



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

KATHLEEN PHILLIPS
Board Chair

DEBRA RINAUDO
Executive Director

SOCIAL WORK CREDENTIALING COMMITTEE MEETING MINUTES
Friday, September 16, 2005

Members Present: Cedric Davis, John Gutierrez, Traci Sawyer-Sinkbeil, Teresa Menchaca (in at 9:40 a.m., out at 2:15 a.m.)

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Amy Shelton, Sherry Blatner, Kami Thur, Mary Wilson

Public Present: Kevin Theriot, Lee Phelps, Daniel Mager, Mark Gove, Steve Lankton, Steve Myers, Kathleen Donaghay, Andrea Snyder

1. Call to Order

The meeting was called to order on September 16, 2005, at 9:25 a.m. with Dr. Davis presiding.

2. Roll Call

See above.

3. Review and Approval of Minutes

Ms. Sawyer-Sinkbeil moved, seconded by Dr. Davis, to approve the general meeting minutes from the August 12, 2005, meeting, as amended. The motion carried with Mr. Gutierrez abstaining.

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

A. 2003-0079, Kevin Theriot, LCSW-0065

Ms. Rinaudo summarized the facts of the complaint and the results of the Board's investigation.

Dr. Theriot and his attorney Mr. Gove, appeared in person and addressed the committee.

The complainant, *JH, appeared in person and addressed the committee.

Following discussion, Mr. Gutierrez moved, seconded by Ms. Menchaca, to recommend to the Board to dismiss the complaint. The motion passed unanimously.

The committee took a break at 11:00 a.m., reconvening its public meeting at 11:10 a.m.

B. 2005-0130, Daniel Mager, LCSW-2925

Ms. Blatner summarized the complaint, the self-report filed by Mr. Mager and the results of the Board's investigation.

Mr. Mager appeared in person and addressed the committee.

Following discussion, Ms. Sawyer-Sinkbeil moved, seconded by Mr. Gutierrez, to find as follows:

1. A violation of A.R.S. §32-3251(10)(i) and A.R.S. §32-3251(12)(k), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession, as it relates to the NASW Code of Ethics Standard 4.05, Impairment:
 - a. Social workers should not allow their own personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties interfere with their professional judgment and performance or to jeopardize the best interests of people for whom they have a professional responsibility.

**Clients are identified by initials only*

- b. Social workers whose personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties interfere with their professional judgment and performance should immediately seek consultation and take appropriate remedial action by seeking professional help, making adjustments in workload, terminating practice, or taking any other steps necessary to protect clients and others.
2. A violation of A.R.S. §32-3251(10)(c), habitual intemperance in the use of narcotics, alcohol or drugs to the extent that performance of professional duties is impaired, and A.R.S. §32-3251(12)(g), using a controlled substance that is not prescribed for use during a prescribed course of treatment.

These findings are based on the professional's solicitation/acceptance of prescription narcotic pain medication from supervisees and a co-worker. The motion passed unanimously.

Mr. Gutierrez moved, seconded by Ms. Sawyer-Sinkbeil, to offer the professional an interim consent agreement not to practice during the remainder of this investigation. The motion passed unanimously.

Mr. Gutierrez moved, seconded by Ms. Menchaca, to direct the professional to have a substance abuse evaluation by a licensed professional approved by the committee chair at the professional's expense within 90 days. The motion passed unanimously.

C. 2003-0036, Lee Phelps, LMSW-10669

Ms. Blatner summarized the facts of the complaint and the results of the investigation.

Mr. Phelps appeared in person and addressed the committee.

Following discussion, Ms. Menchaca moved, seconded by Ms. Sawyer-Sinkbeil, to find the following violations:

1. A violation of A.R.S. §32-3251(10)(i), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health professional, as it relates to the NAADAC Code of Ethics Principle 7(c), the NAADAC member shall hold the welfare of the client paramount when making any decisions or recommendations concerning referral, treatment procedures or termination of treatment.
2. A violation of A.R.S. §32-3251(10)(i), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health professional, as it relates to the NASW Code of Ethics Standard 1.01, Commitment to Clients, social workers' primary responsibility is to promote the well-being of clients. In general, clients' interests are primary.

These findings are based on the professional's conduct of telling agency clients that the agency terminated his employment because he spent too much time with them and not enough time completing documentation. The motion carried with Mr. Gutierrez opposed.

Ms. Menchaca moved, seconded by Ms. Sawyer-Sinkbeil, to amend the previous motion to include a violation of A.R.S. §32-3251(10)(j), any conduct, practice or condition that impairs the ability of the certified behavioral health professional to safely and competently practice that profession, based on the professional's conduct of telling agency clients that the agency terminated his employment because he spent too much time with them and not enough time completing documentation and his failure to maintain timely and adequate documentation. The motion carried with Mr. Gutierrez opposed.

Following further discussion, Ms. Menchaca moved, seconded by Ms. Sawyer-Sinkbeil, to recommend to the Board to offer the professional a consent agreement that stipulates the following:

- Probation for one year
- 2-hours of continuing education in professional ethics to be completed within 12 months from the date of the Board Order
- 2-hours of continuing education in time management to be completed within 12 months from the date of the Board Order
- 2-hours of continuing education in professional assertiveness to be completed within 12 months from the date of the Board Order
- The professional can request early release from the consent agreement when the required continuing education classes have been completed

The motion carried with Mr. Gutierrez opposed.

D. 2003-0053, Stephen Lankton, LCSW-10443

Ms. Shelton summarized the facts of the complaint and the results of the Board's investigation.

The complainant was noticed, but did not appear.

Mr. Lankton and his attorney, Mr. Myers, appeared in person and addressed the committee. Dr. Donaghy addressed the committee on behalf of Mr. Lankton.

Following discussion, Mr. Gutierrez moved, seconded by Ms. Sawyer-Sinkbeil, to recommend to the Board to dismiss the complaint. The motion passed unanimously.

E. Andrea Snyder, LCSW applicant and LMSW-10737

Ms. Thur summarized the information from the background investigation that resulted from the applicant's answer to a background question on her licensure application.

Ms. Snyder appeared in person and addressed the committee.

Following discussion, Mr. Gutierrez moved, seconded by Ms. Menchaca, to recommend to the Board to open a complaint and dismiss the complaint with a letter of concern. The motion passed unanimously.

F. Kirsten Lavin, LMSW applicant

Tabled

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

A. Review of Attorney General's opinion regarding e-mail communication by members of a public body

Tabled

6. Report from the Executive Director and/or staff

A. General Agency Operations

The agency move into new office space is complete.

B. ASWB Annual Meeting

Ms. Rinaudo reported that the ASWB Annual Meeting is in Dearborn, Michigan in November.

Mr. Gutierrez moved, seconded by Ms. Menchaca, to appoint Ms. Sawyer-Sinkbeil as a delegate to represent this committee at the ASWB Annual Meeting. The motion passed unanimously.

C. ASWB Exam Accommodation Process

Ms. Rinaudo reported regarding ASWB's requirement that states have a policy allowing consideration of ESL accommodations before any individual accommodation is approved.

Dr. Davis moved, seconded by Ms. Menchaca, to adopt a policy allowing consideration of ESL accommodations, giving first priority to those who graduated from a foreign program and to those whose educational program provided ESL accommodations to them. The motion passed unanimously.

D. Guidelines to review reciprocity applications

Ms. Rinaudo reviewed the Board's decision to allow each credentialing committee to develop guidelines for considering reciprocity applications.

7. Report from the Board and other committees

None

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. Kim Morris

Ms. Sawyer-Sinkbeil moved, seconded by Ms. Menchaca, to accept the clinical supervision hours from Dr. Irvine. The motion passed unanimously.

10. Review, consideration and action regarding renewals

None

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

Ms. Sawyer-Sinkbeil moved, seconded by Ms. Menchaca, to approve the consent agenda, as reviewed by Ms. Sawyer-Sinkbeil, granting a 60-day extension to Vernon Throop and second 60-day extensions to Alice Dionisio and Miriam Korobkin. The motion passed unanimously.

Following discussion, Ms. Sawyer-Sinkbeil moved, seconded by Mr. Gutierrez, to grant Gwyneth Cowger and Christopher Foris exam extensions.

Dr. Davis moved, seconded by Ms. Menchaca, to allow the exam extensions for a maximum of 90 days. The motion passed unanimously.

Ms. Sawyer-Sinkbeil moved, seconded by Mr. Gutierrez, to deny Annette Buchanan's request for an exam extension, pursuant to A.A.C. R4-6-209(A), based on a finding that the request was submitted after the test authorization had expired. The motion passed unanimously.

12. Review, consideration and action regarding exam accommodations

A. Mika Konda

Ms. Sawyer-Sinkbeil moved, seconded by Ms. Menchaca, to grant the exam accommodation request for ESL accommodations. The motion passed unanimously

13. Review reassessment

None

14. Review, consideration and action regarding applications for licensure

Andrea Snyder supervisor exemption request

Mr. Gutierrez moved, seconded by Ms. Menchaca, to approve the clinical supervision hours provided by Dr. Armstead. The motion passed unanimously.

Mr. Gutierrez moved, seconded by Ms. Sawyer-Sinkbeil, to recommend to the Board to approve the following 12 applicants as Licensed Master Social Workers after receiving a passing score on the required exam:

Linda Hudnall	Brook Martin	Selena Burgess	Amal Mullin-Hull
Katrina Suell	Dienna Garcia	Levon Hatathlie	Maria Flores
Cheryle Phelan	Teri Green	Shirl Mederlet	Betty Thornton

The motion passed unanimously.

Mr. Gutierrez moved, seconded by Ms. Sawyer-Sinkbeil, to recommend to the Board to approve Megan Hale and Julie Baker as Licensed Baccalaureate Social Workers after receiving a passing score on the required exam. The motion passed unanimously.

Mr. Gutierrez moved, seconded by Ms. Sawyer-Sinkbeil, to recommend to the Board to approve the following six applicants as Licensed Clinical Social Workers after receiving a passing score on the required exam:

Yemen Taouil	Andrea Snyder	Nicole Plante	MacKenzie VanWormer
William Gerber	Tamera Edwards		

The motion passed unanimously.

Mr. Gutierrez moved, seconded by Ms. Sawyer-Sinkbeil, to recommend to the Board to approve Eve Buboltz as a Licensed Clinical Social Worker. The motion passed unanimously.

Mr. Gutierrez moved, seconded by Ms. Sawyer-Sinkbeil, to recommend to the Board to approve Kathleen McBride as a Licensed Clinical Social Worker upon receipt of a favorable fingerprint report. The motion passed unanimously.

Mr. Gutierrez moved, seconded by Ms. Sawyer-Sinkbeil, to recommend to the Board to approve Carol Brown and Jane Boland as Licensed Master Social Workers. 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 October 14, 2005, at 9:00 a.m. at 3443 North Central Avenue, 9th floor conference room.

17. Adjournment

Mr. Gutierrez moved, seconded by Ms. Sawyer-Sinkbeil, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:10 p.m.

Traci Sawyer-Sinkbeil
Secretary/Treasurer

Date