



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

DEBRA RINAUDO
Executive Director

SUBSTANCE ABUSE CREDENTIALING COMMITTEE MEETING MINUTES
Friday, August 20, 2010

Members present: Kirk Bowden, Cynthia Pio-Padilla
Member by telephone: John Hogeboom
Staff present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Mary Wilson, Elma Brambila, Selena Samarripaz

1. **Call to Order**

The meeting was called to order on August 20, 2010, at 9:05 a.m. with Dr. Bowden presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Mr. Hogeboom moved, seconded by Ms. Pio-Padilla, to approve the general meeting minutes from the July 23, 2010, meeting as submitted. The motion passed unanimously.

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.

Mr. Hogeboom reviewed the process for conducting informal meetings.

A. 2010-0103, Michael Kennedy, LCSW-10321

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

The professional appeared in person and addressed the committee.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to dismiss the complaint. The motion passed unanimously.

B. 2010-0118, Karen Mavrikos, LAC applicant

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

The professional appeared in person and addressed the committee.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to find violations of the following:

- A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice
- A.R.S. §32-3251(12)(ii), violating any state law as it relates to A.R.S. §32-3208, an applicant who is charged with any misdemeanor that could affect patient safety shall report to the Board in writing within 10 days

The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, 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 9:44 a.m., reconvening its public meeting at 9:46 a.m.

Following further discussion by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to accept a consent agreement that stipulates the following:

- The professional's license will be placed on probation
- Issue an order of censure
- Therapy by a pre-approved master or higher level LISAC therapist for 24 months
- Counseling/evaluation sessions will be twice monthly for the first six months
- The following 18 sessions will be monthly for evaluation and follow-up
- The professional can request early release after 12 months upon the therapist's recommendation

The motion passed unanimously.

C. 2005-0090, Deborah Yancer, LPC-1451 and LISAC-1546

Ms. Rinaudo summarized the results of the Board's background investigation and the history of committee action in this matter.

The professional and her attorney, Stephen Myers, appeared in person and addressed the committee.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to go into executive session to discuss 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 9:18 a.m., reconvening its public meeting at 9:25 a.m.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to accept a consent agreement that stipulates the following:

Findings of fact

- A.R.S. §32-3251(10)(b), use of fraud or deceit in connection with rendering services as a behavioral health professional or in establishing qualifications
- A.R.S. §32-3251(12)(c)(i), any oral or written misrepresentation of a fact by a licensee to secure or attempt to secure the issuance or renewal of a license
- A.R.S. §32-3251(12)(c)(ii), any oral or written misrepresentation of a fact by a licensee in any statements provided during an investigation or disciplinary proceeding by the Board
- A.R.S. §32-3251(12)(d), any false, fraudulent or deceptive statement connected with the practice of behavioral health
- A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice
- A.R.S. §32-3251(12)(o), failing to furnish information within a specified time to the Board or its investigators or its representatives if legally requested by the Board

Stipulations

- The professional's license will be placed on probation
- Random bodily fluid testing twice a month for 24 months
- Completion of a 3-semester credit hour graduate level ethics course within 12 months
- 12 months of weekly clinical supervision by a pre-approved independently licensed behavioral health professional focusing on ethical issues and drug and alcohol abuse issues, including prescription medication abuse. The clinical supervisor shall submit monthly reports for approval.
- The professional is prohibited from providing direct services or clinical supervision to any professional, behavioral health technician or paraprofessional for 24 months
- Weekly attendance at group therapy for impaired professionals with monthly attendance reports to the SACC chair for 24 months
- Quarterly reports from the professional's prescribing physician addressing all current prescriptions for 24 months

The motion passed unanimously.

D. Roxann Austin, LMSW applicant

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

The applicant was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to open a complaint based on issues presented in the investigative report. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to find a violation of A.R.S. §32-3251(12)(1), any conduct, practice or condition that impairs the ability of the professional to safely and competently practice, and a failure to qualify pursuant to A.R.S. §32-3275(6). The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to make a finding of unprofessional conduct and recommend denial of the license pursuant to A.R.S. §32-3275(6). The motion passed unanimously.

E. Clemmer Hamby, LCSW-11846

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

The professional appeared in person and addressed the committee.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to open a complaint based on the professional's answer to a background question on his renewal application. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to find a violation of A.R.S. §32-3251(12)(1), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to offer a consent agreement that stipulates the following:

- The professional's license is suspended for 24 months and the suspension is stayed while the professional remains in compliance with the terms of the consent agreement
- The professional's license will be placed on probation
- The professional is prohibited from engaging in any type of independent practice while on probation
- The professional's employer will submit monthly reports regarding the professional's employment status and any performance issues or problems
- The professional shall receive counseling twice monthly from a pre-approved LISAC for 24 months
- The focus of the counseling will be life-stressors and triggers
- The professional shall attend a minimum of 4 AA meetings per week for 24 months with quarterly reports from his sponsor

The motion passed unanimously.

F. Christina Allen, LISAC-11447

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, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to open a complaint and find a violation of A.R.S. §32-3208(A), a licensee who has been charged with a misdemeanor that could affect patient safety shall report in writing to the Board within 10 days. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to accept a consent agreement for an order of censure. The motion passed unanimously.

G. Charise Spisak, LAMFT applicant

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

The applicant appeared in person and addressed the committee.

Following review and discussion, members agreed no further action is necessary regarding the identified background issue.

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

No report

6. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

7. Board, committee and subcommittee reports (discuss and possible action)

None

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

No report.

9. Supervisor exemption requests: review, consideration and action.

None

10. Applications for reciprocal license: review, consideration and action

None

11. Consent agenda: review, consideration and action regarding requests for extensions and inactive status

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to approve the consent agenda, as reviewed by Dr. Bowden, granting inactive status to Ramona Jefferson. The motion passed unanimously.

12. Applications for inactive extension requests: review, consideration and action

A. Susan Williams

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

Following review by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to deny the request for an extension to inactive status based on the professional's failure to establish good cause pursuant to A.A.C. R4-6-209(B). The motion passed unanimously.

13. Applications for licensure: review, consideration and action

Appeals

A. Eva Foster

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

B. LeAnn Stone-Ohlin

Tabled due to a lack of quorum.

The committee reviewed files from 11:07 a.m. through 12:20 p.m.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to approve Charise Spisak as a Licensed Associate Marriage and Family Therapist upon receipt of a passing score on the required exam and the required license issuance fee. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to approve April Cline as a Licensed Associate Substance Abuse Counselor upon receipt of a favorable fingerprint report and the required license issuance fee. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to approve David Bazzell as a Licensed Associate Substance Abuse Counselor upon receipt of the required license issuance fee. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to deny Yzmira Ysaguirre and Kris Papin based on their failure to meet minimum licensure requirements. The motion passed unanimously.

14. Future agenda items

None

15. Call for public comment

None

16. Establishment of future meeting date(s)

The next meeting is scheduled for September 24, 2010, at 9:00 a.m. at 3443 North Central, Room 908.

17. Adjournment

Ms. Pio-Padilla moved, seconded by Mr. Hogeboom, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:21 p.m.

Kirk Bowden
Secretary/Treasurer

Date