



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.az.gov
Website: www.azbbhe.us
E-mail address: information@azbbhe.us

JANICE K. BREWER
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
December 5, 2013

Members Present: Steve Lankton, Gloria Gabler, Mary Coonrod, Kirk Bowden, Jerri Shields, Jayne McElfresh, Page Gonzales

Staff Present: Debra Rinaudo, Executive Director, Tobi Zavala, Assistant Director, Marc Harris, A.A.G., Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 5, 2013, at 8:42 a.m. with Mr. Lankton presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Bowden moved, seconded by Ms. Coonrod, to approve the general meeting minutes from the November 7, 2013, meeting as submitted. The motion passed unanimously.

Dr. Bowden moved, seconded by Dr. Gabler, to approve the 9:03 a.m. executive session minutes from the November 7, 2013, meeting as submitted. The motion passed unanimously.

Dr. Bowden moved, seconded by Dr. Gabler, to approve the 11:07 a.m. executive session minutes from the November 7, 2013, meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

A. 2013-0017, Karen Johnston, LISAC-10827 and LPC-12335

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint.

B. 2012-0004, Nicole Newman, LASAC-13160

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint with a letter of concern.

C. 2012-0149, Kristen Ray, LAC-13433(active restricted)

Review, consideration and action regarding the professional's request for release from the consent agreement.

D. 2011-0142, Suzanne Schunk, LCSW-10194

Review, consideration and action regarding the professional's request for release from the consent agreement.

E. 2011-0034, Teri Waibel, LMSW-13651(active restricted)

Review, consideration and action regarding the professional's request for release from the consent agreement.

Dr. Bowden moved, seconded by Ms. Gonzales, to accept the consent agenda as presented. The motion passed unanimously. See attached roll call vote.

5. **Administrative Hearings 10:00 AM**

None

6. **Formal Interviews**

None

7. **Disciplinary matters recommended by Credentialing Committees: review, consideration and action**

None

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

A. *2011-0145, Len Camp, LISAC-10985*

Ms. Zavala 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 Board.

The professional's attorney, Larry Cohen, appeared telephonically.

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

B. *2012-0056, Cherilin Diefenbacher-Pharriss, LMSW-11277 (suspended)*

Ms. Zavala provided information regarding the request for release from the interim consent agreement.

Dr. Bowden moved, seconded by Ms. Shields, to go into executive session to review confidential medical records pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the Board went into executive session at 9:53 a.m., reconvening its public meeting at 10:06 a.m.

The professional appeared in person and addressed the Board.

Following further review, Dr. Bowden moved, seconded by Ms. Shields, to release the professional from the interim consent agreement upon the Board's acceptance of a signed consent agreement that stipulates the following:

- Incorporates findings of fact and conclusions of law
- The professional's license will be placed on probation for 24 months
- The professional shall attend NA meetings 3 times weekly and provide reports regarding attendance
- Medication monitoring by MD or DO psychiatrist or addictionologist monthly for 3 months then at doctor's recommendation at least every three months for duration
- Random bodily fluid testing at least twice monthly
- Therapy monthly by pre-approved therapist master or higher LISAC or licensed person with substance abuse background

The motion passed unanimously.

C. *2011-0146, Michel Klinkner, LCSW-10820*

Ms. Zavala 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 Board.

The professional's attorney, Neal Harrington, appeared in person.

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

D. 2012-0057, Wendy Kutz, LCSW-2236

Ms. Zavala summarized information regarding the Board's investigation.

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the Board.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Coonrod, to dismiss the complaint as unsubstantiated. The motion passed unanimously.

E. Albert Ledet, LASAC applicant

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

The applicant appeared in person and addressed the Board.

Following review and discussion, Ms. Shields moved, seconded by Ms. Coonrod, to open a complaint, find the following violations:

- 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)(c)(i), any oral or written misrepresentation of a fact in an attempt to secure or renew a license
- A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice

and to deny the application based on a finding of unprofessional conduct. The motion carried with Dr. Gabler opposed. See attached roll call vote.

F. 2014-0019, Wendy May, LASAC-13178

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

The complainant addressed the Board telephonically.

The professional was properly noticed, but did not appear.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Gonzales, to accept the signed consent agreement for the surrender of the license. The motion passed unanimously. See attached roll call vote.

Following further discussion, Dr. Bowden moved, seconded by Mr. Lankton, to refer the matter to the appropriate law enforcement agency. The motion passed unanimously,

G. 2013-0002, Hal Nevitt, LCSW-3406 and LISAC-0837

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

The complainant appeared in person and addressed the Board.

The professional's attorney, Faren Akins, appeared in person.

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

H. 2013-0005, Kimberly Sayles, LMSW-13071 (suspended)

Ms. Rinaudo summarized information regarding the professional's request for release from the interim consent agreement.

The professional was not available at the phone number provided.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Shields, to deny the request for release from the interim consent agreement. The motion passed unanimously.

9. Notice of Deficiencies

Mr. Lankton advised that noticing the Board of applicants with deficiencies is a new process that is required by SB 1374.

The following applicants addressed the Board:

- Shana Thompson
- Laura Fetherston
- Laura Tomaszewski
- Pallavi Lal
- Jackie Powell

The applicants who appeared expressed concerns with the clarity of the deficiency letter.

Members asked staff to consider possible revisions to put applicants on notice.

10. Assistant Attorney General's Report: Marc Harris, A.A.G.

A. Open meeting law compliance related to email

Mr. Harris provided information regarding the inclusion of email communication in the opening meeting law restrictions on members communicating outside of a meeting.

B. Email from Robert Collette

Mr. Harris provided copies of an email from Mr. Collette for members review. Mr. Harris provided the history of the case, including the formal hearing that revoked the professional's license and the subsequent appeals where the Board's decision was continually affirmed.

11. Applications for licensure: review, consideration and action

Social Work

Mr. Lankton moved, seconded by Ms. Coonrod, to approve one applicant as a Licensed Clinical Social Worker, 18 applicants as Licensed Master Social Workers and one applicant as a Licensed Bachelor Social Worker by endorsement. The motion passed unanimously.

Mr. Lankton moved, seconded by Ms. Coonrod, to deny 6 applications based on failure to pass the required exam and one application based on failure to take the required exam. The motion passed unanimously.

Counseling

Ms. Shields moved, seconded by Dr. Bowden, to approve 23 applicants as Licensed Associate Counselors and 10 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. Shields moved, seconded by Dr. Bowden, to deny 3 applications based on not meeting minimum requirements. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Lankton, to approve 2 applicants as Licensed Associate Substance Abuse Counselors and one applicant as a Licensed Associate Substance Abuse Counselor by endorsement. The motion passed unanimously.

12. Report from Chair

A. Chair report

No report

B. Board civility policy

Mr. Lankton reminded members of the importance of acting in a respectful and professional manner toward each other and staff.

Following discussion, members agreed there was no need to develop a specific civility policy for members.

13. Report from the Treasurer

A. Monthly Financial Report

Members reviewed the monthly financial report.

Following review, Ms. Coonrod moved, seconded by Dr. Bowden, to accept the monthly financial report as presented. The motion passed unanimously.

14. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Review, consideration and action regarding SB1374 update

No report.

C. Interpretation of applicable degrees pursuant to ARS 32-3274(7)(B)

Members reviewed the recommendations from each of the Credentialing Committees regarding the definition of “applicable degree” to be used when reviewing licensure by endorsement applications. The Credentialing Committee recommendations were as following:

- MFTCC: A clinical graduate degree in a behavioral or mental health field with clinical defined as the inclusion of a practicum.
- SACC: A master’s or higher degree in a behavioral health field.
- CCC: A master’s or higher degree in a behavioral or mental health field that includes a practicum.
- SWCC: A degree in social work from a regionally accredited college/university in a program accredited by the Council of Social Work Education.

Following discussion, Dr. Gabler moved, seconded by Ms. Gonzales, to adopt the committees’ recommendations. The motion passed unanimously.

D. Development of standardized practice forms

Ms. Shields requested that the Board consider developing standardized practice forms.

Mr. Harris and Ms. Rinaudo provided information regarding possible legal issues and/or implementation challenges with the proposal.

Following discussion, members requested that staff post additional information regarding the Board’s documentation standards on the Board’s website to assist licensees in developing their practice forms.

E. Results of customer service surveys

Ms. Shields suggested that the Board have the opportunity to discuss the customer satisfaction surveys at Board meetings.

Following discussion, members decided that the review of the Board’s customer satisfaction surveys will be added as a standing agenda item.

F. Development of meeting procedures for processing complaints and disciplinary matters

Members discussed the Board’s procedures for reviewing disciplinary matters.

Following discussion, members agreed that the current procedures are appropriate. Members were reminded that any member can request changes to procedures by asking that the issue be added to a Board agenda.

G. Immediate development of confidential impaired professional program

Ms. McElfresh withdrew her request for immediate development of a confidential impaired professional program.

15. Committee reports

No report

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

None

17. Future agenda items

Review of customer service survey results will be standing agenda item

18. Call for public comment

- Gary Tupper addressed the Board regarding his pending application.
- Douglas Jardine commented regarding the Board's adoption of "applicable degree" definitions.
- Anna Nash, ASU student, expressed appreciation for the Board's contribution to the profession.

19. Establishment of future meeting dates

The next meeting is scheduled for Thursday, January 9, 2014, at 2:00 p.m., at 3443 North Central Avenue, Room 908.

20. Adjournment

Dr. Bowden moved, seconded by Ms. Shields, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:10 p.m.

Mary Coonrod
Secretary/Treasurer

Date