



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, December 17, 2010

Members present: Kirk Bowden, Cynthia Pio-Padilla, David Campbell

Member by telephone: John Hogeboom

Staff present: Debra Rinaudo, Deputy Director, Marc Harris, A.A.G., Mary Wilson, Elma Brambila,

1. **Call to Order**

The meeting was called to order on December 17, 2010, at 9:11 a.m. with Mr. Hogeboom presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Mr. Hogeboom moved, seconded by Mr. Campbell, to approve the general meeting minutes from the November 19, 2010, meeting as submitted. The motion passed unanimously.

Mr. Campbell moved, seconded by Ms. Pio-Padilla, to approve the executive session minutes from the November 19, 2010, meeting as submitted. The motion passed unanimously. Mr. Hogeboom 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.

Mr. Hogeboom reviewed the process for conducting informal meetings.

A. *2010-0091, Melissa Martinez, LASAC applicant*

Ms. Rinaudo summarized the applicant's failure to obtain the substance abuse evaluation ordered by the committee.

The applicant appeared in person and addressed the committee.

Following review and discussion by members, Ms. Pio-Padilla moved, seconded by Mr. Hogeboom, to deny the professional's request for a third extension to obtain the substance abuse evaluation previously ordered by the committee. The motion passed unanimously.

Following further discussion, Ms. Pio-Padilla moved, seconded by Mr. Hogeboom, to recommend to the Board to deny the application pursuant to A.R.S. §32-3275 based on a finding of 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 licensee's profession. The motion passed unanimously.

B. *Stephen McIntyre, LSAT 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 by members, Mr. Campbell moved, seconded by Ms. Pio-Padilla, to open a complaint and to recommend to the Board to deny the application pursuant to A.R.S. §32-3275 based on a finding of a violation of A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the professional to safely and competently practice the licensee's profession. The motion passed unanimously.

C. 2011-0028, Steve Sadler, LISAC-1540

Dr. Bowden and Mr. Hogeboom indicated they had knowledge of the professional in the 1990s, but there is nothing regarding that knowledge that would prevent them from making unbiased decisions in this matter.

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

The complainant was available for questions.

The professional appeared in person and requested a continuance of the informal meeting to provide additional time for him to respond.

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 10:36 a.m., reconvening its public meeting at 10:44 a.m.

Following review and discussion by members, Mr. Campbell moved, seconded by Ms. Pio-Padilla, to deny the professional's request for a continuance. The motion passed unanimously.

Mr. Sadler advised the committee that he was unprepared to make a statement.

Following further discussion, Ms. Pio-Padilla moved, seconded by Mr. Hogeboom, to find the professional violated the following:

A.R.S. § 32-3251(12)(b), use of fraud or deceit in connection with rendering services as a licensee

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 licensee's profession

and to recommend to the Board to accept a consent agreement for the voluntary surrender of the professional's license and, if not signed, to remand the matter to formal hearing. The motion passed unanimously.

D. 2011-0040, Karmin Fowler, LAC-12527 and LPC applicant

Ms. Rinaudo summarized the results of the substance abuse evaluation obtained by the professional.

The professional appeared in person and addressed the committee.

Dr. Bowden moved, seconded by Mr. Campbell, 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 10:05 a.m., reconvening its public meeting at 10:10 a.m.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to deny the professional's LPC application pursuant to A.R.S. §32-3275 based on a finding of the following violations:

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 licensee's profession

A.R.S. § 32-3251(12)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health, as it relates to:

A.R.S. § 32-3208, Criminal Charges; Mandatory Reporting

A. A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within ten working days after the charge is filed.

The motion passed unanimously.

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

- Revocation of the professional's license
- Stay of the revocation pending successful completion of probation
- The license shall be placed on probation
- 24 months of clinical supervision by a pre-approved clinical supervisor
- Weekly clinical supervision for 12 months followed, upon the supervisor's recommendation, by 12 months of clinical supervision every other week
- 24 months of therapy by a pre-approved therapist
- Therapy every other week for 12 months followed, upon the therapist's recommendation, by 12 months of monthly therapy
- 24 months of attendance at AA or another pre-approved recovery program 3 times a week
- Monthly reports from the professional's sponsor for 12 months followed by monthly sponsor reports and a final summary sponsor report

The motion passed unanimously.

E. Peter Tumulo, LAC 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 by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to open a complaint and recommend to the Board to dismiss the complaint with a letter of concern addressing the professional's failure to take responsibility for understanding the rules that govern his license. The motion passed unanimously.

The committee took a break at 10:47 a.m., reconvening its public meeting at 10:56 a.m.

F. Kimberly Rezarch, LISAC applicant and LCSW 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 Mr. Campbell, to open a complaint, and recommend to the Board to deny the application pursuant to A.R.S. §32-3275 based on a finding of a violation of A.R.S. §32-3251(12)(b), use of fraud or deceit in connection with establishing qualifications pursuant to this chapter,. The motion passed unanimously.

Following further review and discussion, Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to refer this matter to the local County Attorney for prosecution. The motion passed unanimously.

G. Ann Iverson, LAC applicant

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

The applicant and her therapist, Paula Guinn, appeared in person and addressed the committee.

Dr. Bowden moved, seconded by Mr. Campbell, 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 11:20 a.m., reconvening its public meeting at 11:42 a.m.

Following further discussion, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to open a complaint, and to recommend to the Board to deny the application pursuant to A.R. S. §32-3275(5) and (6) based on a finding of the following violations:

A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the professional to safely and competently practice the licensee's profession

A.R.S. §32-3251(12)(f), active habitual intemperance in the use of alcohol.

The motion passed unanimously.

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.

B. *Clinical supervisor training standards*

Ms. Rinaudo reviewed the Board rule addressing required training for Board licensed clinical supervisors for supervision provided after 2006. She asked the committee to consider whether to adopt a similar standard for out-of-state supervisors submitting clinical supervision hours for applicants seeking licensure in Arizona.

Members discussed whether clinical supervisors providing supervision out-of-state and being considered pursuant to the supervision exemption rule should be required to comply with requirements for supervisors providing supervision in Arizona.

Following discussion, Dr. Bowden moved, seconded by Mr. Campbell, to interpret A.A.C. R4-6-704(E) to require out-of state supervisors to complete an initial 12 hours of clinical supervision training before beginning clinical supervision and to complete an additional 15 hours of clinical supervision training every 5 years thereafter.

The motion passed unanimously.

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 a 60-day extension to Angela Daniels-Valenzuela and inactive status to Salvatore Demarco. The motion passed unanimously.

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

None

13. **Applications for licensure: review, consideration and action**

Appeals

Kimberly Rezarch

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

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

The committee reviewed files from 12:34 p.m. through 2:02 p.m.

Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board license Peter Tumulo as a Licensed Associate Counselor upon receipt of the required license issuance fee and the Board's dismissal of the pending complaint. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board license Adaiah Gooden as a Licensed Associate Substance Abuse Counselor upon receipt of the required license issuance fee and the Board's dismissal of the pending complaint. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board license Ashley Huffman 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 Mr. Campbell, to recommend to the Board to deny the following 5 applicants based on their failure to meet minimum licensure requirements:

Harrison Begay	Fred Elsen	Nathan Velez
Erica Kane	Elizabeth Gallion	

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 January 21, 2011, at 9:00 a.m. at 3443 North Central, Room 908.

17. Adjournment

Dr. Bowden moved, seconded by Mr. Hogeboom, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:06 p.m.

Kirk Bowden
Secretary/Treasurer

Date