



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

DEBRA RINAUDO
Executive Director

SOCIAL WORK CREDENTIALING COMMITTEE MEETING MINUTES
Friday, April 10, 2009

Members Present: Vicki Dawson, Stephen Lankton
Members by telephone: Teresa Menchaca
Members Absent: Douglas Mitchell
Staff Present: Patricia Reynolds, Marc Harris, A.A.G., Lynanne Chapman, Mary Wilson

1. **Call to Order**

The meeting was called to order on April 10, 2009, at 9:02 a.m. with Mr. Lankton presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Ms. Dawson moved, seconded by Mr. Lankton, to approve the general meeting minutes from the March 13, 2009, 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. Lankton reviewed the procedure for conducting informal meetings.

Agenda item 4(H)

Alyssa Mandel, LCSW-10473

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

The professional's attorneys, Stephen Myers and Randy Yavitz, appeared in person and addressed the committee.

Following review and discussion by members, Ms. Dawson moved, seconded by Mr. Lankton, to recommend to the Board to open a complaint, find a violation of A.R.S. §32-3251(12)(p), failing to conform to minimum practice standards as developed by the Board, as it relates to A.A.C. R4-6-1103(B)(10), client record, to consolidate this complaint with Complaint Nos. 2008-0039 and 2005-0022, to offer a revised consent agreement to include the facts from this complaint with no additional changes to the conclusions of law or Order and, if not signed, to invite the professional to participate in a formal interview and, if not accepted, to remand the matter to formal hearing. The motion passed unanimously.

Agenda item 4(C)

2008-0082, Eve Mayer, LCSW-0211

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Charles Hover, appeared in person and addressed the committee.

Following review and discussion by members, Ms. Menchaca moved, seconded by Mr. Lankton, to recommend to the Board to find the following violations:

- A.R.S. §32-3251(12)(p), failing to conform to minimum practice standards as developed by the Board as it relates to
 - A.A.C. R4-6-1102, treatment plan
 - A.A.C. R4-6-1103, client record
- 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 motion passed unanimously.

Ms. Dawson moved, seconded by Ms. Menchaca, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously. The committee went into executive session at 10:05 a.m., reconvening its public meeting at 10:13 a.m.

Following further discussion, Mr. Lankton moved, seconded by Ms. Menchaca, to recommend to the Board to offer a consent agreement that stipulates the following:

- The license will be placed on probation for a period of 12 months
- The professional shall receive 12 months of clinical supervision with a pre-approved LCSW or equivalent that includes regular file audits, including a random audit of all client files for the last six months, and a review of Arizona behavioral health law requirements
- The professional shall complete a 3-semester credit hour graduate level course in behavioral health ethics
- The professional shall complete 8 clock hours of continuing education focusing on current clinical documentation requirements, such as the NASW Staying Out of Trouble course, or an equivalent course

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

Agenda item 4(B)

2008-0113, Sharon Tanner, LMSW-11776

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

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the committee.

Following review and discussion by members, Ms. Dawson moved, seconded by Ms. Menchaca, to recommend to the Board to find the following violations:

- A.R.S. §32-3251(12)(q), failing or refusing to maintain adequate records of behavioral health services provided to a client
- 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 motion passed unanimously.

Following further discussion by members, Ms. Dawson moved, seconded by Ms. Menchaca, to recommend to the Board to offer a consent agreement that stipulates the following:

- The license will be placed on probation for 12 months
- The professional shall complete a 3-semester graduate level behavioral health ethics course
- The professional shall complete 8 clock hours of continuing education focusing on current clinical documentation requirements, such as the NASW Staying Out of Trouble course, or an equivalent course
- If and when the professional returns to work, she will provide her employer with a copy of the consent agreement and will receive supervision regarding self-care, recordkeeping, stress-management and time-management skills by a pre-approved clinical supervisor
- The clinical supervisor shall submit quarterly reports for review and approval

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

The committee took a break at 11:06 a.m. reconvening its public meeting at 11:14 a.m.

Agenda item 4(E)

2008-0075, Candace Shelton, LISAC-1683

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

The complainant and her supervisor addressed the committee telephonically.

The client addressed the committee telephonically.

The professional appeared in person and addressed the committee.

Following review and discussion by members, Ms. Dawson moved, seconded by Ms. Menchaca, to recommend to the Board to find the following violations:

- A.R.S. §32-3251(10)(e), betraying a professional confidence
- A.R.S. §32-3251(12)(y), engaging in a dual relationship with a client
- A.R.S. §32-3251(12)(p), failing to conform to minimum practice standards as developed by the Board as it relates to
 - A.A.C. R4-6-1102, treatment plan
 - A.A.C. R4-6-1103(A), progress notes
 - A.A.C. R4-6-1104, financial records
- A.R.S. §32-3286 and A.R.S. §32-3251(10), practicing outside the professional's statutory scope of practice as a licensed substance abuse counselor

The motion passed unanimously.

Following further discussion by members, Mr. Lankton moved, seconded by Mr. Dawson, to recommend to the Board to offer a consent agreement that stipulates the following:

- License will be placed on probation for a period of 12 months
- The professional shall complete a 3-semester credit hour graduate level behavioral health ethics class
- The professional shall complete 8 clock hours of continuing education focusing on current clinical documentation requirements, such as the NASW Staying Out of Trouble course, or an equivalent course
- Early release is available upon completion of the required education

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

Agenda item 4(A)

2008-0096, Laura Lindsay, LMSW-12305 and LISAC-11541

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

The complainant was properly noticed, but did not appear.

The professional addressed the committee telephonically.

Following review and discussion by members, Ms. Dawson moved, seconded by Mr. Lankton, to recommend to the Board to dismiss the complaint. The motion passed unanimously.

Agenda item 4(D)

2008-0073, Jean Carlin, LMSW-10679

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

The complainant was properly noticed, but did not appear.

The professional and her supervisor addressed the committee telephonically.

Following review and discussion by members, Ms. Dawson moved, seconded by Mr. Lankton, to find that the complaint is without merit pursuant to A.R.S. §32-3281(D)(1), and to remove it from the professional's complaint history pursuant to A.R. S. §32-3281(E). The motion passed unanimously.

The committee clarified that this case was appropriate for consideration under A.R.S. § 32-3281(D) based on the following:

- There was a court order requiring the provision of behavioral health services
- The professional provided services pursuant to the court order
- The professional provided a report to the court regarding the behavioral health services provided
- The parties had a full opportunity to contest the professional's recommendations before the court
- The court reviewed all such concerns and determined that the professional acted appropriately

Agenda item 4(F)

2009-0084, William Heran, LCSW applicant

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

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Dawson moved, seconded by Ms. Menchaca, to recommend to the Board to dismiss the complaint. The motion passed unanimously.

Agenda item 4(G)

2007-0114, Jennifer Balistreri, LMSW-12207

Ms. Reynolds summarized the information regarding the professional's non-compliance with the terms of her consent agreement.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Mr. Lankton moved, seconded by Ms. Dawson, to offer the professional a modified consent agreement allowing 6 additional months for the completion of a 3-semester credit hour graduate level course in counseling ethics pre-approved by the chair of the credentialing committee. 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.

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. Kikyshia Jones (Peggy Nixon, LPC)

Members reviewed information submitted in support of the request for a supervisor exemption.

Following review, Ms. Dawson moved, seconded by Mr. Lankton, to approve the supervisor exemption request for clinical supervision hours provided by Peggy Nixon, LPC. The motion passed unanimously.

B. Genett Tomko (Lorenzo Azzi, PhD)

Members reviewed information submitted in support of the request for a supervisor exemption.

Following review, Mr. Lankton moved, seconded by Ms. Dawson, to approve the supervisor exemption request for clinical supervision hours provided by Lorenzo Azzi, PhD. The motion passed unanimously.

10. Applications for reassessment

None

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

Ms. Dawson moved, seconded by Mr. Lankton, to approve the consent agenda, as reviewed by Mr. Lankton, granting 60-day extensions to Melinda Shertzer, Beverly Perry and Lauren Goldstein and a second 60-day extension to Linda Hudnall. The motion passed unanimously.

12. Review, consideration and action regarding exam accommodations, exam extensions and inactive extensions

A. Timothy Lutes

Members reviewed information submitted in support of the request for an exam accommodation.

Following discussion by members, Ms. Menchaca moved, seconded by Ms. Dawson, to approve the request for an exam accommodation. The motion passed unanimously.

13. Review, consideration and action regarding applications for licensure

The committee reviewed files from 12:30 p.m. through 1:14 p.m.

The committee lost quorum to make motions recommending licenses. Motions will be made at a telephonic meeting next week.

14. Future agenda items

Consent agreement terms

15. Call for public comment

None

16. Establishment of future meeting date(s)

The next meeting is scheduled for Friday, May 8, 2008, at 9:00 a.m. at 3443 North Central Avenue, 9th floor conference room.

17. Adjournment

Mr. Lankton moved, seconded by Ms. Dawson, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:22 p.m.

Steve Lankton
Secretary/Treasurer

Date