



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS
MEETING MINUTES
December 10, 2021

Members Present: Robert Charles, Cedric Davis, Patricia Dobratz, Leannette Henagan, Meaghan Kramer, Kasondra Parr, Mark Shen, Antwan Trotter

Members Absent: Kimberly Bailey, Mary Coonrod, Gerald Szymanski

Staff Present: Michael Raine, A.A.G., Tobi Zavala, Executive Director; Erin Yabu, Deputy Director; Ian Hirmand, Assistant Director

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 10, 2021 at 9:00 a.m. with Ms. Dobratz presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. November 5, 2021, general meeting minutes

Mr. Davis moved, seconded by Mr. Trotter, to approve the general meeting minutes for the November 5, 2021 meeting as submitted. The motion passed unanimously.

B. November 5, 2021, executive session minutes/agenda item 4. A. 3

Mr. Davis moved, seconded by Mr. Trotter, to approve the executive session minutes/agenda item 4. A. 3 for the November 5, 2021 meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

1. 2022-0052, Kayla Anticevich, LASAC-15337

2. 2022-0018, Allison Gentz, LMFT-15485

Following discussion, Mr. Davis moved, seconded by Ms. Parr, to approve the consent agenda item 4(A). The motion passed unanimously.

B. Cases recommended for dismissal with a letter of concern.

1. 2021-0168, William McElfresh, LISAC-0266, LPC-0765

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

The complainant was properly notice, but failed to appear.

The professional appeared and addressed the Board.

Following review and discussion by members, Mr. Davis moved, seconded by Ms. Parr, to dismiss the complaint

with a letter of concern. The motion passed unanimously.

C. Cases recommended for release from consent agreements.

1. 2021-0151, Mercedes Cisneros-Watson, LPC-16315
2. 2019-0138, Victoria Congdon, LMSW-17032 (active-restricted)
3. 2020-0123, Roger Daniels, LAC-18751 (active-restricted)
4. 2022-0006, Vincent Kinsey, LPC-11606 (active-restricted)
5. 2020-0055, Dennily Stricker, LCSW-16250 (active-restricted)
6. 2020-0125, Ryan Young, LMSW-16774

Following discussion, Mr. Davis moved, seconded by Mr. Shen, to approve the consent agenda item 4(C). The motion passed unanimously.

D. Cases recommended for opening a complaint and acceptance of a proposed signed non-disciplinary consent agreement.

N/A

E. Cases recommended for opening a complaint and acceptance of a proposed signed disciplinary consent agreement.

N/A

F. Cases recommended for opening a complaint and dismissing with a letter of concern.

N/A

G. Cases recommended for acceptance of a proposed signed non-disciplinary consent agreement.

1. 2021-0095, Anthony Bratko, LPC-14567, LISAC-11892

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

The complainant appeared and addressed the Board.

The professional and his attorney, Michael Roth, appeared and addressed the Board.

Following review and discussion by members, Ms. Henagan moved, seconded by Ms. Shen, to accept the proposed signed non-disciplinary consent agreement. The motion passed unanimously.

5. Administrative Hearings

Administrative Hearing Pursuant to A.R.S. §§ 32-3281 and 41-1092.07, the Board will conduct administrative hearings or consider related procedural issues in the following matter(s). During the administrative hearing, the Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

N/A

6. Formal Interviews

N/A

7. Complaints and other disciplinary matters: review, consideration and action

- A. 2020-0124, Roberta Appleton, LAC-17650 (interim suspension)

Ms. Zavala summarized the Board's investigation.

The professional appeared in person and her attorney, Brenton Barber, appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Dobratz moved, seconded by Mr. Trotter, to approve the professional's request for release from the interim consent agreement subject to acceptance of a consent agreement that allows the licensee to practice subject terms.

Following discussion by members, Ms. Dobratz moved, seconded by Mr. Trotter, to find the following violations:

- A.R.S. § 32-3251(16)(l), engaging in 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(16)(k), engaging in any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession or that constitutes a danger to the health, welfare or safety of a client as it relates to the following section of the ACA Code of Ethics:
 - C.4.a Accurate Representation

The motion passed unanimously.

Following further review, Ms. Dobratz moved, seconded by Ms. Parr, to offer a consent agreement that stipulates the following:

- The professional shall be placed on probation for 24 months with a stayed suspension
- The professional shall receive therapy twice monthly with a pre-approved behavioral health professional for 12 months. The frequency for the remaining time will be at the recommendation of the therapist, but no less than once monthly
- Therapy shall focus on the issues identified in the report
- The professional shall attend a recovery group twice weekly

and if not signed, the professional shall remain on the interim consent agreement. The motion passed unanimously.

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Meaghan Kramer	Kasondra Parr	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE		X		X	X	X	X	X	X		X
NAY											
Absent	X		X							X	

B. Basil Argento, LAC-20036

Ms. Zavala summarized the background information.

The professional appeared in person and his attorney, Brenton Barber, appeared telephonically and addressed the Board.

Following review and discussion, Ms. Henagan moved, seconded by Mr. Shen, to open a complaint for further investigation. The motion passed unanimously.

C. 2022-0008, Colin Bennett, LAC-17779

Ms. Zavala summarized the Board's investigation.

The professional and his attorney, Sara Stark, appeared telephonically and addressed the Board.

Following review and discussion by members, Mr. Shen moved, seconded by Ms. Henagan, to find the following violation:

- A.R.S. § 32-3251(16)(l), engaging in 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.

Following further review, Mr. Shen moved, seconded by Ms. Parr, to offer a consent agreement that stipulates the following:

- The professional shall be placed on probation for 12 months
- The professional shall complete 6 clock hours in the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall receive therapy twice monthly with a pre-approved behavioral health professional
- Therapy shall focus on the psychosexual evaluation, a relapse prevention plan, and self-care

- The professional shall receive clinical supervision twice monthly from a pre-approved independently licensed behavioral health professional
- Clinical supervision shall focus on healthy coping skills and self-care

and if not signed, to invite the professional to participate in a formal interview and, if not accepted, to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Meaghan Kramer	Kasondra Parr	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE		X		X	X	X	X	X	X		X
NAY											
Absent	X		X							X	

The Board took a break at 9:58 a.m., reconvening its public meeting at 10:09 a.m.

D. Jamie Hairston, LASAC-15285

Ms. Zavala summarized the background information.

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Mr. Trotter moved, seconded by Mr. Shen, to open a complaint for further investigation and to accept the proposed signed interim consent agreement, and if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Meaghan Kramer	Kasondra Parr	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE		X		X	X	X	X	X	X		X
NAY											
Absent	X		X							X	

E. Christopher Heindel, LMFT-15180

Ms. Zavala summarized the background information.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Parr moved, seconded by Ms. Henagan, to open a complaint for further investigation. The motion passed unanimously.

F. Shelly Osborne, LPC-19064

Ms. Zavala summarized the background information.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Parr moved, seconded by Mr. Trotter, to open a complaint for further investigation. The motion passed unanimously.

G. Alicia Tucker, LPC Applicant

Ms. Zavala summarized the background information.

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Ms. Parr moved, seconded by Mr. Trotter, to open a complaint for further investigation. The motion passed unanimously.

H. 2021-0137, Noel Welch, LPC-20032

Ms. Zavala summarized the Board's investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Flynn Carey, appeared and addressed the Board.

Following discussion by members, Mr. Davis moved, seconded by Ms. Kramer, to find the following violation:

- A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health, as it relates to:
 - A.A.C. R4-6-210, Practice Limitations
 - A.A.C. R4-6-211, Direct Supervision: Supervised Work Experience: General

The motion passed unanimously.

Following further review, Mr. Davis moved, seconded by Mr. Shen, to offer a consent agreement that stipulates the following:

- The professional shall be placed on probation for 12 months
- The professional shall complete 6 clock hours in the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall complete 3 clock hours of the Board’s Arizona Statutes/Regulations Tutorial

and if not signed, to invite the professional to participate in a formal interview and, if not accepted, to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Meaghan Kramer	Kasondra Parr	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE		X		X	X	X	X	X	X		X
NAY											
Absent	X		X							X	

8. Assistant Attorney General’s Report: Mona Baskin, A.A.G.

N/A

9. Temporary licenses: review, consideration and action

N/A

10. Applications for licensure and educational programs: review, consideration and action

A. Review, consideration, and possible action regarding applications for licensure Counseling

Mr. Shen moved, seconded by Ms. Parr to deny 2 applications based on a failure to pass the required examination, 1 application based on a failure to take the required examination, and 2 applications based on a failure to meet the minimum requirements. The motion passed unanimously.

Social Work

Mr. Davis moved, seconded by Ms. Henagan, to deny 2 applications based on a failure to pass the required examination and 5 applications based on a failure to take the required examination. The motion passed unanimously.

Substance Abuse

Mr. Shen moved, seconded by Ms. Kramer, to deny 1 application based on a failure to take the required examination. The motion passed unanimously.

B. Review, consideration, and possible action regarding applications for educational programs

N/A

11. Report from Chair

A. Summary of current events

No report.

12. Report from the Treasurer

A. Review, consideration, and possible action regarding October financial report

Following review and discussion by members, Mr. Davis moved, seconded by Mr. Trotter, to accept the October financial report as presented. The motion passed unanimously.

B. Review, consideration, and possible action regarding November financial report

Tabled

13. Report from the Executive Director and/or staff

A. Discussion regarding the investigation video

Ms. Zavala shared a video created for the public that provides an overview of the investigative process. Feedback was provided by the Board.

B. Discussion regarding the database

Ms. Zavala provided an update about a new database plan that will streamline operations and how the public interfaces with the Board. The project completion date is anticipated to be April 2022.

C. Review, consideration, and possible action regarding court appointed cases

Following review and discussion by members, Ms. Kramer moved, seconded by Mr. Davis, that Board staff shall dismiss court appointed cases, as the Board is afforded judicial immunity pursuant to orders from the superior court and under Arizona case law.

D. Discussion regarding rulemaking

Ms. Zavala shared that staff plans to initiate the rulemaking process in January 2022. Ms. Zavala requested feedback on current rules, which will be brought to the January Board meeting for consideration.

E. Review, consideration, and possible action regarding the April meeting date

Tabled

14. Request for extension of inactive status: review, consideration and action

N/A

15. Future agenda items

None.

16. Call for public comment

Kristen Landry appeared and addressed the Board.

17. Establishment of future meeting date(s)

The next regular meeting is scheduled for Friday, January 7, 2022 at 9:00 a.m., at 1740 W. Adams St., Board Room C.

18. Adjournment

Mr. Trotter moved, seconded by Ms. Parr, to adjourn. The motion passed unanimously and the meeting was adjourned at 11:19 a.m.

Dr Cedric E Davis, LCSW

Dr Cedric E Davis, LCSW (Jan 18, 2022 09:02 MST)

Cedric Davis
Secretary/Treasurer

Jan 18, 2022

Date