



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
3443 NORTH CENTRAL AVENUE, SUITE 1700  
PHOENIX, AZ 85012  
PHONE: 602.542.1882 FAX: 602-364-0890  
Website: [www.az.gov](http://www.az.gov)  
Website: [www.bbhe.state.az.us](http://www.bbhe.state.az.us)  
E-mail address: [azbbhe@bbhe.state.az.us](mailto:azbbhe@bbhe.state.az.us)

JANET NAPOLITANO  
Governor

CEDRIC DAVIS  
Board Chair

DEBRA RINAUDO  
Executive Director

---

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
September 7, 2007

Members Present: Cedric Davis, Robert Evans (out at 3:50 p.m.), Kahryn Nix (in at 9:10 a.m.), Julian Pickens (out at 2:00 p.m.), Laura de Blank, Ruth Lee, Diane Brassea

Members Absent: Jose Herrera

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Sherry Blatner, Kami Thur, Sheila Perry-Johnson, Patricia Reynolds, Mary Wilson

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on September 7, 2007, at 9:02 a.m. with Dr. Davis presiding.

**2. Roll Call**

See above.

**3. Minutes: review, consideration and action**

Mr. Evans moved, seconded by Dr. Pickens, to approve the general meeting minutes from August 3, 2007, as submitted. The motion passed unanimously. Ms. Lee and Ms. Brassea abstained from the vote.

**4. Consent Agenda: review, consideration and action**

*A. 2005-0133, Aundria Chambliss, LPC-10290 suspended*

Review, consideration and action to approve the Counseling Credentialing Committee's recommendation to accept the signed consent agreement.

*B. 2005-0042, Cydnie Dolegowski, LCSW-2197*

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

*C. 2008-0007, Jane Johnson, LSAT applicant*

Review, consideration and action to approve the Substance Abuse Credentialing Committee's recommendation to accept the signed consent agreement.

*D. 2007-0106, Kathleen Miholich, LCSW-0762*

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

*E. 2004-0004, Nick Myers, LISAC-10368*

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

*F. 2007-0140, Nestor Retana, LAMFT applicant*

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

*G. 2008-0010, Rochelle Ryan, LAC-12009 and LPC applicant*

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

Following discussion, Dr. Pickens moved, seconded by Ms. de Blank, to accept consent agenda items B-G as presented. The motion passed unanimously. See attached roll call.

Ms. Lee expressed concern regarding information in the investigative report identifying allegations of serious substance abuse by one of the Board's licensees. Ms. Lee questioned whether the Board should initiate an investigation into the alleged behavior. Ms. Thur, who investigated the case, reported that the credentialing committee received and considered this information and requested that the Board investigate the allegations. That investigation is in process.

Following discussion, Ms. Lee moved, seconded by Mr. Evans, to accept consent agenda item A as presented. The motion passed unanimously. See attached roll call vote.

## **5. Administrative Hearings**

*A. 2007-0051, Russell Nelson, LASAC applicant*

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

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

Mr. Harris, A.A.G., appeared on behalf of the State.

Mr. Nelson was properly noticed, but did not appear.

State's Exhibits 1 through 12 were admitted into evidence.

Mr. Harris addressed the Board regarding the State's Exhibits.

Following review and discussion, Mr. Evans moved, seconded by Dr. Pickens, to affirm the Substance Abuse Credentialing Committee's recommendation to deny the application for licensure based on a finding of unprofessional conduct. The motion passed unanimously. See attached roll call.

## **6. Formal Interviews**

*A. 2007-0119, Jennifer Balistreri, LMSW-12207*

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

Ms. Balistreri and her attorney, Bradley Gardner, appeared in person and addressed the Board.

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

Ms. Balistreri answered questions from Board members.

Mr. Gardner addressed the Board on behalf of the professional.

Following discussion, Ms. de Blank moved, seconded by Dr. Pickens, to adopt the Findings of Fact from the proposed consent agreement as amended to include a timeframe for the professional's internship and submission of her licensure application. The motion passed unanimously.

Ms. Lee moved, seconded by Ms. Nix, to adopt the Conclusions of Law recognizing the Board's authority pursuant to A.R.S. §32-3275(6) and including a violation of A.R.S. §32-3251(12)(k), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession, as it relates to the NASW Code of Ethics Section 1.06.b, Conflicts of Interest, and Section 4.03, Private Conduct. The motion passed unanimously.

Mr. Evans moved, seconded by Ms. Lee, to order that the license be placed on 12 months probation, that the professional complete a 3-semester credit hour graduate level course in ethics, and that the professional receive clinical supervision from a pre-approved masters level or higher behavioral health professional licensed at the independent level at the rate of one hour per 40 hours of work focusing on relationship issues, conflicts of interest, professional boundaries, the NASW Code of Ethics and Board rules and regulations, with quarterly reports to the Board by the clinical supervisor. The motion passed unanimously. See attached roll call.

*The Board took a break at 11:00 a.m., reconvening its public meeting at 11:12 a.m.*

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

*A. Robyn Theuer, LCSW-2763*

Dr. Davis recused himself from all matters involving Ms. Theuer.

Ms. Theuer addressed the Board telephonically.

Dr. Pickens moved, seconded by Mr. Evans, to go into executive session to consider confidential medical information pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the Board went into executive session at 11:57 a.m., reconvening its public meeting at 12:05 p.m.

Following discussion, Mr. Evans moved, seconded by Ms. Lee, to accept the Interim Consent Agreement. The motion passed unanimously. See attached roll call vote.

*B. 2004-0018, David Pillar, LMFT-0374*

Ms. Perry-Johnson summarized the facts of the case.

The complainant appeared in person and addressed the Board.

Mr. Pillar and his attorney, Neal Herrington, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Pickens moved, seconded by Ms. de Blank, to adopt the recommendation of the Marriage & Family Therapy Credentialing Committee to dismiss the complaint and issue a letter of concern. The motion passed unanimously. See attached roll call vote.

*C. 2006-0053, Jason Bradley, LPC-10610*

Ms. Thur summarized the facts of the case.

The professional was properly noticed, but did not appear.

Following discussion by members, Mr. Evans moved, seconded by Ms. de Blank, to accept the signed Interim Consent Agreement. The motion passed unanimously. See attached roll call.

*D. 2007-0137, Deborah Hansen, LISAC-10821*

Ms. Thur summarized the facts of the case.

Ms. Hansen appeared in person and addressed the Board.

Following review and discussion by members, Mr. Evans moved, seconded by Dr. Pickens, to adopt the recommendation of the Counseling Credentialing Committee to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

*E. 2007-0115, Kathleen Keil, LCSW-2246*

Ms. Reynolds summarized the facts of the case.

The professional was properly noticed, but did not appear.

Following discussion by members, Mr. Evans moved, seconded by Ms. de Blank, to invite the professional to participate in a formal interview and to remand this matter to formal hearing if she declines to attend. The motion passed unanimously.

*F. 2005-0016, Guillermo Arciniega, LPC-0005*

Ms. Perry-Johnson summarized the results of the Board's investigation.

The professional was properly noticed, but did not appear.

Following review and discussion, Dr. Davis moved, seconded by Ms. Lee, to adopt the recommendation of the Counseling Credentialing Committee to dismiss the complaint. The motion carried with Mr. Evans, Ms. de Blank and Ms. Nix opposed. Those opposed to the motion explained their vote by noting their preference that the complaint be dismissed pursuant to A.R.S. §32-3281(D)(1).

G. 2006-0082, Caryn Attianese

Ms. Rinaudo summarized the professional's request for release from the consent agreement.

The professional was present.

Following review and discussion, Dr. Pickens moved, seconded by Mr. Evans, to release the professional from the terms of the consent agreement. The motion passed unanimously.

H. NJ07-0021, Kristine Richer

I. NJ07-0022, Cecelia Zaragoza

Following review and discussion by members, Mr. Evans moved, seconded by Dr. Pickens, to dismiss complaints NJ07-0021 and NJ07-0022 as non-jurisdictional. The motion passed unanimously.

**8. Applications for licensure: review, consideration and action**

*Social Work*

Dr. Davis moved, seconded by Mr. Evans, to approve 3 applicants as Licensed Clinical Social Workers, 17 applicants as Licensed Master Social Workers and 1 applicant as a Licensed Baccalaureate Social Worker. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. de Blank, to deny 6 applicants for social work licensure based on failure to pass the required exam. The motion passed unanimously.

*Counseling*

Ms. de Blank moved, seconded by Mr. Evans, to approve 11 applicants as Licensed Associate Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Evans, to approve Lawrence Minniefield as a Licensed Professional Counselor subject to his current consent agreement. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Evans, to deny 8 applicants for counseling licensure based on failure to establish that they meet minimum licensure requirements in education and/or supervised work experience, 1 applicant based on not passing the required exam and 2 applicants based on a finding of unprofessional conduct and failure to meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

*Substance Abuse*

Mr. Evans moved, seconded by Ms. de Blank, to approve 1 applicant as a Licensed Independent Substance Abuse Counselor, 4 applicants as Licensed Associate Substance Abuse Counselors and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Mr. Evans moved, seconded by Mr. Pickens, to approve Jane Johnson as a Licensed Substance Abuse Technician. The motion passed unanimously.

*Marriage & Family Therapy*

Dr. Pickens moved, seconded by Mr. Evans, to deny 2 applicants for marriage and family therapy licensure based on failure to establish that the applicant meets minimum requirements in education and/or supervised work experience and 1 applicant based on failure to pass the required exam. The motion passed unanimously.

**9. Report from Chair.**

*A. Chair report*

No report.

*B. Member reports*

None

*C. Format to review investigative reports*

Members discussed the need for bolding in the investigative reports that are provided to members.

Following discussion by members, Dr. Pickens moved, seconded by Mr. Evans, to have the bold removed from the investigative reports for the next two months and to evaluate the need for bolding after that. The motion passed unanimously.

*D. Confidential info pursuant to A.R.S. §32-3206*

Mr. Harris explained that the statute regarding release of confidential investigative documents is the same for all regulatory boards. The applicant/professional is entitled to the confidential investigative documents that are going to be used by the Board 10 days before a disciplinary hearing. As a matter of practice, the Board sends those documents with the Notice of Hearing 35 days in advance.

Mr. Harris indicated that the Medical Board is the only board that has released this information for something other than a board disciplinary hearing and the result was that a court ruled that the Medical Board waived its confidentiality protection and had to make the information public.

*The Board took a break at 3:13 p.m., reconvening its public meeting at 3:20 p.m.*

**10. Report from Treasurer**

*A. Monthly financial report*

Dr. Pickens reported regarding the monthly financial report.

Dr. Pickens moved, seconded by Ms. de Blank, to accept the monthly financial report as presented. The motion passed unanimously.

*B. Review of the Board's FY09 Budget submission*

Ms. Rinaudo reported that the Board is in the second year of its 2-year budget. At the August Board meeting, the Board approved its FY2009 proposed budget for submission to the Legislature. Ms. Lee expressed concern based on her perception that the Board approved the budget submission without complete information.

Ms. Rinaudo provided members with a copy of the Board's complete budget submission per Ms. Lee's request. Ms. Lee asked that the entire Board review the budget by line item. Members discussed forming a subcommittee to conduct such a review, but no consensus was reached.

Ms. Lee moved that members be provided with the Board's organizational chart and a copy of the Interagency Service Agreement with the Attorney General's Office. The motion failed for lack of a second.

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

*A. General Agency Operations*

No report.

*B. Sunset Review Process*

Ms. Rinaudo provided members with a copy of the Sunset Review report that was due September 4<sup>th</sup>. Ms. Rinaudo thanked Ms. Blatner for her work on the report.

*C. Draft legislation for 2008 legislative session*

Ms. Rinaudo reviewed a draft of the proposed legislative changes for the 2008 session.

**12. Committee reports**

*A. Social Work Credentialing Committee*

Dr. Davis requested that the Board approve sending a member of the Social Work Credentialing Committee to the ASWB Annual Meeting.

Ms. Lee requested that the itemized costs for such trips be made available to members.

Following review of the brochure for the ASWB Annual Meeting, Dr. Pickens moved, seconded by Ms. de Blank, to approve the request. The motion passed unanimously.

*B. Substance Abuse Process Development Subcommittee*

Mr. Evans reviewed the recommendation of the subcommittee regarding a process for the Board to address substance abuse issues by licensees and applicants.

Members requested that each credentialing committee review the recommendation and provide input to the Board.

**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 October 5, 2007, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

**17. Adjournment**

Dr. Davis moved, seconded by Ms. Brassea, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:55 p.m.

---

Julian Pickens  
Secretary/Treasurer

---

Date