



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

TOBI ZAVALA
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
July 25, 2014

Members Present: Steve Lankton, Gloria Gabler, Page Gonzales, Jerri Shields, Gerald Szymanski, Patricia Dobratz, Chip Coffey, Sally Jones, Michael Jones

Member by phone: Kirk Bowden (out at 10 a.m.), Mary Coonrod (out at 10 a.m.)

Members Absent: Jayne McElfresh

Staff Present: Tobi Zavala, Interim Executive Director, Beth Campbell, A.A.G., Marc Harris, A.A.G., Donna Dalton, Assistant Director, Joey Ordonez, Enforcement Manager, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on July 25, 2014, at 9:05 a.m. with Mr. Lankton presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Bowden moved, seconded by Dr. Gabler, to approve the general meeting minutes from the June 5, 2014, meeting as submitted. The motion passed unanimously. Mr. Jones, Ms. Jones, Mr. Szymanski, Ms. Dobratz, and Mr. Coffey abstained from the vote.

Dr. Gabler moved, seconded by Ms. Gonzales, to approve the minutes from the June 13, 2014, teleconference as submitted. The motion passed unanimously. Dr. Bowden, Ms. Jones, Mr. Szymanski, Ms. Dobratz, and Mr. Coffey abstained from the vote.

4. Notification of Deficiencies

No one from the list of 7 was present.

5. Consent Agenda: review, consideration and action

A. 2012-0140, Jean Collins-Stuckert, LISAC-10022

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

B. 2013-0033, Francis Conrad, LCSW-11315

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

C. 2012-0141, Courtney Wood, LMSW-10846

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

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

The Board took a break at 10:00 a.m., reconvening its public meeting at 10:08 a.m.

6. Administrative Hearings 10:00 AM

A. 2014-0013, Natalie Charlton, RLCSW applicant

Ms. Campbell, A.A.G., appeared on behalf of the State.

Ms. Day, Solicitor General's Office, appeared to provide independent legal advice to the Board.

Ms. Charlton's attorney, Alan Spragins, appeared on behalf of the professional. He distributed a draft consent agreement for consideration.

Ms. Campbell made an opening statement.

Following review and discussion, Mr. Jones moved, seconded by Ms. Jones, to accept the proposed consent agreement for the issuance of a license amended to require:

1. the evaluation to be by a masters level LISAC or addictionologist,
2. the ethics requirement to be completion of a 3-semester credit graduate level behavioral health ethics course, and
3. confirmation that the applicant meets requirements pursuant to endorsement.

The motion passed unanimously.

	Kirk Bowden	Mary Coonrod	Gloria Gabler	Page Gonzales	Michael Jones	Stephen Lankton	Jayne McElfresh	Jerri Shields	Gerald Szymanski	Sally Jones	Chip Coffey	Patricia Dobratz
AYE			X	X	X	X		X	X	X	X	X
NAY												
Absent	X	X					X					

The Board took a break at 10:47 a.m., reconvening its public meeting at 10:55 a.m.

B. 2014-0024, Crystal Harris, LAC applicant

Ms. Campbell, A.A.G., appeared on behalf of the State.

Ms. Day, Solicitor General's Office, appeared to provide independent legal advice to the Board.

Ms. Harris appeared on her own behalf and made an opening statement.

The Board took a break at 11:42 a.m., reconvening its public meeting at 11:52 a.m.

Dawn Bird, Division of Developmental Disabilities, was sworn and testified.

Ms. Harris cross-examined Ms. Bird.

Sahar Osman Mohammed, Choices Network, was sworn and testified.

Ms. Harris cross-examined Ms. Mohammed.

Mr. Ordonez, Board Investigator, was sworn and testified.

Mr. Lankton admitted State's Exhibits 1 through 8.

Ms. Harris made a statement on her own behalf.

Ms. Campbell made a closing statement requesting that the Board affirm the denial of the license.

Following discussion by members, Mr. Coffey moved, seconded by Ms. Shields, to accept the factual allegations as findings of fact, the charges as conclusions of law, and affirm the denial of the application based on a finding of unprofessional conduct pursuant to A.R.S. §32-3275 and 6. The motion passed unanimously.

	Kirk Bowden	Mary Coonrod	Gloria Gabler	Page Gonzales	Michael Jones	Stephen Lankton	Jayne McElfresh	Jerri Shields	Gerald Szymanski	Sally Jones	Chip Coffey	Patricia Dobratz
AYE				X	X	X		X	X	X	X	X
NAY												
Absent	X	X	X				X					

7. Formal Interviews

None

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

A. Linda Condello, LISAC-11765

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

The applicant appeared in person and addressed the Board.

Mr. Szymanski moved, seconded by Ms. Jones, to open a complaint. The motion passed unanimously.

B. Carol Farmer, LAC and 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, members agreed no further action is necessary regarding the background. Members did not require 5 years of sobriety due to the applicant's relapse prevention program and strong support system.

C. 2012-0096, Kathleen Hernandez, LMSW-11377 suspended

Ms. Zavala summarized the results of the licensee's request to be released from the interim consent agreement.

The applicant appeared in person and addressed the Board.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Shields, to release the professional from the interim consent agreement pursuant to a consent agreement that stipulates the following:

- License will be on probation for 24 months
- Professional will attend AA 3 times a week
- AA sponsor will submit quarterly reports regarding attendance and participation
- Professional will attend therapy at frequency determined by the pre-approved therapist at least monthly
- Therapist will submit quarterly reports
- Early release is available after 12 months

The motion passed unanimously.

	Kirk Bowden	Mary Coonrod	Gloria Gabler	Page Gonzales	Michael Jones	Stephen Lankton	Jayne McElfresh	Jerri Shields	Gerald Szymanski	Sally Jones	Chip Coffey	Patricia Dobratz
AYE				X	X	X		X	X	X	X	X
NAY												
Absent	X	X	X				X					

D. Susan Jantzen, LPC-1034

Mr. Coffey recused himself from all matters involving the licensee.

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

The applicant appeared in person and addressed the Board.

Following review and discussion, Ms. Shields moved, seconded by Ms. Dobratz, to open a complaint. The motion passed unanimously.

E. David Jensen, LMSW applicant

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

The applicant’s attorney, Larry Cohen, appeared in person and addressed the Board.

Ms. Shields moved, seconded by Mr. Szymanski, to deny the request to withdraw the application. The motion failed with Ms. Dobratz, Ms. Shields, and Mr. Szymanski in favor.

	Kirk Bowden	Mary Coonrod	Gloria Gabler	Page Gonzales	Michael Jones	Stephen Lankton	Jayne McElfresh	Jerri Shields	Gerald Szymanski	Sally Jones	Chip Coffey	Patricia Dobratz
AYE								X	X			X
NAY				X	X	X				X	X	
Absent	X	X	X				X					

Following review and discussion by members, Mr. Jones moved, seconded by Ms. Gonzales, to grant the request for withdrawal of the application. The motion carried with Ms. Dobratz, Ms. Shields, and Mr. Szymanski opposed.

	Kirk Bowden	Mary Coonrod	Gloria Gabler	Page Gonzales	Michael Jones	Stephen Lankton	Jayne McElfresh	Jerri Shields	Gerald Szymanski	Sally Jones	Chip Coffey	Patricia Dobratz
AYE				X	X	X				X	X	
NAY								X	X			X
Absent	X	X	X				X					

F. Rodger Lee, 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, members agreed no further action is necessary regarding the background.

G. Kyle Newkirk, LAC applicant

Ms. Shields moved, seconded by Mr. Coffey, to go into executive session to discuss confidential medical information pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the Board went into executive session at 1:55 p.m., reconvening its public meeting at 2:23 p.m.

Following review and discussion, members agreed no further action is necessary regarding the background.

H. Cynthia Potter, LASAC-13184

The applicant and her attorney, Hardy Smith, appeared and addressed the Board.

Mr. Jones moved, seconded by Ms. Gonzales, to open a complaint. The motion passed unanimously.

I. Susan Salmonson, LAC-13111 and LPC applicant

Mr. Coffey recused himself from all matters involving the licensee.

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

The applicant and her attorney, Dale Norris, appeared in person and addressed the Board.

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

9. Assistant Attorney General's Report: Beth Campbell, A.A.G.

No report

10. Applications for licensure: review, consideration and action

Social Work

Mr. Lankton moved, seconded by Ms. Shields, to approve 5 applicants as Licensed Clinical Social Workers, 4 applicants as Licensed Clinical Social Workers by endorsement, 30 applicants as Licensed Master Social Workers and 3 applicants as Licensed Bachelor Social Workers. The motion passed unanimously.

Mr. Lankton moved, seconded by Ms. Shields, to deny 5 applications based on failure to take the required exam, 3 applications based on failure to pass the required exam, one application based on not meeting minimum requirements, and one application based on a finding of unprofessional conduct. The motion passed unanimously.

Counseling

Ms. Shields moved, seconded by Mr. Lankton, to approve 22 applicants as Licensed Associate Counselors, 36 applicants as Licensed Professional Counselors and 4 applicants as Licensed Professional Counselors by endorsement. The motion passed unanimously. Mr. Coffey recused from the vote.

Ms. Shields moved, seconded by Ms. Gonzales, to deny 2 applications based on not meeting minimum requirements, 2 applications based on failure to pass the required exam, and one application based on a finding of unprofessional conduct. The motion passed unanimously.

Substance Abuse

Mr. Szymanski moved, seconded by Mr. Lankton, to approve 3 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Mr. Szymanski moved, seconded by Mr. Lankton, to deny one application based on not meeting minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Ms. Shields moved, seconded by Mr. Lankton, to approve 3 applicants as Licensed Marriage and Family Therapists, 3 applicants as Licensed Marriage and Family Therapists by endorsement, and 6 applicants as Licensed Associate Marriage and Family Therapists, . The motion passed unanimously. Ms. Dobratz recused from the vote.

Ms. Shields moved, seconded by Mr. Szymanski, to deny 2 applications based on failure to pass the required exam and 2 applications based on not meeting minimum requirements. The motion passed unanimously.

11. Report from Chair 9:00 AM

A. Review, consideration and action regarding the employment, assignment, salary and/or appointment of the Executive Director

Dr. Bowden moved, seconded by Ms. Shields, to go into executive session to discuss the appointment of the executive director pursuant to A.R.S. §38-431.03(A)(2 and 3). The motion passed unanimously and the Board went into executive session at 9:06 a.m., reconvening its public meeting at 9:25 a.m.

Ms. Shields moved, seconded by Dr. Bowden, to appoint Ms. Zavala as Executive Director. The motion carried with Mr. Jones and Ms. Jones opposed. Mr. Coffey abstained from the vote.

	Kirk Bowden	Mary Coonrod	Gloria Gabler	Page Gonzales	Michael Jones	Stephen Lankton	Jayne McElfresh	Jerri Shields	Gerald Szymanski	Sally Jones	Chip Coffey	Patricia Dobratz
AYE	X	X	X	X		X		X	X			X
NAY					X					X		
Absent							X					
Abstain											X	

Dr. Bowden moved, seconded by Mr. Jones, to have Ms. Zavala’s salary remain the same. The motion passed unanimously.

12. Report from the Treasurer

A. Monthly Financial Reports

Members reviewed the monthly financial reports.

Following review, Ms. Jones moved, seconded by Mr. Lankton, to accept the monthly financial reports as presented. The motion passed unanimously.

13. 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

Ms. Zavala distributed a draft of the 3rd quarterly report to the legislature required under SB1374.

Members reviewed and accepted the report with modifications.

C. Review, consideration, and possible action regarding Rules Subcommittee update

No report.

D. Review, consideration, and possible action regarding customer service surveys

Tabled

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

Tabled

F. Annual election of Chair and Secretary

Dr. Bowden moved, seconded by Ms. Gonzales, to nominate Ms. Shields as Chair. The motion passed unanimously.

Ms. Shields moved, seconded by Dr. Bowden, to nominate Ms. Gonzales as Secretary. The motion passed unanimously.

Ms. Shields and Ms. Gonzales accepted the nominations.

G. Review, consideration, and possible action regarding appointment of a Personnel Subcommittee

Mr. Lankton moved, seconded by Ms. Coonrod, to appoint Ms. Gonzales, Ms. Jones, Mr. Jones, Mr. Coffey and Ms. Shields as a Personnel Subcommittee. The motion passed unanimously.

H. Discussion regarding year-end numbers

Tabled

I. Update regarding transition of the Board's legal advisor

Ms. Zavala informed members that Marc Harris, A.A.G., has been re-assigned as the Board's legal advisor.

14. Committee reports

No report

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

No report.

16. Future agenda items

None

17. Call for public comment

No one responded to the call for public comment.

18. Establishment of future meeting dates

The next meeting is scheduled for Thursday, August 14, 2014, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Mary will send an email regarding the September meeting.

19. Adjournment

Ms. Shields moved, seconded by Mr. Lankton, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:30 p.m.

Page Gonzales
Secretary/Treasurer

Date