the Board's Order to assess the following costs against the professional: \$677.50 for court reporter fees, \$689 for investigator costs, \$2,821.50 for expert witness expenses, and \$1,385.44 for OAH expenses, for a total cost assessment of \$5,573.44, and to require the professional to pay the cost assessment in full before release from probation. The motion passed unanimously. See attached roll call.

4. **Future agenda items**

None

5. **Call for public comment**

None

6. **Establishment of future meeting dates**

The next regular meeting is scheduled for November 7, 2008, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

7. **Adjournment**

Ms. Lee moved, seconded by Ms. Nix, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:02 p.m.

Gloria Gabler
Secretary/Treasurer

Date