



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

DEBRA RINAUDO
Executive Director

COUNSELING CREDENTIALING COMMITTEE MEETING MINUTES
Friday, September 24, 2010

Members Present: Laura de Blank, Katherine Bloom, Yvonne Fortier, Patrick Goodman

Members Absent: Paula Artac

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Doreen Romney, Mary Wilson, Elma Brambila

1. **Call to Order**

The meeting was called to order on September 24, 2010, at 9:02 a.m., with Ms. de Blank presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Ms. Fortier moved, seconded by Ms. Bloom, to approve the general meeting minutes from the August 27, 2010, meeting as submitted. The motion passed unanimously. Mr. Goodman abstained from the vote.

4. **Review, consideration and action of complaints and other disciplinary matters**

Pending complaints represent unproven allegations. On investigation, many complaints are found to be without merit or not of sufficient seriousness to merit disciplinary action against the licensee and are dismissed. Action by the committee on all disciplinary matters is a recommendation only. All final decisions are made by the Board.

Ms. de Blank reviewed the procedures for conducting an informal meeting.

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

Ms. Fortier indicated that she has encountered Mr. Olivarez in the past, but there is nothing regarding those contacts that would prevent her from making an unbiased decision in this matter.

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

The professional appeared in person and addressed the committee.

Following discussion by members, Ms. de Blank moved, seconded by Mr. Goodman, to recommend to the Board to find a violation of A.R.S. §32-3251(12)(c), any oral or written misrepresentation in any statement provided during a disciplinary proceeding by the Board. The motion passed unanimously.

Following further discussion by members, Ms. de Blank moved, seconded by Mr. Goodman, to recommend to the Board to find a violation of A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice. The motion passed unanimously.

Following further discussion, Mr. Goodman moved, seconded by Ms. Bloom, to recommend to the Board to accept a modified consent agreement that stipulates the following:

- The professional's license is revoked
- The revocation shall be stayed pending successful completion of the terms of probation
- The professional shall complete 6 additional months of weekly clinical supervision by an independently licensed pre-approved clinical supervisor

- The supervision shall focus on ethics and current behavioral health documentation requirements
- The clinical supervision shall submit quarterly reports

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.

B. 2010-0130, Sandra Terry, LPC-1045

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

The professional's attorney, James Goodwin, appeared and addressed the committee.

Ms. Bloom moved, seconded by Ms. Fortier, to go into executive session to review records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the committee went into executive session at 9:14 a.m., reconvening its public meeting at 9:34 a.m.

Ms. de Blank moved, seconded by Mr. Goodman, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the committee went into executive session at 9:40 a.m., reconvening its public meeting at 9:49 a.m.

Following discussion by members, Ms. Bloom moved, seconded by Mr. Goodman, to recommend to the Board to find the following violations:

- A.R.S. §32-3251(12)(ii), violating any state law applicable to the practice of behavioral health, as it relates to the following:
 - A.R.S. §32-3208(A), a health professional who has been charged with a misdemeanor involving conduct that may affect patient safety after receiving or renewing a license must notify the professional's regulatory board within 10 days after the charge is filed
- A.R.S. §32-3251(12)(c), any written misrepresentation of a fact by a licensee to secure the renewal of a license

The motion passed unanimously.

Following further discussion, Ms. Bloom moved, seconded by Mr. Goodman, to recommend to the Board to accept a consent agreement for an order of censure. The motion passed unanimously.

The committee took a break at 11:00 a.m., reconvening its public meeting at 11:10 a.m.

C. Derek Mellor, LPC applicant

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

The applicant appeared in person and addressed the committee.

Following review and discussion by members, Ms. Bloom moved, seconded by Ms. Fortier, to recommend to the Board to find the following violations:

- A.R.S. §32-3251(12)(k), conduct that constitutes a danger to the health, welfare or safety of a client
- A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice

The motion passed unanimously.

Ms. Bloom moved, seconded by Ms. Fortier, to open a complaint based on the findings of unprofessional conduct. The motion passed unanimously.

Following further discussion, Ms. de Blank moved, seconded by Mr. Goodman, to recommend to the Board to deny the application based on A.R.S. §32-3275(5) and (6). The motion passed unanimously.

D. Peter Tumulo, LAC applicant

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

The applicant appeared in person and addressed the committee.

Following review and discussion by members, Mr. Goodman moved, seconded by Ms. Fortier, to remand the matter to the Substance Abuse Credentialing Committee (SACC) and to recommend to the Board to license pursuant to the SACC's recommendation. The motion passed unanimously.

5. Case Referrals

A. 2010-0010, Willis Beasley, LPC-10904

Ms. de Blank moved, seconded by Mr. Goodman, to recommend to the Board to refer the conduct of the nurse practitioner in the Beasley matter to the Arizona Board of Nursing. The motion passed unanimously.

6. Report from the Chair and items for review, consideration, and possible action

None

7. Report from the Executive Director and/or staff

A. General Agency Operations

B. Current challenges facing the Board

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

C. Consent agreement non-compliance procedure development

Members discussed ways to standardize procedures for addressing professionals/applicants who fail to comply with Board consent agreements. As a beginning, members asked that a stayed revocation and lifting the stay on the payment of investigative costs be added to the committee options section of investigative reports involving consent agreement non-compliance issues.

8. Board, committees and subcommittee reports

None

9. National and regional trends and news regarding the profession(s)

None

10. Supervisor exemption requests: review, consideration and action

None

11. Consent agenda: review, consideration and action of requests for inactive status and extension requests

Following review, Ms. Bloom moved, seconded by Mr. Goodman, to approve the consent agenda as reviewed by Ms. Bloom, granting 60-day extensions to Isabelle Shook and Raymond Mitchell. The motion passed unanimously.

12. Inactive status or exam extension requests: review, consideration and action

A. Danny Hurd, Inactive status extension request

Members reviewed information submitted in support of the request for an extension of inactive status.

Following review and discussion, Mr. Goodman moved, seconded by Ms. Bloom, to deny the request for an extension of inactive status based on the applicant's failure to establish good cause pursuant to A.A.C. R4-6-209(B). The motion passed unanimously.

13. Applications for renewal: review, consideration and action

None

The committee took a break for lunch at 12:05 p.m., reconvening its public meeting at 1:05 p.m.

14. Applications for reassessment: review, consideration and action

A. Sharon Schlue

Members reviewed information submitted in support of the reassessment request.

Following review and discussion, members agreed the applicant meets minimum licensure requirements.

B. Lyna Munoz-Morris

Members reviewed information submitted in support of the reassessment request.

Following review and discussion, members agreed that the applicant meets minimum requirements.

C. Chy Howery

Members reviewed information submitted in support of the reassessment request.

Following review and discussion, members agreed that the applicant meets minimum requirements.

D. Erika Ortega

Members reviewed information submitted in support of the reassessment request.

Following review and discussion, members agreed that the applicant meets minimum requirements.

E. Steven Johnson

Members reviewed information submitted in support of the reassessment request.

Following review and discussion, members agreed to accept courses submitted to meet the Board's curriculum requirements for Basic Tests and Appraisal in Counseling and Career Development and Counseling and to request additional information regarding the course submitted to meet the Board's Chemical Dependency curriculum requirement.

15. Applications for licensure: review, consideration and action

Bryan Gest

Mr. Goodman moved, seconded by Ms. de Blank, to rescind this committee's August 27, 2010, motion to recommend to the Board to license Bryan Gest as a Licensed Professional Counselor. The motion passed unanimously.

School Counselor

Murray Leimsieder

Members reviewed information submitted regarding work experience acquired as a school counselor.

Following review and discussion, members agreed that the work experience submitted is not behavioral health assessment, diagnosis and treatment.

Appeals

A. Jennifer Walker

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Following review and discussion by members, Ms. Bloom moved, seconded by Ms. de Blank, to accept the work experience and course submitted to meet the Board's curriculum requirement for Human Growth and Development and to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

B. Heather Jelonek

Members reviewed information submitted in support of the appeal.

The applicant appeared in person and addressed the committee.

Mr. Goodman moved, seconded by Ms. de Blank, to accept MCP607 to meet the Board's curriculum requirement for Basic Counseling Skills in the Helping Relationship and to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

C. Katie Lyon

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Following review and discussion by members, Ms. Fortier moved, seconded by Ms. Bloom, to accept the employment history submitted and to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

D. Mary Jane Abril

Members reviewed information submitted in support of the appeal.

The applicant appeared in person and addressed the committee.

Following review and discussion by members, Ms. Fortier moved, seconded by Ms. Bloom, to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

E. Jennifer Stevenson

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Following review and discussion by members, Mr. Goodman moved, seconded by Ms. Bloom, to accept CED5950 as meeting the Board's curriculum requirement for Basic Counseling Skills in the Helping Relationship and to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

F. Michael Hutt

Members reviewed information submitted in support of the appeal.

The applicant addressed the committee telephonically.

Following review and discussion, members agreed that the applicant meets minimum requirements.

The committee went off record to review files at 2:20 p.m., reconvening its public meeting 3:35 p.m.

Ms. Bloom moved, seconded by Mr. Goodman, to recommend to the Board to approve the following 6 applicants as Licensed Associate Counselors upon receipt of the license issuance fee and a passing score on the required exam:

Michael Hutt	Janine Stanley	Jennifer Schilling	Angela Pergola
Lyna Munoz Morris	Nathan Mitchell		

The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Goodman, to recommend to the Board to approve the following 8 applicants as Licensed Professional Counselors upon receipt of the license issuance fee:

Erika Ortega	Jean Penczar	Meagan Foxx	Maureen Parren
Chy Howery	Sharon Schlue	Hillary Ganz	Erin Trujillo

The motion passed unanimously.

Ms. Bloom moved, seconded by Mr. Goodman, to recommend to the Board to approve Bryan Gest, Lisa Slovin and Lauren Barnhart as Licensed Associate Counselors upon receipt of the license issuance fee. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Goodman, to recommend to the Board to deny the following 4 applicants based on their failure to establish that they meet minimum requirements in education and/or supervised work experience:

Murray Leimsieder	Paul Pfaffenberger	Denice Carr	Richard Cox
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The motion passed unanimously.

16. Future agenda items

None

17. Call for public comment

None

18. Establishment of future meeting date(s)

The next meeting is scheduled for Friday, October 22, 2010, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

19. Adjournment

Ms. Bloom moved, seconded by Ms. Fortier, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:38 p.m.

Katherine Bloom
Secretary/Treasurer

Date