



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
Website: www.bbhe.state.az.us
E-mail address: azbbhe@bbhe.state.az.us

JANET NAPOLITANO
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
September 5, 2008

Members Present: Kahryn Nix, Diane Brassea, Laura de Blank, Gloria Gabler (out at 12:50 p.m.), Teresa Menchaca (out at 2:15 p.m.), Ruth Lee, Jose Herrera

Members Absent: Robert Evans

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Johns, Solicitor General's Office, Patricia Reynolds, Mary Wilson, Elma Brambila

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on September 5, 2008, at 9:25 a.m. with Ms. de Blank presiding.

2. **Roll Call**

See above.

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

Ms. Menchaca moved, seconded by Ms. Brassea, to approve the general meeting minutes from August 1, 2008, as submitted. The motion passed unanimously. Ms. Lee and Mr. Herrera abstained from the vote.

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

A. 2007-0007, Carolyn Brown, LPC-0211 and LISAC-10727

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

B. 2005-0078, Carolyn Brown, LPC-0211 and LISAC-10727

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

C. 2005-0044, 2005-0106, 2006-0075 and 2006-0101, Terry Brown, LPC-1030

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

D. 2006-0030, Janet Carista, LPC-1685

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

E. 2009-0005, Janet Carista, LPC-1685

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to accept the proposed signed Interim Consent Agreement.

Following review and discussion by members, Ms. de Blank moved, seconded by Ms. Nix, to accept the Interim Consent Agreement. The motion carried with Ms. Lee opposed.

F. 2006-0099, Ernest Cofrances, LPC-0899

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

G. 2006-0094, Lisa Dodd, LPC-10205

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to accept the proposed signed consent agreement for an order of censure.

Following review and discussion by members, Ms. Nix moved, seconded by Ms. de Blank, to accept the consent agreement. The motion carried with Ms. Lee opposed. See attached roll call.

H. 2009-0004, Carlos Inostroza, LMSW-11028

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

I. 2007-0101 and 2009-0011, Richard Krug, LAC-12763

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to accept the proposed amended consent agreement.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Nix, to offer the professional a consent agreement for the voluntary surrender of his license, which will be treated as a revocation and, if not signed, to remand this matter to formal hearing. The motion passed unanimously. See attached roll call.

J. 2007-0060, Rosemarie Ludwig, LPC-0399

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

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

K. 2007-0109 and 2009-0010, Linda Marks, LAC-12654

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to accept the proposed amended consent agreement.

L. 2009-0006, Ronald Martin, LAC applicant

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

Pursuant to the policy adopted by the Board at this meeting, Ms. Nix moved, seconded by Ms. de Blank, to dismiss the complaint. The motion passed unanimously.

M. 2009-0007, David Olivarez, LISAC-10277

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

N. 2008-0011, Heidi Quinlan, LPC applicant, LAC-11631 and LISAC-11071

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

O. 2003-0077, Rheta Terry, LPC-0843

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

P. NJ07-0049, Kim Evans

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

The professional and her attorney, Mr. Cohen, appeared in person and addressed the Board.

Following discussion by members, Ms. Nix moved, seconded by Ms. Lee, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

Q. NJ08-0001, John Strasser

Ms. Rinaudo summarized information obtained regarding the professional's hypnotherapy practice.

The professional appeared in person and addressed the Board.

Members expressed concern regarding the professional's use of hypnotherapy to treat serious behavioral health issues and his use of a website and forms that could be misleading to clients regarding the nature of his practice. Members requested that the professional review their concerns and report back regarding any practice changes he implements.

Ms. Lee moved, seconded by Dr. Gabler, to approve consent agenda items A, B, C, E, F, H, K, M, N and O as presented. The motion passed unanimously. See attached roll call.

The Board took a break at 11:15 a.m., reconvening its public meeting at 11:27 a.m.

5. Administrative Hearings

A. 2005-0143, Laurie Lagemann, LPC-0233 (suspended)

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 noted that the hearing was scheduled for 11 a.m. and began at 1:25 p.m., allowing the professional ample time to 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 1-23 into evidence.

State's Exhibits 1-23 were entered into evidence.

Mr. Harris made a closing argument.

Following discussion by members, Ms. Brassea moved, seconded by Ms. de Blank, to adopt the factual allegations and charges from the Notice of Hearing as findings of fact and conclusions of law. The motion passed unanimously.

Following further discussion, Ms. Lee moved, seconded by Ms. Menchaca, to issue an order revoking the professional's license and to assess the cost of the investigation and hearing to the professional. The motion passed unanimously. See attached roll call.

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

Ms. Lee recused herself from all matters involving the professional.

Christopher Munns appeared as the Board's legal representative.

The professional and her attorney, H.M. Walthall, appeared in person.

Mr. Harris appeared on behalf of the State.

Mr. Walthall and Mr. Harris addressed the Board regarding the Administrative Law Judge's recommended decision.

Ms. Brassea moved, seconded by Mr. Herrera, to adopt the findings of fact and conclusions of law as recommended by the Administrative Law Judge. The motion passed unanimously.

Following discussion by members, Ms. Menchaca moved, seconded by Mr. Herrera, to revoke the professional's license. The motion failed with Ms. Menchaca, Mr. Herrera and Dr. Gabler in support. See attached roll call.

Following further discussion, Ms. Brassea moved, seconded by Ms. Nix, to issue an order stipulating the following:

- License will be placed on 6 months suspension
- During the first 90 days of suspension, the professional shall obtain a psychological evaluation by a pre-approved psychologist and all recommendations of the evaluator shall be adopted
- During the 6 month suspension, the professional shall complete a 3-semester credit hour graduate level course in ethics
- The cost of the investigation and the formal hearing are assessed to the professional
- The suspension shall remain in effect until all assessed costs are paid in full
- After suspension, the license will be placed on 24 months probation
- The professional will receive clinical supervision for a minimum of 24 months
- The clinical supervisor will be an independently licensed behavioral health professional pre-approved by the Board, and will submit quarterly reports based on one hour clinical supervision per 40 hours worked
- The focus of clinical supervision will be boundaries, transference/counter-transference, dual relationships and ethics

The professional's attorney objected to the costs assessment. Ms. de Blank overruled the objection.

The motion carried with Ms. Menchaca and Mr. Herrera opposed. See attached roll call.

6. Formal Interviews

None

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

A. 2008-0065, Nadine Bowen-Wilson, LISAC-10299

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

The complainant appeared in person and addressed the Board.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Brassea, not to accept the signed consent agreement as recommended by the Substance Abuse Credentialing Committee. The motion passed unanimously.

Following further discussion, Ms. Lee moved, seconded by Ms. Nix, to offer the professional a consent agreement that includes the original stipulations with the following 3 modifications:

- The license will be suspended for a minimum of 12 months
- Minimum of 24 months probation. The professional may only practice in an OBHL licensed agency under direct supervision.
- A violation of A.R.S. §32-3251(10)(b) and A.R.S. §32-3251(12)(b) was added to the Conclusions of Law

and, if not signed, 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 vote.

B. 2006-0087, Diane Cornsweet, LPC-1294

Ms. Nix indicated that the professional's attorney is a client of her office but she is unaware of anything that would prevent her from making an unbiased decision in this matter.

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

The complainant appeared in person and addressed the Board.

The professional and her attorney, Michael Golder, appeared in person and addressed the Board.

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

The Board took a break at 2:07 p.m., reconvening its public meeting at 2:18 p.m.

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

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

The complainant was not available at the telephone number provided.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Nix moved, seconded by Ms. de Blank, 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. Sara Marriott, LPC-0158

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

The professional appeared in person and addressed the Board.

Following review and discussion by members, Ms. Menchaca moved, seconded by Ms. Brassea, to open a complaint and dismiss the complaint with a letter of concern. The motion passed unanimously.

Following further discussion, Ms. Nix moved, seconded by Ms. Brassea, to modify the letter of concern to indicate that the professional failed to disclose a 1992 misdemeanor charge on her LAC application, as required. The motion carried with Mr. Herrera opposed.

E. 2008-0064, Lisa Moody, LISAC-10353

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

The complainant appeared in person and addressed the Board.

The professional was properly noticed, but did not appear.

Following further discussion, Ms. Lee moved, seconded by Ms. Nix, to offer the professional a consent agreement with the original stipulations and including the following modifications:

- The license will be suspended for 12 months
- A minimum of 24 months probation. The professional shall practice only in an OBHL licensed agency under direct supervision

and, if not signed, to invite the professional to a participate in a formal interview and, if not accepted, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

F. 2007-0045, Heidi Quinlan, LPC applicant, LAC-11631 and LISAC-11071

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

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the Board.

The professional's attorney, Michael Ross, addressed the Board telephonically.

Following review and discussion by members, Mr. Herrera moved, seconded by Ms. Menchaca, to accept the signed consent agreement as recommended by the Counseling Credentialing Committee. The motion passed unanimously. See attached roll call.

The Board took a break at 3:10 p.m., reconvening its public meeting at 3:14 p.m.

8. Applications for licensure: review, consideration and action

Social Work

Ms. Brassea moved, seconded by Mr. Herrera, to approve 9 applicants as Licensed Clinical Social Workers and 16 applicants as Licensed Master Social Workers. The motion passed unanimously.

Ms. Brassea moved, seconded by Ms. de Blank, to deny 3 applicants based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Ms. Brassea, to approve 14 applicants as Licensed Associate Counselors and 11 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 1 applicant based on failure to pass the required exam and 6 applicants based on failure to meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

Substance Abuse

Ms. Brassea moved, seconded by Ms. de Blank, to approve 1 applicant as a Licensed Associate Substance Abuse Counselor. The motion passed unanimously.

The Board took a break at 4:10 p.m., reconvening its public meeting at 4:14 p.m.

9. Report from Chair.

A. Chair report

No report.

B. Member reports

No report.

C. Review of A.R.S. §32-3206

Tabled

D. Election of Chair and Secretary

Members discussed the responsibilities of the positions.

Mr. Herrera and Ms. de Blank addressed the Board regarding their qualifications to serve as Chair.

Following discussion by members, Ms. Brassea moved, seconded by Dr. Gabler, to nominate Ms. de Blank to serve as Chair. The motion carried with Mr. Herrera, Ms. Nix and Ms. Lee opposed.

Following further discussion, Ms. Menchaca moved, seconded by Ms. de Blank, to nominate Dr. Gabler to serve as Secretary-Treasurer. The motion passed unanimously.

E. Procedures for professionals on restricted practice to transition clients

Tabled

F. Failure of professionals to disclose criminal history

Ms. Rinaudo reviewed the current policy regarding disposition of cases where professionals have failed to disclose past misdemeanor criminal history. She distributed a proposed policy to more effectively address the issue.

Following discussion by members, Dr. Gabler moved, seconded by Ms. Lee, to adopt the proposed misdemeanor criminal history policy as amended. The motion passed unanimously.

G. Possible rule changes

Ms. Rinaudo reviewed technical rule changes that need to be made to comply with changes required pursuant to HB2325.

Following discussion by members, Mr. Herrera moved, seconded by Ms. Nix, to approve the proposed rule changes as presented. The motion passed unanimously.

Following further discussion, Ms. Nix moved, seconded by Mr. Herrera, to delete the “reciprocity” definition from A.A.C. R4-6-101. The motion passed unanimously.

10. Report from the Treasurer

Monthly Financial Report

No report

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

- Review of form language for interim consent agreements
- Develop definition of 'censure'

15. Call for public comment

None

16. Establishment of future meeting dates

The next meeting is scheduled for October 3, 2008, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Ms. de Blank moved, seconded by Ms. Lee, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:25 p.m.

Gloria Gabler
Secretary/Treasurer

Date