



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  
October 4, 2002

Members Present: Lisa Aumack, Michael Salazar, Kirk Bowden, Hank Peck, Karl Gauby, Roberta Gastineau, Kathleen Phillips, Diane Pruetz, Gail Chase, Dan Wright, Jim Roth, Cedric Davis, Marianne Clinch

Members Absent: Susan Allanson, Steve LeGendre, Milton Mattox

Staff Present: Debra Rinaudo, Patricia Reynolds, Marc Harris, A.A.G., Victoria Mangiapane, Solicitor General's office, Mary Wilson, Tina Zepeda

Public Present: Gabrielle Bodin, Jackie Clayton, Marie Brugnara, Sheila Howe, Robin Potts, Wendy Borlabi, Lisa Lowder, Robert Boweny, Danni Steinheuer, Betsy Basch, Tenna Krabbenhoff

Public by telephone: Douglas Massie

1. **Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on October 4, 2002, at 9:02 a.m. with Gail Chase presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Ms. Phillips moved, seconded by Mr. Bowden, to approve the general meeting minutes of September 6, 2002, as submitted. The motion carried with Ms. Clinch, Ms. Chase, Mr. Davis, Mr. Roth and Mr. Wright abstaining.

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

*A. 2001-0039, Sam Rotella, SA-1323*

Ms. Chase summarized the Board's formal hearing procedures and Board members introduced themselves. Mr. Rotella was noticed, but did not appear. Mr. Harris appeared on behalf of the State. Ms. Mangiapane from the Solicitor General's office was present to provide legal representation to the Board.

As the State's witness, Ms. Reynolds testified regarding Mr. Rotella's systematic misrepresentations of his qualifications to the Board, verification entities and employers dating back to 1995.

Ms. Chase polled Board members with regard to their individual opinions. Members indicated the egregious nature of Mr. Rotella's misrepresentations warranted revocation.

Following review and discussion, Ms. Aumack moved, seconded by Mr. Gauby, to accept the proposed findings of fact 1 through 9, which were closely aligned with allegations in the complaint. The motion passed. (See attached roll call.)

Following review and discussion, Ms. Phillips moved, seconded by Mr. Roth, to accept conclusions of law 1 through 8, which were closely aligned with allegations in the complaint. The motion passed. (See attached roll call.)

Following review and discussion, Ms. Aumack moved, seconded by Mr. Bowden, to order that certificate number SA-1323 be revoked, to levy the maximum fine of \$500 to be paid within 30 days and to refer this matter to law enforcement agencies for appropriate criminal action. The motion passed. (See attached roll call.)

*B. 2002-0011, Douglas Massie, SW-2734M*

Ms. Reynolds summarized the facts of the case. Mr. Massie addressed the Board by telephone.

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

*C. Julie Nicholson, CC-1138*

Ms. Reynolds summarized the facts of the case.

Following review and discussion by Board members, Mr. Roth moved, seconded by Mr. Gauby, to accept the Counseling Credentialing Committee's recommendation to accept the signed consent agreement and approve the renewal application. The motion passed. (See attached roll call.)

*D. John Kelty, SW-3828M*

Ms. Reynolds summarized the facts of the case. Mr. Kelty had requested to participate by telephone, but was not available.

Following review and discussion by Board members, Mr. Peck moved, seconded by Mr. Wright, to accept the Social Work Credentialing Committee's recommendation to accept the signed consent agreement and approve the renewal application. The motion passed. (See attached roll call.)

*E. Sheila Howe, MFT-0197*

Ms. Reynolds summarized the facts of the case. Ms. Howe, and her attorney, Jim Cunningham, appeared in person and addressed the Board. Ms. Howe stated that she answered the renewal questions in haste and accepts full responsibility for her mistake. Mr. Cunningham stated that the Board has no authority to discipline professionals for mistakes where there is no evidence of intent to deceive.

Ms. Aumack moved, seconded by Mr. Gauby, 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 10:08 a.m. and reconvened its regular meeting at 10:45 a.m.

*The Board took a break from 10:45 to 10:55 a.m.*

Following review and discussion by Board members, Ms. Gastineau moved, seconded by Ms. Pruetz, to open a complaint and remand this matter to formal hearing for a violation of A.R.S. 32-3251(9)(b), use of deceit in establishing qualifications. The motion passed. (See attached roll call.)

*F. 1999-0007, Marvin Hillyard, SA-1408*

Ms. Reynolds summarized the facts of the case. On September 26, 2002, the Substance Abuse Credentialing Committee Chair approved the professional's request for release from the consent agreement.

Following review and discussion by Board members, Mr. Salazar moved, seconded by Ms. Pruetz, to release the professional from the stipulations of the consent agreement. The motion passed. (See attached roll call.)

*G. Christopher Ellington, Not Certified*

Ms. Reynolds summarized the facts of the case. Following review and discussion by Board members, Ms. Aumack moved, seconded by Mr. Salazar, to issue a cease and desist order and to report this matter to law enforcement authorities. The motion passed. (See attached roll call.)

*H. Donzell Buckhanon, Not Certified*

Ms. Reynolds summarized the facts of the case. Following review and discussion by Board members, Mr. Salazar moved, seconded by Mr. Roth, to issue a cease and desist order and to report this matter to law enforcement authorities. The motion passed. (See attached roll call.)

*I. NJ-02-0014, Elizabeth Kinsworthy*

*J. NJ02-0015, John Matson*

Ms. Reynolds summarized the facts of the cases. Following review and discussion by Board members, Ms. Phillips moved, seconded by Ms. Pruetz, to dismiss both complaints as non-jurisdictional. The motion passed unanimously.

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

*Counseling*

Mr. Bowden moved, seconded by Mr. Gauby, to accept eight applicants for CAC and sixteen applicants for CPC. The motion passed unanimously.

*Social Work*

Ms. Gastineau moved, seconded by Mr. Roth, to accept two applicants for CBSW, six applicants for CMSW and nine applicants for CISW. The motion passed unanimously.

*Substance Abuse*

Mr. Roth moved, seconded by Mr. Salazar, to accept sixteen applicants for CSAC. The motion passed unanimously.

*Marriage and Family Therapy*

Mr. Wright moved, seconded by Mr. Davis, to accept two applicants for CMFT. The motion passed unanimously.

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

*A. Formal hearings before the Board*

Ms. Rinaudo reported that only uncontested cases or cases with no significant factual or legal issues will be brought before the Board for formal hearing. Security officers will be provided when ever appropriate.

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

*A. Monthly report*

Ms. Rinaudo reported that the agency's FY04-05 budget has been submitted and is under review.

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

*A. General Agency Operations*

Ms. Rinaudo reported that the number of applications received by the agency continues to rise monthly. This is expected to continue while the licensure bill is pending.

Ms. Rinaudo advised members that the agency's workload continues to increase because of licensure. Because of this, other projects have been temporarily deferred.

*B. Licensure update*

Ms. Rinaudo reported that legislators are concerned about how many practitioners will be negatively affected by licensure. To try to respond to these concerns, agency staff completed a telephone survey of psychotherapists listed in the yellow pages in the Phoenix area and found that 92% of the organizations contacted use only licensed or certified people. Of the organizations that use unlicensed and uncertified people, almost all use staff with masters or higher degrees. Based on this informal survey, it appears that a small number of practitioners would be automatically unqualified to be licensed.

*C. Member per diem*

Ms. Rinaudo reminded the Board of their motion to increase per diem to \$100 under licensure. Stuart Goodman has advised her to remove any provisions from the bill that raise costs in any way.

Following discussion by members, Mr. Peck moved, seconded by Mr. Bowden, that the section of the licensure bill regarding per diem be changed back to \$30. The motion passed unanimously.

*D. Supervision work group*

Ms. Rinaudo reported that her Executive Director's report contains information regarding the supervision work group meeting. A meeting of only social workers is scheduled for October 10<sup>th</sup> and that group will make a recommendation to the full work group at a later date.

Ms. Gastineau reported that it was a lively discussion and everyone expressed valid points.

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 November 1, 2002, at 9:00 a.m. in Room B-2. Board members agreed that they will meet on January 10, 2003.

14. **Adjournment**

Ms. Aumack moved, seconded by Mr. Salazar, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:05 p.m.

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Steve LeGendre  
Secretary/Treasurer

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Date