



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
1400 WEST WASHINGTON, SUITE 350
PHOENIX, AZ 85007
PHONE: 602.542.1882 FAX: 602-364-0890
Arizona State Website: www.az.gov
Board Website: www.bbhe.state.az.us
Board E-mail Address: azbbhe@bbhe.state.az.us

JANET NAPOLITANO
Governor

KATHLEEN PHILLIPS
Board Chair

DEBRA RINAUDO
Executive Director

SUBSTANCE ABUSE CREDENTIALING COMMITTEE MEETING MINUTES
Friday, February 18, 2005

Members Present: Jim Roth, Geri Sosa, Del Worley, Diane Pruetz (in at 9:43 a.m. / out at 4:15 p.m.)

Staff Present: Debra Rinaudo, Kami Thur, Mary Wilson

Public Present: Tiki Zerr, Allison Williams, Ben Giller, Joe Diaz, Kim McBride, Jesse Chater, Robin Purett, Berit Hyer-Boyd, Evelyn Mijier, Randy Koeper, Michelle Brown, Sue Mueller, Dan Mullins, Lawrence Sideman, Rose Daly-Rooney, Michael Mitchell, Joy Stevens, Steve Tyrell, Michelle Gallagher, Holly Williamson

Public by telephone: Jamie Pullin, Sat Khalsa, Robin Piersoll, David Rankin

1. Call to Order

The meeting was called to order on February 18, 2005, at 9:07 a.m. with Mr. Roth presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Mr. Roth moved, seconded by Ms. Worley, to approve the general meeting minutes from January 21, 2005, as submitted. The motion carried with Ms. Sosa abstaining.

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

A. Joy Stevens, LISAC-0932

Ms. Rinaudo summarized the results of the investigation regarding the professional's yes answer to background question (j) on her renewal application regarding a past termination.

Ms. Stevens appeared in person and addressed the committee.

Following discussion by members, Ms. Pruetz moved, seconded by Ms. Sosa, to open a complaint for investigation into possible violations of unprofessional conduct based on the professional's conduct leading to two employment terminations and the professional's failure to disclose one of these terminations on multiple renewal applications. The motion passed unanimously.

B. Michael Mitchell, SA applicant

Ms. Thur summarized the results of the investigation regarding the professional's yes answer to background questions (7) and (10) on his licensure application.

Mr. Mitchell and his attorney, Rose Daly-Rooney, appeared in person and addressed the committee.

Ms. Worley moved, seconded by Ms. Sosa, to go into executive session to discuss confidential medical records pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the committee went into executive session at 9:28 a.m., reconvening its public meeting at 9:51 a.m.

Ms. Thur continued the summary of the investigative report.

Mr. Mitchell addressed the committee regarding his education and work history.

Holly Williamson and Robin Piersoll, co-workers of Mr. Mitchell at Correctional Services Corporation (CSC), and Michelle Gallagher, Mr. Mitchell's direct supervisor at CSC, asked to address the committee. They stated

that they wanted to provide information based on their status as licensed professionals and were not speaking on behalf of or representing CSC.

Ms. Williamson, appeared in person and addressed the committee. She indicated that she recanted her recommendation letter regarding Mr. Mitchell because she takes her responsibility as a licensee seriously and feels it is her obligation to report to the Board that she believes Mr. Mitchell is a threat to client safety based on the poor quality of client services he provides. Ms. Williamson indicated that she personally experienced conflict with Mr. Mitchell, witnessed conflict between him and other co-workers, and that this conflict had a negative effect on client care.

Ms. Gallagher, Clinical Director at Correctional Services Corporation, addressed the committee regarding Mr. Mitchell's hostility toward co-workers and herself. She also described significant problems Mr. Mitchell had with his clients, including boundary violations.

Ms. Piersoll addressed the committee telephonically regarding Mr. Mitchell's problems in working with other people and boundary issues with clients. She indicated that she does not believe Mr. Mitchell should be licensed. She also reported regarding Mr. Mitchell's admissions regarding his ongoing illegal drug use.

Following discussion by members, Ms. Worley moved, seconded by Ms. Pruetz, to deny the application for failure to meet qualifications based on the degree not meeting requirements and unprofessional conduct based on the following 5 violations:

1. A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice that profession, based on Mr. Mitchell's inappropriate disclosure of personal issues to clients, his impaired ability to work with co-workers and evidence of ongoing impairment from substance abuse and his admission of marijuana use while certified as a substance abuse counselor.
2. A.R.S. §32-3251(12)(k), any conduct or practice that constitutes a danger to the health, welfare or safety of a client, based on Mr. Mitchell's inappropriate disclosure of personal issues to clients, his impaired ability to work with co-workers and his failure to maintain documentation in accordance with professional standards.
3. A.R.S. §32-3251(12)(f), active, habitual intemperance in the use of alcohol or active habitual substance abuse, based on Mr. Mitchell's admission of marijuana use and client and co-worker reports of substance abuse related impairment at work.
4. A.R.S. §32-3251(10)(b), the use of fraud or deceit in establishing qualifications pursuant to this chapter, based upon Mr. Mitchell's failure to accurately disclose his criminal history on his 1998 CSAC application to the Board.
5. A.R.S. §32-3251(12)(b), the use of fraud or deceit in establishing qualifications pursuant to this chapter, based Mr. Mitchell's failure to accurately disclose employment and/or terminations at New Arizona Family, Intensive Treatment Systems and Copper Communities on his 2004 LASAC application.

The motion passed unanimously.

The committee took a break at 10:55 a.m., reconvening its public meeting at 11:05 a.m.

C. David Rankin, SA-1703

Ms. Thur summarized the results of the investigation regarding the professional's yes answer to background question (g) on his renewal application regarding a 2002 DUI arrest.

Mr. Rankin appeared addressed the committee telephonically.

Following discussion by members, Ms. Worley moved, seconded by Ms. Pruetz, to open a complaint for investigation into possible violations of unprofessional conduct based on information in the investigative report regarding Mr. Rankin's reliance on a co-worker, Scott Harrington, for therapy to address Mr. Rankin's stress and depression issues. The motion passed unanimously.

Following further discussion, members agreed to consider opening a complaint against Mr. Harrington for practicing in Arizona without a license after July 1, 2004, and using the initials LPC when he is not licensed in Arizona.

D. Marc Gross, SA applicant

Mr. Roth and Ms. Worley indicated they know Ms. Kang, the applicant's supervisor, but have no bias regarding Mr. Gross' application.

Ms. Thur summarized the results of the investigation regarding the applicant's yes answer to background questions (4) and (10) on his certification application.

Mr. Gross appeared in person and addressed the committee regarding past terminations. All of the supervised work experience he submitted was obtained at places of employment that terminated his employment.

Following discussion by members, Ms. Pruetz moved, seconded by Ms. Worley, to deny the appeal based on unprofessional conduct as evidenced by the applicant's terminations for cause from both positions used to acquire the supervised work experience required to qualify for certification. The motion passed unanimously.

The committee took a break from 12:18 p.m., reconvening its public meeting at 12:25 p.m.

E. Deborah Yancer, LISAC-1546 and LPC-1451

Ms. Thur summarized the results of the investigation regarding the professional's failure to disclose DUI charges on previous renewal applications.

Following discussion by members, Ms. Sosa moved, seconded by Ms. Pruetz, to open a complaint based on the information in the investigative report regarding the professional's failure to accurately disclose her criminal history on previous renewal applications. The motion carried with Ms. Worley abstaining.

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

A. Work experience acquired as a behavioral health technician

Ms. Rinaudo reported that the Board needs to address whether it will accept work experience obtained by unlicensed professionals working as behavioral health technicians. Each committee will make a recommendation to the Board regarding this issue. Ms. Rinaudo reviewed the discussions between the Board and the Department of Health Services (DHS) when DHS requested the licensure exemption for behavioral health technicians.

After discussion, the consensus of the committee was to recommend to the Board to adopt a rule to exclude work experience acquired by unlicensed professionals after July 1, 2005.

B. Appropriate action for professionals who failed to disclose previous criminal history

Ms. Rinaudo reported that the licensure statute requires a fingerprint check for each application and for the first renewal of a professional's license submitted after July 1, 2004.

Ms. Rinaudo described a number of pending licensure and renewal applications where professionals did not appropriately disclose their criminal history.

The Board will review this issue and develop a procedure for processing such applications at its March meeting.

Following discussion, Ms. Sosa moved, seconded by Ms. Pruetz, to recommend to the Board that a letter of concern be issued where the professional failed to disclose criminal history that would not have affected the professional's eligibility for certification or renewal.

6. Report from the Executive Director and/or staff

A. General Agency Operations

No report

B. Member training on file review procedures

Tabled

7. Report from the Board and other committees

No report.

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

None

9. Review, consideration and action of supervision/work experience and/or exemptions

A. Harry Hogan

Following review of the applicant's work history, members agreed to deny the request for a supervision exemption.

10. Review, consideration and action regarding renewals

A. David Rankin, SA-1703

The committee opened a complaint. See agenda item 4(C).

B. Deborah Yancer, LISAC-1546 and LPC-1451

The committee opened a complaint. See agenda item 4(E).

C. Joy Stevens, LISAC-0932

The committee opened a complaint. See agenda item 4(A).

11. Review, consideration and action of consent agenda for applications for inactive, extension and exam accommodation requests

Ms. Pruetz moved, seconded by Ms. Sosa, to approve the consent agenda reviewed by Ms. Worley, granting 60-day extensions to Craig Duro, Jesus Cano and Elton Bohanon and second 60-day extensions to Patricia Pruitt and Donna Baker. The motion passed unanimously.

12. Review, consideration and action of applications for reassessment

None

13. Review, consideration and action of applications for licensure

A. Michael Mitchell

The committee denied the applicant's application for licensure based on not meeting minimum requirements and unprofessional conduct. See agenda item 4(B).

B. Marc Gross

The committee denied the applicant's application for licensure based on unprofessional conduct. See agenda item 4(D).

Sat Khalsa

Ms. Rinaudo reviewed the documents submitted by the applicant in support of the appeal. Mr. Khalsa addressed the committee telephonically.

Ms. Pruetz moved, seconded by Ms. Sosa, to accept CE683 and deny the appeal based on the lack of a degree that meets minimum requirements. The motion passed unanimously.

Cheryl Walters

Ms. Rinaudo reviewed the documents submitted by the applicant in support of the appeal. Ms. Walters was noticed, but did not appear.

Ms. Pruetz moved, seconded by Mr. Sosa, to accept IS2266E and IS4237E for 10 quarter hours and to deny the appeal based on the lack of a degree that meets minimum requirements and a finding that the work experience is not substance abuse counseling. The motion passed unanimously.

Marie Barlow

Ms. Rinaudo reviewed the documents submitted by the applicant in support of the appeal. Ms. Barlow was noticed, but did not appear.

Ms. Pruetz moved, seconded by Ms. Worley, to accept the work experience acquired at NOVA and to deny the appeal based on not accepting the work experience acquired at Civigenics or Banner Thunderbird as the supervisors are not qualified. The motion passed unanimously.

Tiki Zerr

Ms. Rinaudo reviewed the documents submitted by the applicant in support of the appeal. Ms. Zerr appeared in person and addressed the committee.

Following review of additional documentation, members agreed that the applicant meets licensure requirements.

James Williams

Ms. Rinaudo reviewed the applicant's letter requesting appeal. Mr. Williams was noticed, but did not appear.

Ms. Pruetz moved, seconded by Ms. Sosa, to deny the appeal based on a finding that the applicant does not meet minimum education requirements at any level of licensure. The motion passed unanimously.

Robert Carr

Tabled

Jamie Pullin

Ms. Rinaudo reviewed the documents submitted by the applicant in support of the appeal. Ms. Pullin addressed the committee telephonically.

Ms. Pruetz moved, seconded by Ms. Sosa, to deny the appeal based on the previous finding of unprofessional conduct. The applicant's curriculum was not reviewed. The motion passed unanimously.

Mavrette Lee

Ms. Rinaudo reviewed the documents submitted by the applicant in support of the appeal. Mr. Lee was noticed, but did not appear.

Ms. Sosa moved, seconded by Ms. Worley, to deny the appeal based on not meeting exam waiver requirements. The motion passed unanimously.

Phyllis Goatson

Ms. Rinaudo reviewed the documents submitted by the applicant in support of the appeal. Ms. Goatson was noticed, but did not appear.

Ms. Sosa moved, seconded by Ms. Pruetz, to deny the appeal based on not meeting exam waiver requirements and the work experience is in substance abuse education, not counseling. The motion passed unanimously.

Delbert John

Ms. Wilson reported that Mr. John requested an appeal on August 19, 2004. He was notified on January 31, 2005, that his appeal would be considered at this meeting and subsequently submitted information on February 15, 2005. The information submitted created additional deficiencies in his application.

Ms. Sosa moved, seconded by Ms. Worley, to deny the appeal based on not meeting minimum certification requirements. The motion passed unanimously.

Thomas Reiss

Ms. Wilson reported that Mr. Reiss requested an appeal on September 2, 2004. He was notified on January 31, 2005, that his appeal would be considered at this meeting and subsequently submitted information on February 16, 2005. The information submitted created additional deficiencies in his application.

Ms. Sosa moved, seconded by Ms. Worley, to deny the appeal based on not meeting minimum certification requirements. The motion passed unanimously.

Leslie Quesinberry

Robyn Falquez

Daryl Joe

Ms. Wilson reported that Mr. Quesinberry, Ms. Falquez and Mr. Joe requested their appeals in July and August of 2004. They were notified that their appeals would be considered at this meeting. They have not submitted any information in support of their appeals.

Ms. Sosa moved, seconded by Ms. Worley, to deny the appeals based on not meeting minimum certification requirements. The motion passed unanimously.

Marc Gross

The committee denied the appeal. See agenda item 4(D).

The committee took a lunch break at 12:15 p.m. reconvening its meeting at 1:15 p.m.

Ms. Sosa moved, seconded by Ms. Worley, to recommend to the Board to approve Mary Lou Weyer as a Licensed Independent Substance Abuse Counselor pending the outcome of a background investigation. The motion passed unanimously.

Ms. Sosa moved, seconded by Ms. Worley, to recommend to the Board to approve Tiki Zerr as a Licensed Independent Substance Abuse Counselor. The motion passed unanimously.

Ms. Sosa moved, seconded by Ms. Worley, to recommend to the Board to approve Brough Stewart as a Licensed Independent Substance Abuse Counselor upon receipt of a passing score on the required exam. The motion passed unanimously.

Ms. Sosa moved, seconded by Ms. Worley, to recommend to the Board to approve Bradley Wagner and Arthur Montoya as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Ms. Sosa moved, seconded by Ms. Worley, to recommend to the Board to approve Benjamin McWhorter as a Licensed Associate Substance Abuse Counselor upon receipt of a passing score on the required exam. The motion passed unanimously.

Ms. Sosa moved, seconded by Ms. Worley, to recommend to the Board to approve Mary Boucher as a Licensed Substance Abuse Technician pursuant to R4-6-701(B) upon receipt of a passing score on the required exam. The motion passed unanimously.

Mr. Roth moved, seconded by Ms. Worley, to recommend to the Board to deny Jesus Cano, Harry Hogan and Daniel Noonan based on their failure to meet 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 March 18, 2005, at 9:00 a.m. in room B-2.

17. Adjournment

Ms. Worley moved, seconded by Ms. Sosa, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:03 p.m.

Del Worley
Secretary/Treasurer

Date