



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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JANE DEE HULL  
Governor

DEBRA RINAUDO  
Executive Director

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BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
November 1, 2002

Members Present: Lisa Aumack, Michael Salazar, Kirk Bowden, Hank Peck, Roberta Gastineau, Kathleen Phillips, Diane Pruetz, Gail Chase, Dan Wright, Jim Roth, Marianne Clinch, Susan Allanson, Steve LeGendre, Cedric Davis(9:04)

Members Absent: Karl Gauby

Members by telephone: Milton Mattox (9:45)

Staff Present: Debra Rinaudo, Patricia Reynolds, Marc Harris, A.A.G., Mary Wilson, Tina Zepeda

Public Present: Joseph Woodruff, Shannon Angus-D'Arpino, Lindsay Kaush, Brooke Roman, Sarah Smoger, Linda Calderone, Phil Calderone, Colleen Onga, Annie Espinoza, Andee Bufkin, Lana Wilder, Paul Clark, Judy Barnard, Jonnie White, Doug Malm, Duana Briggs, Rooann Barranco, Kelle Watson, Jill Hirneisen, Wendy Ellis, Heather Gardiner, Bob Gardiner, Steve Myle, Amynda Martin, David Brown, Camille Hernandez, Cynthia Casanova, Ken Lucas, Dena Baumgartner, David Gersom

Public by telephone: Jan Rust, Carol Brogna, Michael Wolver

1. **Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on November 1, 2002, at 9:00 a.m. with Gail Chase presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Ms. Phillips moved, seconded by Mr. Roth, to approve the general meeting minutes of October 4, 2002, as submitted. The motion carried with Ms. Allanson and Mr. LeGendre abstaining.

Ms. Phillips moved, seconded by Mr. Peck, to approve the executive session minutes of October 4, 2002, as submitted. The motion carried with Ms. Allanson and Mr. LeGendre abstaining.

4. **Review, Consideration and Action on Complaints and Other Disciplinary Matters**

*A. 2002-0014, Dale Litwiller, SA-0028 and CC-10433*

Ms. Reynolds summarized the facts of the case. The professional was noticed but did not appear.

Following review and discussion, Mr. Roth moved, seconded by Mr. Salazar, to approve the Substance Abuse Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously. (See attached roll call.)

*B. 2002-0013, David Brown, MFT-0148*

Ms. Reynolds summarized the facts of the case. Mr. Brown appeared in person and addressed the Board. The complainant addressed the Board by telephone.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Ms. Allanson, to approve the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss this complaint as unsubstantiated. The motion passed unanimously. (See attached roll call.)

*C. 2002-0012, Carol Brogna, SW-17001*

Ms. Reynolds summarized the facts of the case. Ms. Brogna and her attorney, Mr. Wolver, addressed the Board by telephone.

Following review and discussion by Board members, Ms. Aumack moved, seconded by Mr. Roth, to reoffer the consent agreement with the original violation and findings of fact but changing the order to require completion of a 3-credit hour graduate level ethics course and a 4-clock hour behavioral health recordkeeping workshop by June 2003 and requiring the professional to release the requested records immediately and provide notice the Board of the release. The matter will be remanded to formal hearing if the consent agreement is not signed in 30 days. The motion passed unanimously. (See attached roll call.)

*D. 2002-0005, Constance Shuler, SW-38421*

Ms. Reynolds summarized the facts of the case. The professional was noticed but did not appear.

Following review and discussion by Board members, Ms. Aumack moved, seconded by Ms. Phillips, to approve the Social Work Credentialing Committee's recommendation to dismiss this complaint as unfounded. The motion passed unanimously. (See attached roll call.)

*E. 2002-0026, Terry Fischer, CC-0095*

Tabled

*F. 2001-0042, Linda Calderone, SW-36521*

Ms. Gastineau recused herself from all matters regarding Ms. Calderone.

Ms. Reynolds summarized the facts of the case. The complainants, Mrs. Calderone and her attorney, Mr. Myers, appeared in person and addressed the Board.

Ms. Aumack moved, seconded by Mr. Bowden, to go into Executive Session for the purpose of receiving legal advice pursuant to A.R.S. § 38-431.03(A)(3). The motion passed unanimously and the Committee went into Executive Session at 10:15 a.m. and reconvened its regular meeting at 10:26 a.m.

Dr. Davis addressed the Board regarding social work standards of practice in this type of situation. Dr. Davis reported that practice standards would require that the social worker determine who is the custodial parent and to immediately stop treatment if there is no consent to treat by the custodial parent(s) or if a parent has requested that services be terminated.

Following review and discussion by Board members, Ms. Aumack moved, seconded by Ms. Allanson, to move to formal hearing if the consent agreement is not signed within 10 days. The motion passed unanimously. (See attached roll call.)

*G. 2001-0028, Rosemarie Ludwig, CC-0399*

Ms. Reynolds summarized the facts of the case.

Following review and discussion by Board members, Ms. Allanson moved, seconded by Mr. Roth, to grant the professional's request for release from the consent agreement. The motion passed unanimously.

*H. Pamela Burns, CC-1113*

Ms. Reynolds summarized the facts of the case.

Following review and discussion by Board members, Ms. Aumack moved, seconded by Mr. Wright, to authorize the renewal and withdraw the offer of a consent agreement. The motion passed unanimously.

*I. Dena Baumgartner, MFT-0368 and CC-0491*

Ms. Reynolds summarized the facts of the case. Ms. Baumgartner and her attorney, Mr. Gersom, requested a copy of the original complaint and disposition from 1993. Ms. Reynolds will send them the requested documents.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Dr. Davis, to authorize the renewal and withdraw the offer of a consent agreement. The motion passed unanimously.

*J. David Halchishick, SA-0011*

Ms. Reynolds summarized the facts of the case.

Following review and discussion by Board members, Ms. Aumack moved, seconded by Ms. Clinch, to grant the professional's request for release from the consent agreement. The motion passed unanimously.

*K. Wendy Ellis, CC-0508*

Ms. Reynolds summarized the facts of the case. Ms. Ellis and her attorney, Ms. Hirneisen, addressed the Board in person.

Following review and discussion by Board members, Ms. Phillips moved, seconded by Ms. Allanson, to authorize the renewal and withdraw the offer of a consent agreement. The motion passed unanimously.

**5. Review, Consideration and Action on Applicants Recommended for Certification**

*Counseling*

Mr. Bowden moved, seconded by Ms. Pruetz, to accept five applicants for CAC and nineteen applicants for CPC. The motion carried with Ms. Allanson abstaining.

*Social Work*

Dr. Davis moved, seconded by Mr. Peck, to accept one applicant for CBSW, ten applicants for CMSW and eight applicants for CISW. The motion passed unanimously.

*Substance Abuse*

Mr. Salazar moved, seconded by Ms. Pruetz, to accept eighteen applicants for CSAC. The motion passed unanimously.

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

*A. Letter of concern*

Ms. Rinaudo reported that Stuart Goodman has advised the Board not to seek a legislative change to obtain authority to issue letters of concern this year. Ms. Rinaudo reviewed the history of the renewal question regarding past complaints and the status of the Board's current adverse action report, with 30% of the actions related to this question being answered incorrectly.

Mr. Peck moved, seconded by Ms. Aumack, to direct staff to reword the question to include all complaints other than those filed by this Board. The motion passed unanimously.

Ms. Aumack moved, seconded by Mr. Roth, to defer the issue regarding letter of concern authority until after the licensure bill is heard. The motion carried with Ms. Phillips, Ms. Clinch and Mr. LeGendre opposed.

*B. ABCAC certification accommodations*

Ms. Rinaudo reported that there is a group of ABCAC certified counselors who are considering opposing licensure if they are not grandfathered. Ms. Rinaudo and members of the Coalition have been communicating and attempting to discern exactly what these counselors are requesting.

Ken Lucas, ABCAC President, addressed the Board. He stated ABCAC's position supporting grandfathering ABCAC counselors but requiring all applicants to complete the Board's application process.

Following discussion by Board members, Mr. Salazar moved, seconded by Mr. Wright, to support the effort to grandfather ABCAC certified counselors if they are currently in good standing if they complete the Board's application process, and to authorize Ms. Rinaudo to work through the legal issues to effect this change. The motion passed unanimously.

*C. Dual relationship language*

Ms. Rinaudo reported regarding proposed language in the draft licensure bill regarding exploitation of clients and dual relationships.

Following discussion, the Board agreed to the current language regarding exploitation and indicated a preference for the following language regarding dual relationships:

“Engaging in a dual relationship with a client that could impair the licensee’s objectivity or professional judgment or create a risk of harm to the client”.

*D. CEUs under licensure*

Ms. Rinaudo reported that the academic community in Tucson has requested that the licensure bill include required cultural competence and ethics hours as CEUs for renewal of a license.

Following discussion, the Board agreed that such requirements should be in rule. The Board also agreed to review this issue again if requested.

*E. Renewal application disclosure of past dismissed complaints*

Following review and discussion of the issue by Board members, Mr. Peck moved, seconded by Ms. Aumack, that the Board administratively dismiss consent agreements that were entered into with professionals who incorrectly answered "no" to question (b) on the renewal application because of past dismissed complaints before this Board, to void all related HIPDB reports and to notify the professionals of the Board's actions. The motion passed unanimously.

*F. Nominating committee*

Ms. Gastineau will accept nominations for the election of officers in December. Any member who is interested in serving as Chair or Secretary/Treasurer should contact Ms. Gastineau.

**7. Report from the Treasurer and items for review, consideration and possible action**

*A. Monthly report*

Mr. LeGendre reported that Board revenues and expenditures are as budgeted.

Ms. Rinaudo reported that this fiscal year the Board will acquire an additional 340 square feet of office space. Ms. Rinaudo also reported regarding the need to maintain the Board's two unfilled positions because they will be needed when licensure passes.

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

*A. General Agency Operations*

*B. Licensure update*

Ms. Rinaudo reported that the licensure effort is proceeding as expected with no opposition from major stakeholders. The sunrise hearing is scheduled for November 21.

*C. Independent contractor supervised work experience*

No report

**9. Committee reports**

No report

**10. National and regional news regarding the profession(s)**

None

**11. Future agenda items**

None

**12. Call for public comment**

None

**13. Establishment of future meeting dates**

The next meeting is scheduled for December 6, 2002, at 9:00 a.m. in Room B-2. Board members agreed that they will meet on January 10, 2003.

**14. Adjournment**

Mr. Peck moved, seconded by Ms. Allanson, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:03 p.m.

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Steve LeGendre  
Secretary/Treasurer

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Date

