



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
3443 NORTH CENTRAL AVENUE, SUITE 1700
PHOENIX, AZ 85012
PHONE: 602.542.1882 FAX: 602-364-0890
Website: www.azbbhe.us
E-mail address: information@azbbhe.us

DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
December 3, 2015

Members Present: Jerri Shields, Sally Jones, Chip Coffey, Gerald Szymanski, Heidi Quinlan, Cedric Davis, Brad Barnett

Members Absent: Mary Coonrod, Nikole Hintz-Lyon, Patricia Dobratz

Staff Present: Tobi Zavala, Executive Director; Marc Harris, A.A.G.; Christopher Munns, Solicitor General's Office; Donna Dalton, Deputy Director; Joey Ordonez, Enforcement Manager; Mary Wilson and Elma Brambila, meeting recorders

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 3, 2015, at 9:05 a.m. with Ms. Shields presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Approval of the September, October and November minutes are tabled due to lack of quorum of members to approve.

4. Notification of Deficiencies

Keely Wright and Carly Mance, applicants from the list of 9, addressed the Board.

5. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

- a. 2014-0061, Chad Close, LISAC-10407
- b. 2016-0034, Gary Glenn, LPC-0301
- c. 2012-0037, Gil Izraeli, LMSW-12385
- d. 2016-0033, Ronald Paul, LCSW-13675
- e. 2016-0035, Debra Schiller, LISAC-1182

The complainant and professional from 5(A)(e) addressed the Board.

Mr. Szymanski moved, seconded by Mr. Coffey dismiss the complaint with a letter of concern addressing professional responsibility. The motion carried with Dr. Davis opposed.

Following discussion, Dr. Davis moved, seconded by Mr. Coffey, to approve the consent agenda Item 5(A)(a-d). The motion passed unanimously.

B. Cases recommended for release from consent agreements.

- a. 2015-0020, Keith Allen, LCSW-12291 (active restricted)
- b. 2015-0051, Jennifer Druckman, LCSW-2811 (active restricted)
- c. 2011-0128, Lorena Hirsch, LPC-10589 (active restricted)
- d. 2015-0027, Arnie Kahn, LISAC-1174 (active restricted)
- e. 2012-0100, Heather Sestili, LPC-12830 (active restricted)
- f. 20102-0066, Susan Winder, LCSW-0222

Following discussion, Ms. Jones moved, seconded by Mr. Coffey, to approve the consent agenda Item 5(B). The motion passed unanimously.

- C. Cases recommended for acceptance of a proposed signed consent agreement.
 a. 2014-0027, Kimberly Simich, LPC-11200

Following discussion, Mr. Coffey moved, seconded by Ms. Jones, to approve the consent agenda Item 5(C) accepting the proposed signed consent agreement. The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X	X		X			X	X	X	X		
NAY												
Absent			X		X	X						

The Board took a break at 10:11 a.m., reconvening its public meeting at 10:20 a.m.

6. Administrative Hearings 10:00 AM

- A. 2015-0083, Dina Milum, LPC-11859 (suspended)

Christopher Munns, Solicitor General’s Office, appeared on behalf of the Board.

Mr. Harris, A.A.G., appeared on behalf of the State.

The professional’s attorney, Gregory Robinson, appeared on her behalf.

Following review and discussion by members, Ms. Shields moved, seconded by Ms. Quinlan, to offer a consent agreement for the voluntary surrender of the professional’s license and , if not signed, to remand to formal hearing at the January 14, 2016, Board meeting. The motion carried with Mr. Szymanski opposed.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X	X		X			X	X	X			
NAY										X		
Absent			X		X	X						

7. Formal Interviews

None

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

- A. Deanna Avellaneda, LMSW applicant

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

The applicant and her attorney, Eric Raymon, appeared and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Ms. Jones, to open a complaint, dismiss the complaint with a letter of concern addressing the importance of professional conduct. The motion carried with Mr. Szymanski opposed.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X	X		X			X	X	X			
NAY										X		
Absent			X		X	X						

- B. 2015-0091, Kathleen Baker, LISAC-10663

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

The complainant addressed the Board telephonically.

The professional appeared and addressed the Board.

Following review and discussion, Ms. Jones moved, seconded by Dr. Davis, to dismiss the complaint with a non-disciplinary consent agreement that stipulates the following:

- The licensee shall complete a pre-approved 3-semester credit hour graduate level course in behavioral health ethics
- The licensee shall complete 6-clock hours of pre-approved continuing education in billing and documentation

The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X	X		X			X	X	X	X		
NAY												
Absent			X		X	X						

C. William Cady, LPC-12929
Tabled

D. 2015-0024, Freda Davis-Mendoza, LMSW-13896
Ms. Zavala summarized the results of the Board’s investigation.

The complainant could not be contacted at the telephone number provided.

The professional and her husband appeared and addressed the Board.

Following review and discussion by members, Ms. Shields moved, seconded by Dr. Davis, to dismiss the complaint. The motion passed unanimously.

E. Elizabeth Fortune, LISAC-0694
Ms. Zavala summarized the results of the Board’s investigation.

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Shields moved, seconded by Mr. Szymanski, to find the following violations:

- A.R.S. §32-3251(15)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice
- A.R.S. §32-3251(15)(k), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession or constitutes a danger to the health, welfare or safety of a client, as it relates to:
 - The 2011 NAADAC Code of Ethics, Section 1. The Counseling Relationship, Standard 5.5

The motion passed unanimously.

Following further discussion, Ms. Shields moved, seconded by Dr. Davis, to accept a consent agreement that stipulates the following:

- The license shall be placed on probation for 24 months
- The licensee shall complete a pre-approved 3-semester credit hour graduate level course in substance abuse counseling

- The licensee is restricted from independent practice and shall work only at an agency licensed by the Department of Health Services
- The licensee shall complete 6-clock hours of pre-approved continuing education in ethics
- The licensee shall receive clinical supervision bi-weekly focusing on ethics, self-awareness, countertransference and respect for the profession

and, if not signed to invite the licensee to participate in a formal interview, and if not accepted, to remand the matter to formal hearing. The motion carried with Mr. Coffey opposed.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X			X			X	X	X	X		
NAY		X										
Absent			X		X	X						

F. 2015-0106, Sean Frankie, LAC applicant

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

The applicant was properly noticed, but did not appear.

Following review and discussion by members, Ms. Shields moved, seconded by Mr. Coffey, to make a finding of unprofessional conduct based on a violation of A.R.S. §32-3251(16)(n), failing to comply with, violating or attempting to violate or assisting or abetting the violation of any provision of this chapter, any rule adopted, any lawful order of the Board, or any formal order, consent agreement or term of probation stipulated under this chapter and deny the application pursuant to A.R.S. §32-3275 (6). The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X	X		X			X	X	X	X		
NAY												
Absent			X		X	X						

G. Bridget Gaertner, LMSW applicant

Mr. Ordenez summarized the results of the Board’s investigation.

The applicant appeared and addressed the Board.

Following review and discussion by members, Mr. Szymanski moved, seconded by Ms. Shields, to open a complaint, make a finding of unprofessional conduct based on a violation of A.R.S. §32-3251(15)(l), any conduct, practice, or condition that impairs the ability of the professional to safely and competently practice, and deny the application pursuant to A.R.S. §32-3275 (6). The motion carried with Mr. Coffey and Ms. Jones opposed.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X			X				X	X	X		
NAY		X					X					
Absent			X		X	X						

H. Christina Griffin, LASAC-15138

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

The professional addressed the Board telephonically.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Barnett, to open a complaint and find the following violation:

- A.R.S. §32-3251(16)(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, Mr. Barnett moved, seconded by Dr. Davis, to accept a consent agreement that stipulates the following:

- Stayed suspension
- The license shall be placed on probation for 24 months
- The licensee shall complete a pre-approved 3-semester credit hour graduate level course in substance abuse counseling
- The licensee shall complete 6-clock hours of pre-approved continuing education in NASW Staying Out of Trouble or its equivalent
- The licensee shall receive monthly individual counseling focusing on boundaries, personal growth and self-esteem
- Early release is available at 12 months if education completed and upon therapist's recommendation

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

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X	X		X			X	X	X	X		
NAY												
Absent			X		X	X						

I. 2016-0030, Jean-Paul Kingsley, LCSW-2545

Mr. Ordonez summarized the results of the Board's investigation.

The professional appeared and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Coffey, to dismiss the complaint. The motion passed unanimously.

J. 2015-0063, Penny Miller, LMSW-12780

Mr. Szymanski and Dr. Davis indicated they are veterans and receive services from the VA but there is nothing in that relationship that would keep them from making an unbiased decision in this matter.

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

The complainant addressed the Board telephonically.

The professional appeared and addressed the Board.

Maxine Romero, attorney for the Phoenix VA Hospital, appeared and addressed the Board.

Following review and discussion by members, Mr. Coffey moved, seconded by Dr. Davis, to dismiss the complaint. The motion carried with Ms. Shields and Mr. Szymanski opposed.

K. 2015-0115, Penny Miller, LMSW-12780

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

The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

Following review and discussion by members, Mr. Coffey moved, seconded by Dr. Davis, to dismiss the complaint. The motion passed unanimously.

L. Rayne Norton, LMSW applicant

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

The applicant appeared and addressed the Board.

Following review and discussion by members, Ms. Shields moved, seconded by Dr. Davis, to open a complaint, make a finding of unprofessional conduct based on a violation of A.R.S. §32-3251(15)(l), any conduct, practice, or condition that impairs the ability of the professional to safely and competently practice, and deny the application pursuant to A.R.S. §32-3275 (7). The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X	X		X			X	X	X	X		
NAY												
Absent			X		X	X						

M. Edward O'Conor, LAC-14335

Mr. Ordonez summarized the results of the Board's investigation.

The professional appeared and addressed the Board.

Following review and discussion, members agreed to take no action.

N. 2016-0019, Lisa Plascencia, LMSW-15292

Mr. Ordonez summarized the results of the Board's investigation.

The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Jones moved, seconded by Ms. Quinlan, to find the following violations:

- A.R.S. §32-3251(16)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice
- A.R.S. §32-3251(16)(k), 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, safety or welfare of a client, as it relates to:
 - The 2014 ACA Code of Ethics 1.01 Commitment to Clients

The motion passed unanimously.

Following further discussion, Ms. Jones moved, seconded by Ms. Quinlan, to accept a consent agreement with the following stipulations:

- The license shall be placed on probation for 24 months
- The licensee shall complete a pre-approved 3-semester credit hour graduate level course in behavioral health ethics
- The licensee shall complete 6-clock hours of pre-approved continuing education in NASW Staying Out of Trouble or its equivalent
- The licensee shall receive weekly clinical supervision focusing on counseling adolescents, insight, risk assessment skills, ethics and boundaries
- Clinical supervision hours cannot be used toward independent licensure
- Early release is available after 18 months on recommendation of the clinical supervisor

and, if not signed to invite the licensee to participate in a formal interview, and if not accepted, to remand the matter to formal hearing. The motion carried with Mr. Coffey opposed.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X			X			X	X	X	X		
NAY		X										
Absent			X		X	X						

O. Nitika Singh, LISAC-11832

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

The professional and her attorney, Larry Cohen, appeared and addressed the Board.

Following review and discussion by members, Mr. Barnett moved, seconded by Dr. Davis, to open a complaint and dismiss the complaint with a letter of concern addressing self-care. The motion carried with Mr. Coffey and Ms. Jones opposed.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE	X		X	X				X	X	X		
NAY		X					X					
Absent			X		X	X						

The Board took a break for lunch at 12:10 p.m., reconvening its public meeting at 12:55 p.m.

9. Assistant Attorney General’s Report: Marc Harris, A.A.G.

N/A

10. Renewal license applications: review, consideration and action

N/A

11. Applications for licensure: review, consideration and action

Social Work

Ms. Jones moved, seconded by Mr. Coffey, to approve 2 applicants as Licensed Clinical Social Workers, 3 applicants as Licensed Clinical Social Workers by endorsement, and 31 applicants as Licensed Master Social Workers. The motion passed unanimously.

Ms. Jones moved, seconded by Dr. Davis, to deny 8 applications based on failure to pass the required exam, one application based on not meeting minimum requirements, and one application based on not meeting minimum requirements and a finding of unprofessional conduct. The motion passed unanimously.

Counseling

Mr. Coffey moved, seconded by Ms. Jones, to approve 19 applicants as Licensed Associate Counselors, 10 applicants as Licensed Professional Counselors, and 2 applicants as Licensed Professional Counselors by endorsement. The motion passed unanimously.

Mr. Coffey moved, seconded by Ms. Jones, to deny 3 applications based on not meeting minimum requirements, one application based on failure to pass the required exam, and one application based on not meeting minimum requirements by endorsement. The motion passed unanimously.

Substance Abuse

Mr. Szymanski moved, seconded by Mr. Coffey, to approve 4 applicants as Licensed Associate Substance Abuse Counselors and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Mr. Szymanski moved, seconded by Mr. Coffey, to deny 5 applications based on not meeting minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Mr. Barnett moved, seconded by Ms. Jones, to approve 2 applicants as Licensed Associate Marriage and Family Therapists and 2 applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

Mr. Barnett moved, seconded by Mr. Coffey, to deny 2 applications based on failure to take the required exam. The motion passed unanimously.

12. Report from Chair

A. Summary of current events

No report.

B. Update and review of staffs' implementation of Board's directives and operational objectives.

No report.

D. Review, consideration, and action regarding updating the Board's website

Ms. Shields indicated that she has received positive comments regarding website changes.

E. Discussion regarding FY16 Board goals

Tabled

13. Report from the Treasurer

A. Monthly Financial Reports

Following review, Dr. Davis moved, seconded by Mr. Coffey, to accept the September and October monthly financial reports as presented. The motion passed unanimously.

14. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Discussion regarding minimum grade on courses.

Board members discussed whether they should require a licensee to earn a certain grade when a licensee is ordered to complete a college course as part of their probationary order.

C. Discussion regarding A.R.S. §32-3251(16)(l)

Board members discussed its use of A.R.S. §32-3251(16)(l) and whether it should include it as a violation when there may be a more specific violation that applies to the facts of a case.

D. Discussion regarding psychoeducation

Board members discussed the types of supervision activities that would fall under the category of psychoeducation.

These categories included psychoeducational groups that specifically address subjects identified in the treatment plan/goals such as relapse prevention, coping skills and dealing with grief. The Board recognized that broader subjects like life skills and finding community resources may be acceptable when these subjects are clearly identified as a goal in the treatment plan.

The Board confirmed that all psychoeducation must be clinically supervised and that the supervisee does not need to have a client present in the group in order for the psychoeducation to be accepted.

15. Committee reports

N/A

16. National and regional news regarding the profession(s)

A. *Report from ASWB Annual Delegate Conference*
Tabled

17. Future agenda items

None

18. Call for public comment

No one was present to respond to the call for public comment.

19. Establishment of future meeting dates

The next meetings are scheduled for Thursday, January 14, 2016, and Thursday, February 4, 2016, at 9:00 a.m., at 3443 North Central Avenue, Room 1705.

Following discussion regarding the 2016 draft calendar, Ms. Shields moved, seconded by Mr. Coffey, to keep the meetings on Thursdays. The motion carried with Ms. Quinlan and Mr. Szymanski opposed.

The 2016 calendar will be further discussed at the January meeting.

20. Adjournment

Dr. Davis moved, seconded by Mr. Barnett, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:45 p.m.

Patricia Dobratz
Secretary/Treasurer

Date