



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANICE K. BREWER
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
September 2, 2010

Members Present: Laura de Blank, Gloria Gabler, Kirk Bowden, Sunita Krishna (in at 9:55 a.m.)
Members by telephone: Kahryn Nix (out at 9:55 a.m.)
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office,
Kami Thur, Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on September 2, 2010, at 9:04 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Gabler moved, seconded by Dr. Bowden, to approve the general meeting minutes from the August 6, 2010, meeting as submitted. The motion passed unanimously. Mr. Mitchell abstained from the vote.

Dr. Bowden moved, seconded by Dr. Gabler, to approve the executive session minutes from the August 6, 2010, meeting as submitted. The motion passed unanimously. Mr. Mitchell abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2009-0045, Nicole Early, LCSW-12584

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

B. 2009-0027, Diane Herbertson, LMSW-12794

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

C. 2006-0086, Christiane Heyde, LISAC-0880

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

D. 2003-2010-0044, Sue Knabe, LPC-13255 and LISAC-11866

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

E. 2005-0022, 2008-0039 and 2009-0106, Alyssa Mandel, LCSW-10473

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

F. 2005-0082, Jeanne Rust-Lester, LPC-1997

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

G. 2010-0055, Gerald Szymanski, LPC-11595 and LISAC-10674

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

H. 2010-0035, Lynn Tyson, LMFT-0032

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. Mitchell moved, seconded by Dr. Bowden, to accept the consent agenda as presented. The motion passed unanimously. See attached roll call vote.

The Board took a break at 11:28 a.m., reconvening its public meeting at 11:42 a.m.

5. Administrative Hearings 11:00 AM

A. Michael Joseph, LCSW-10422

Ms. de Blank moved, seconded by Dr. Gabler, to continue the matter. The motion passed unanimously.

B. 2009-0120, John Lare, LAC-12407 and LISAC-11820

Mr. Harris appeared on behalf of the State and made an opening statement.

Ms. Balestra appeared on behalf of the professional and made an opening statement.

Christopher Munns, Solicitor General's Office, was available to provide legal advice to the Board.

Ms. Thur, Board Investigator, was sworn and testified on behalf of the State.

Ms. Balestra cross-examined Ms. Thur.

Ms. Murwin, Arizona Department of Juvenile Corrections (ADJC) Training Coordinator, was sworn and testified on behalf of the State.

Ms. Balestra cross-examined Ms. Murwin.

Mr. Delano, ADJC Employee Relations Specialist, was sworn and testified on behalf of the State.

Ms. Balestra cross-examined Mr. Delano.

The Board took a break at 2:03 p.m., reconvening its public meeting at 2:17 p.m.

The State rested and Mr. Harris offered State's Exhibits 1 through 25 into evidence.

Ms. de Blank accepted State's Exhibits 1 through 25 into evidence.

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

Mr. Harris cross-examined Mr. Lare.

Ms. Balestra offered Respondent's Exhibits A through V into evidence.

Ms. de Blank accepted Respondent's Exhibits A through V into evidence.

The Board took a break at 3:32 p.m., reconvening its public meeting at 3:40 p.m.

Mr. Harris and Ms. Balestra gave closing arguments.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Krishna, to adopt the Factual Allegations 1-8 from the Notice of Hearing as Findings of Fact. The motion passed unanimously.

Following review and discussion by members, Ms. Krishna moved, seconded by Dr. Bowden, to adopt Charges 1-3 from the Notice of Hearing as Conclusions of Law. The motion passed unanimously.

Following further discussion by members, Dr. Gabler moved, seconded by Mr. Mitchell, to issue an order revoking the professional's LAC and LISAC licenses. The motion passed unanimously. See attached roll call vote.

6. Formal Interviews

None

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

A. 2010-0063, Stephanie Hight, LPC-10323

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. de Blank moved, seconded by Mr. Mitchell, to re-offer the proposed consent agreement and, if not signed, to invite the professional to participate in a formal interview and, if not accepted, to remand the matter formal hearing. The motion passed unanimously. See attached roll call vote.

B. 2008-0083 and 2010-0113, Jeffery Larsen, LAMFT-10278

Ms. Rinaudo summarized the professional's non-compliance with his pending consent agreement.

The professional and his attorney, Larry Cohen, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to remand the matter back to the Marriage and Family Therapy Credentialing Committee for further consideration. The motion passed unanimously.

C. 2007-0067, 2010-0105 and 2010-0133, Albert Ledet, LISAC-11788

Ms. Rinaudo summarized the results of the Board's investigation and the professional's non-compliance with his pending consent agreement.

The professional and his attorney, Charles Hover, appeared in person and addressed the Board.

Dr. Willie Counts addressed the Board on behalf of the professional.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Krishna, to offer the professional a consent agreement that stipulates the following:

- Revocation of license
- The revocation is stayed pending successful completion of all required consent agreement terms.
- The license is placed on probation.
- The professional shall not practice under his license unless he is in full compliance with all consent agreement terms.
- The professional shall only practice as an employee in an OBHL licensed agency pre-approved by the Committee Chair for 24 months.
- The professional shall submit quarterly employment status updates for approval for 24 months.
- Weekly therapy by Dr. Counts for 24 months.
- Within 30 days, Dr. Counts shall submit a treatment plan for approval by the Committee Chair.
- Dr. Counts shall submit monthly reports to the Committee Chair for approval for 6 months.
- After 6 months, Dr. Counts shall submit quarterly reports to the Committee Chair for approval for 18 months.
- Dr. Counts shall immediately provide written notice to the Board if the professional fails to make satisfactory progress or if Dr. Counts identifies any significant issues or concerns regarding the professional's ability to practice safely and competently or believes that the professional may have engaged in unprofessional conduct while on probation.
- Therapy shall address personal integrity, professionalism, substance abuse, and sexual harassment issues.
- Random bodily fluid testing for 24 months.
- 24 months of twice monthly clinical supervision by Dr. Carlos Jones.
- Dr. Jones shall submit quarterly reports for approval by the Committee Chair for 24 months.
- The professional's direct supervisor(s) shall submit quarterly reports for 24 months addressing the professional's progress and any identified issues, problems, or concerns regarding the professional.

- Dr. Counts, Dr. Jones, and the professional's direct supervisor(s) shall share information with each other with regard to the professional's progress and any identified issues, problems, or concerns regarding the professional.
- Within the first 12 months the professional shall complete 3-clock hours of continuing education addressing sexual harassment issues in the workplace.
- Stayed investigative costs.

and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

D. NJ10-0015, Joan Parkinson
Tabled

E. NJ10-0007, Pamela Shaw-Keuter
Tabled

8. Assistant Attorney General's Report: Marc Harris, A.A.G.
None

9. Applications for licensure: review, consideration and action

A. Jill Lewis, LPC applicant

Dr. de Blank moved, seconded by Mr. Mitchell, to rescind this Board's August 6, 2010, motion to deny the applicant based on not meeting minimum requirements. The motion passed unanimously.

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 11 applicants as Licensed Clinical Social Workers, 12 applicants as Licensed Master Social Workers and 1 applicant as a Reciprocal Licensed Clinical Social Worker. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to deny 4 applicants based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Dr. Gabler, to approve 14 applicants as Licensed Associate Counselors and 9 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Gabler, to deny 9 applications based on not meeting minimum requirements, 1 application based on a finding of unprofessional conduct and not meeting minimum requirements, and 1 application based on failure to pass the required exam. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Dr. Bowden, to approve 6 applicants as Licensed Associate Marriage and Family Therapists and 1 applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

Dr. Gabler moved, seconded by Dr. Bowden, to deny 2 applicants based on failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Mitchell, to approve 3 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to deny 3 applicants based on failure to meet minimum requirements. The motion passed unanimously.

10. Report from Chair

A. Chair report

No report.

11. Report from the Treasurer

A. Monthly Financial Report

Members reviewed the monthly financial report.

Following review, Dr. Gabler moved, seconded by Ms. Krishna, to accept the financial report as presented. The motion passed unanimously.

12. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Discussion regarding Board application of A.R.S. §32-3206

Tabled

C. O'Neill vs. BBHE

Ms. Rinaudo reported regarding the voluntary dismissal by plaintiff of O'Neill vs. BBHE.

D. FY12-13 budget

Ms. Rinaudo reported regarding the submission of the Board's FY12-13 budget.

E. Agency challenges

Ms. Rinaudo reported regarding the current challenges facing the agency due to the state budget cuts.

13. Committee Reports

None

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

None

15. Future agenda items

Development of procedures to expedite committee and Board review of consent agreement non-compliance issues.

16. Call for public comment

None

17. Establishment of future meeting dates

The next regular meeting is scheduled for Thursday, October 7, 2010, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

A special Board meeting is scheduled for Tuesday, September 28, 2010.

18. Adjournment

Dr. Gabler moved, seconded by Dr. Bowden, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:18 p.m.

Gloria Gabler
Secretary/Treasurer

Date