



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
February 6, 2015

Members Present: Jerri Shields, Mary Coonrod, Patricia Dobratz, Gloria Gabler, Sally Jones, Chip Coffey, Gerald Szymanski

Members Absent: Rose Laman, Ernest Calderon, Kirk Bowden

Staff Present: Tobi Zavala, Executive Director; Donna Dalton, Deputy Director; Marc Harris, A.A.G.; Elma Brambila, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on February 6, 2015, at 9:05 a.m. with Ms. Shields presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

None

4. Notification of Deficiencies

None

5. Consent Agenda: review, consideration and action

A. 2013-0034, *Thomas Callahan, LCSW-0161*
Initial review, consideration, and action.

B. 2014-0063, *Pamela Chambers, LPC-10937*
Initial review, consideration, and action.

The complainant addressed the Board regarding the complaint.

C. 2013-0098, *Steven Davis, LISAC-1207*
Initial review, consideration, and action.

D. 2013-0092, *Kathleen Gillespie, LISAC-10801 and LPC-1566*
Initial review, consideration, and action.

The complainant addressed the Board regarding the complaint.

The professional and her attorney, Doug Collins, addressed the Board.

E. 2013-0080, Valerie Girod, LPC-2537
Initial review, consideration, and action.

F. 2013-0083, Michaela Hickman, LMSW-13733
Initial review, consideration, and action.

G. 2012-0136, Laurie Katon, LCSW-12430
Initial review, consideration, and action.

H. 2013-0009, Scott Naegele, LPC-1040
Initial review, consideration, and action.

I. 2014-0012, Barry Reflow, LISAC-11055
Initial review, consideration, and action.

J. 2013-0099, Kelli Schidler, LPC-10863
Initial review, consideration, and action.

Dr. Gabler moved, seconded by Ms. Jones, to accept the consent agenda as presented. The motion passed unanimously.

6. Administrative Hearings

None

7. Formal Interviews

None

The Board took a break at 10:25 a.m., reconvening its public meeting at 10:45 a.m.

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

A. Kimberly Carrington , LAC applicant

Mr. Coffey indicated he works for St. Lukes Behavioral Health but does not know the applicant and there is nothing to prevent an unbiased decision in this matter.

Ms. Zavala summarized information regarding the applicant's request to withdraw her application.

The applicant was properly noticed, but did not appear.

Following review and discussion, Mr. Szymanski moved, seconded by Mr. Coffey, to deny the request to withdraw the application. The motion passed unanimously.

Following further review and discussion, Ms. Shields moved, seconded by Mr. Szymanski , to open a complaint and find a violation of A.R.S. §32-3251(15)(f), active habitual intemperance in the use of alcohol and substance abuse. The motion passed unanimously.

Following further review and discussion, Mr. Szymanski moved, seconded by Mr. Coffey, to deny the license based on a finding of unprofessional conduct pursuant to A.R.S. §32-3275(6). The motion passed unanimously.

	Kirk Bowden	Ernest Calderon	Chip Coffey	Mary Coonrod	Patricia Dobratz	Gloria Gabler	Sally Jones	Rose Laman	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE			X	X	X	X	X		X	X		
NAY												
Absent	X	X						X				

B. Anwar Hassan, LSAT applicant

Ms. Dalton summarized information regarding the Board’s investigation.

The applicant appeared telephonically.

Following review and discussion, Mr. Szymanski moved, seconded by Dr. Gabler, to open a complaint. The motion passed unanimously.

Following further review and discussion, Dr. Gabler moved, seconded by Ms. Jones, to find the following violations:

- A.R.S §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice
- A.R.S §32-3251(12)(b), use of fraud or deceit in establishing qualifications pursuant to this chapter

The motion passed unanimously.

Following further review and discussion, Ms. Shields moved, seconded by Ms. Jones, to offer a consent agreement that stipulates the following:

- The professional will notify the Board before returning to Arizona
- Upon return the professional’s license will be placed on probation for 24 months
- The professional will complete a pre-approved 3-semester credit hour graduate level course in ethics
- The professional will complete a pre-approved 3-semester credit hour graduate level course in addictions
- The education will be completed before practicing in Arizona
- The professional will receive weekly clinical supervision by a LISAC focusing on accountability, addiction relapse and integrity

The motion passed unanimously.

	Kirk Bowden	Ernest Calderon	Chip Coffey	Mary Coonrod	Patricia Dobratz	Gloria Gabler	Sally Jones	Rose Laman	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE			X	X	X	X	X		X	X		
NAY												
Absent	X	X						X				

C. 2014-0026, Nancy Hay, LISAC-0729 and LPC-1264

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Steve Myers, appeared and addressed the Board.

Following review and discussion, Ms. Shields moved, seconded by Dobratz, to dismiss the complaint with a letter of concern addressing the importance of safety and confidentiality of client records. The motion passed unanimously.

D. 2014-0051, Frank Jesus, LISAC-0048 (suspended)

Ms. Zavala summarized the professional's request for release from the Interim Consent Agreement.

The professional appeared in person and addressed the Board.

Following review and discussion, Mr. Szymanski moved, seconded by Ms. Jones, to release the professional from the Interim Consent Agreement. The motion passed unanimously.

Following further review and discussion, Ms. Shields moved, seconded by Mr. Coffey, to dismiss the complaint pursuant to A.R.S. §32-3281(s). The motion passed unanimously.

E. 2013-0073, Patricia Krumwiede, LPC-0105

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Gerard Omeara, appeared in person and addressed the Board.

Following review and discussion, Dr. Gabler moved, seconded by Ms. Jones, to find violations of the following:

- A.R.S. §32-3251(12)(p) failing to comply with minimum practice standards as developed by the Board, as it relates to
 - A.A.C. R4-6-1101, Consent to treat
 - A.A.C. R4-6-1102, Treatment plan
 - A.A.C. R4-6-1103, Client record
- A.R.S. §32-3251(12)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health

The motion passed unanimously.

	Kirk Bowden	Ernest Calderon	Chip Coffey	Mary Coonrod	Patricia Dobratz	Gloria Gabler	Sally Jones	Rose Laman	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE			X	X	X	X	X		X	X		
NAY												
Absent	X	X						X				

Following further review and discussion, Dr. Gabler moved, seconded by Mr. Coffey, to offer a consent agreement that stipulates the following:

- The professional’s license will be placed on probation for 24 months
- Stayed suspension
- The professional will have an audit
- The professional will have a practice monitor to track the audit plan
- The professional will complete a pre-approved 3-semester credit hour graduate level course in ethics
- The professional will complete 6-clock hours of continuing education in NASW Staying Out of Trouble or its pre-approved equivalent
- Early release available after 12 months

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.

	Kirk Bowden	Ernest Calderon	Chip Coffey	Mary Coonrod	Patricia Dobratz	Gloria Gabler	Sally Jones	Rose Laman	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE			X	X	X	X	X		X	X		
NAY												
Absent	X	X						X				

F. 2014-0039, LaTonya Lawrence, LAC-13997

MS. Dobratz indicated that she knew professional’s supervisor but there is nothing to prevent an unbiased decision in this matter.

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

The complainant was properly noticed, but did not appear.

The professional appeared and addressed the Board.

Following review and discussion, Mr. Coffey moved, seconded by Ms. Jones, to find a violation of A.R.S. §32-3251(15)(p), failing to conform to minimum practice standards and offer a consent agreement that stipulates the following:

- The professional’s license will be placed on probation for 24 months
- The professional will complete a pre-approved 3-semester credit hour graduate level course in ethics
- The professional will complete a pre-approved 3-semester credit hour graduate level course in assessment, diagnosis and treatment
- The professional will receive weekly clinical supervision focusing on the ethical side of billing and documentation.

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.

	Kirk Bowden	Ernest Calderon	Chip Coffey	Mary Coonrod	Patricia Dobratz	Gloria Gabler	Sally Jones	Rose Laman	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE			X	X	X	X	X		X	X		
NAY												
Absent	X	X						X				

G. 2014-0028, Julie LeDuff, LMSW-11397

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

The complainant appeared and was available for questions.

The professional appeared telephonically.

Following review and discussion, Ms. Dobratz moved, seconded by Dr. Gabler, to find violations of the following:

- 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, practice, or condition that is contrary to recognized standards of ethics, as it relates to
 - NASW Code of Ethics 1.06 Conflicts of Interest

The motion passed unanimously.

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

- The professional's license will be placed on probation for 24 months
- Stayed suspension
- Professional will complete a pre-approved 3-semester credit hour graduate level course in ethics
- Individual clinical supervision weekly -- boundaries / ethical issues / dual relationships
- Staying out of trouble or pre-approved equivalent
- Early release available at 12 months

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 carried with Mr. Coffey and Ms. Jones opposed.

	Kirk Bowden	Ernest Calderon	Chip Coffey	Mary Coonrod	Patricia Dobratz	Gloria Gabler	Sally Jones	Rose Laman	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE				X	X	X			X	X		
NAY			X				X					
Absent	X	X						X				

Mr. Coffey and Ms. Jones were opposed to the frequency of the clinical supervision only.

H. 2013-0045, Jacqueline Meehan, LISAC-10020 and LCSW-10073

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Mandi Karvis, appeared and addressed the Board.

Following review and discussion, Dr. Gabler moved, seconded by Ms. Coonrod, to offer a non-disciplinary consent agreement for completion of a pre-approved 3-semester credit hour graduate level course in ethics to be completed within 6 months and if not signed the Board will issue the order. The motion carried with Mr. Szymanski opposed.

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

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

The professional addressed the Board telephonically.

Following review and discussion, Ms. Shields moved, seconded by Mr. Coffey, to release the professional from the Interim Consent Agreement upon execution of a consent agreement and, if the consent agreement is not signed, to remand the matter to formal hearing. The motion passed unanimously.

Following review and discussion, Ms. Dobratz moved, seconded by Mr. Coffey, to find the following violations:

- A.R.S §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice
- A.R.S. §32-3251(12)(y), engaging in a dual relationship

The motion passed unanimously.

	Kirk Bowden	Ernest Calderon	Chip Coffey	Mary Coonrod	Patricia Dobratz	Gloria Gabler	Sally Jones	Rose Laman	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE			X	X	X	X	X		X	X		
NAY												
Absent	X	X						X				

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

- The professional’s license will be placed on probation for 24 months
- The professional will complete a pre-approved 3-semester credit hour graduate level course in ethics
- The professional will complete 6-clock hours of continuing education in NASW Staying Out of Trouble or its pre-approved equivalent
- Education will be completed within 12 months
- The professional will have counseling twice a month by a pre-approved therapist focusing on boundaries
- Early release available after 12 months

The motion passed unanimously.

	Kirk Bowden	Ernest Calderon	Chip Coffey	Mary Coonrod	Patricia Dobratz	Gloria Gabler	Sally Jones	Rose Laman	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE			X	X	X	X	X		X	X		
NAY												
Absent	X	X						X				

J. 2013-0049, Adrienne Segall, LCSW-3993

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

The complainant addressed the Board telephonically.

The professional and her attorney, Steve Myers, appeared in person and addressed the Board.

Following review and discussion, Ms. Shields moved, seconded by Mr. Coffey, to offer a non-disciplinary consent agreement for completion of the NASW Staying Out of Trouble course or its pre-approved equivalent within 12 months. The motion passed unanimously.

The Board took a break at 12: 21 p.m., reconvening its public meeting at 12:35 p.m.

K. 2013-0074, Tonilyn Skater, LISAC-11659 and LPC-12831

Mr. Szymanski indicated that he worked at SEABHS but does not know the complainant and there is nothing to prevent an unbiased decision in this matter.

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

The complainant appeared and addressed the Board.

The professional appeared in person and addressed the Board.

Following review and discussion, Ms. Jones moved, seconded by Mr. Coffey, to find a violation of A.R.S. §32-3251(12)(q), failing or refusing to maintain adequate records of behavioral health services to a client and offer a consent agreement for a decree of censure. The motion passed unanimously.

Mitigating reasons for least discipline

Systemic failure at agency

Cited by OBHL infractions including documentation

EEOC did not accommodate medical accommodations

L. 2013-0040, Patrick Wood, LMSW-11963

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

The complainant was properly noticed, but did not appear.

The professional appeared and addressed the Board.

Following review and discussion, Mr. Coffey moved, seconded by Ms. Jones, to find a violation of A.R.S. §32-3251(12)(q), failing or refusing to maintain adequate records of behavioral health services to a client. The motion passed unanimously.

Following further review and discussion, Ms. Jones moved, seconded by Mr. Coffey, to offer a consent agreement that stipulates the following:

- License will be placed on probation for 12 months
- Stayed suspension

- The professional will complete a pre-approved 3-semester credit hour graduate level course in ethics
- The professional will complete a pre-approved 3-semester credit hour graduate level course in assessment, diagnosis and treatment planning
- The professional will receive clinical supervision twice monthly focusing on ethics and documentation

The motion passed unanimously.

	Kirk Bowden	Ernest Calderon	Chip Coffey	Mary Coonrod	Patricia Dobratz	Gloria Gabler	Sally Jones	Rose Laman	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE			X	X	X	X	X		X	X		
NAY												
Absent	X	X						X				

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

A. *Discussion regarding Ex Parte/third party communications*

No report.

10. Temporary licenses: review, consideration and action

None

11. Applications for licensure: review, consideration and action

None

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.

13. Report from the Treasurer

None

14. Report from the Executive Director and/or staff

A. *General Agency Operations*

No report.

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B. *Review, consideration, and possible action regarding SB1374 update*

No report.

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C. *Review, consideration, and possible action regarding customer service surveys*

No report.

D. *Review, consideration, and possible action regarding updating the Board’s website*

No report.

E. Discussion regarding the complaint process.
Members discussed the changes to the investigative reports.

F. Review, consideration, and action regarding Arizona rules for renewal.
No report.

G. Discussion regarding the consent agenda.
Members discussed the consent agenda being utilized for possible dismissals.

15. Committee reports

A. Personnel Subcommittee update
No report.

B. Rules Subcommittee update
No report.

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

A. Discussion regarding American Association of State Counseling Boards
No report.

B. Discussion regarding NBCC transition
No report.

C. Discussion regarding FARB
No report.

17. Future agenda items

- Consistency with DUI cases
- Revisit Mission and Vision statements
- Explain terms before meeting starts

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 meeting is scheduled for Thursday, March 5, 2015, at 9:00 a.m., at 3443 North Central Avenue, Room 1705.

20. Adjournment

Ms. Jones moved, seconded by Mr. Coffey, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:25 p.m.

Patricia Dobratz
Secretary/Treasurer

Date