



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

DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
July 9, 2015

Members Present: Jerri Shields, Patricia Dobratz, Mary Coonrod, Sally Jones, Chip Coffey, Nikole Hintz-Lyon, Cedric Davis (in at 9:20), Heidi Quinlan, Brad Barnett

Members Absent: Gerald Szymanski

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

Staff by telephone: Christopher Munns, Solicitor General's Office

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on July 9, 2015, at 9:08 a.m. with Ms. Shields presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Approval of May 7, 2015, general meeting and executive session minutes is tabled due to lack of quorum of members to approve.

Ms. Hintz-Lyon moved, seconded by Mr. Coffey, to approve the 10:00 a.m. executive session minutes from the June 4, 2015, meeting as submitted. The motion passed unanimously. Ms. Quinlan and Mr. Barnett abstained from the vote.

Ms. Hintz-Lyon moved, seconded by Mr. Coffey, to approve the 11:36 a.m. executive session minutes from the June 4, 2015, meeting as submitted. The motion passed unanimously. Ms. Quinlan and Mr. Barnett abstained from the vote.

Ms. Hintz-Lyon moved, seconded by Mr. Coffey, to approve the general meeting minutes from the June 4, 2015, meeting as submitted. The motion passed unanimously. Ms. Quinlan and Mr. Barnett abstained from the vote.

4. Notification of Deficiencies

No one from the list of deficiencies appeared at the meeting.

The Board took a break at 9:34 a.m., reconvening its public meeting at 9:40 a.m.

5. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

- a. 2015-0079, Norma Grijalva, LAC-15227
- b. 2015-0073, Holly Judge, LPC-2273

Dr. Davis moved, seconded by Mr. Coffey, to accept items 'a' and 'b' as presented. The motion passed unanimously.

c. 2014-0064, Barbara Kiffmeyer, LMSW-12917

The complainant and her attorney, Eve Parks, appeared and addressed the Board.

The professional and her attorney, Andrew Turk, appeared and addressed the Board.

Following review and discussion by members, Ms. Hintz-Lyon, seconded by Ms. Jones, to dismiss the complaint. The motion passed unanimously.

B. Cases recommended for release from consent agreements:

a. 2014-0005, Kent Baker, LPC-10419 active restricted

Ms. Jones moved, seconded by Ms. Hintz-Lyon, to accept item B of the consent agenda as presented. The motion passed unanimously.

C. Cases recommended for opening a complaint and/or acceptance of a proposed signed consent agreement:

a. Norma Grijalva, LAC-15227

b. 2011-0062, Joanna Parris, LISAC-10846

Ms. Hintz-Lyon moved, seconded by Mr. Coffey, to accept items C (a) and (b) of the consent agenda as presented. The motion passed unanimously.

6. Administrative Hearings 1:00 PM

A. Dina Milum, LPC-11859 suspended

The professional's attorney, Greg Robinson, addressed the Board telephonically requesting an extension.

Christopher Munns, Solicitor General's Office, appeared telephonically to provide legal advice to the Board.

Marc Harris, Assistant Attorney General, appeared on behalf of the State.

Following review and discussion by members, Ms. Shields moved, seconded by Ms. Dobratz, to deny the request for a continuance. The motion passed unanimously.

The Board convened for the formal hearing at 1:15 p.m.

The professional's attorney, Greg Robinson, addressed the Board telephonically.

The professional and her husband addressed the Board telephonically.

Christopher Munns, Solicitor General's Office, appeared telephonically to provide legal advice to the Board.

Marc Harris, Assistant Attorney General, appeared on behalf of the State.

Ms. Shields moved, seconded by Ms. Coonrod, to go into executive session to obtain legal advice pursuant to A.R.S. Sec. 38-431.03(A)(3). The motion passed unanimously and the Board went into executive session at 1:26 p.m. reconvening its public meeting at 1:45 p.m.

Following discussion by members, Ms. Shields moved, seconded by Dr. Davis, to grant a continuance based on the professional's medical condition. The motion carried with Ms. Dobratz and Ms. Hintz-Lyon 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	X			
NAY					X	X						
Absent										X		

7. Formal Interviews

None

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

A. *Natasha Boord, LMSW-12337*

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

The professional appeared and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Dobratz, to open a complaint and 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 that constitutes a danger to the health, safety or welfare of a client as it relates to:
 - The 2008 NASW Code of Ethics 1.01 Respect
- A.R.S. §32-3251(15)(b) use of fraud or deceit in connection with rendering services as a licensee or establishing qualifications pursuant to this chapter

The motion passed unanimously.

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

- The professional's license shall be suspended
- The suspension shall be stayed
- License placed on probation for 24 months
- The professional shall complete a pre-approved 3-semester credit hour graduate level course in behavioral health ethics
- The professional shall receive therapy twice a month focusing on personal issues, transference and victimization
- The therapist shall have training in trauma
- The professional shall receive weekly clinical supervision focusing on standards and policies regarding work processes, transference, ethics and boundaries
- Early release from therapy will be available at 12 months upon therapist recommendation
- No early release from clinical supervision

or accept a consent agreement for the voluntary surrender of her license, and if neither consent agreement is signed, 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	X	X			
NAY												
Absent										X		

B. 2011-0085, Don Burchfield, LPC-1969

Ms. Zavala summarized information regarding the results of the background investigation.

The complainant addressed the Board telephonically.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Hintz-Lyon moved, seconded by Ms. Dobratz, to find a violation of 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, Ms. Dobratz moved, seconded by Ms. Hintz-Lyon, to accept a consent agreement that stipulates the following:

- The professional’s license shall be suspended
- The suspension shall be stayed
- The professional shall close his private practice, submit a termination plan within 10 days, and have all clients transferred within 60 days
- The professional shall only practice behavioral health at a licensed agency
- The professional shall receive clinical supervision twice monthly for 24 months no early release
- Clinical supervision shall focus on ethical practice, documentation and boundaries
- The professional shall complete a pre-approved 3-semester credit hour graduate level ethics and family law course
- The professional shall complete 6-clock hours of pre-approved continuing education such as the NASW Staying Out of Trouble or its equivalent

or accept a consent agreement for the voluntary surrender of his license, and if neither consent agreement is signed, 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	X			
NAY												
Absent			recused							X		

C. David Giorgio, LMSW applicant

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

The applicant was properly noticed, but did not appear.

Following review and discussion by members, Ms. Shields moved, seconded by Dr. Davis, to deny the request to withdraw the application. The motion passed unanimously.

Following further review and discussion, Ms. Shields moved, seconded by Mr. Coffey, to open a complaint and 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)(f), active habitual intemperance in the use of alcohol or active substance abuse
- A.R.S. §32-3251(15)(c)(ii), any oral or written misrepresentation of a fact provided during an investigation
- A.R.S. §32-3251(15)(o), failing to furnish information within a specified time to the Board or its investigators if legally requested

- A.R.S. §32-3251(15)(p), failing to conform to minimum practice standards as developed by the Board, as it relates to:
 - A.A.C. R4-6-205, change of address

and, to deny the application based on a finding of unprofessional conduct 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	X	X			
NAY												
Absent										X		

D. Marvin James, LISAC-11486

Mr. Coffey indicated that he works at St. Luke’s Behavioral Health but was not involved in the professional’s care.

Dr. Davis moved, seconded by Ms. Coonrod, to go into executive session to discuss records exempt from public inspection pursuant to A.R.S. Sec. 38-431.03(A)(2). The motion passed unanimously and the Board went into executive session at 11:16 a.m. reconvening its public meeting at 11:30 a.m.

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

The professional appeared and addressed the Board.

Mr. Coffey moved, seconded by Ms. Dobratz, to open a complaint and to dismiss the complaint with a letter of concern addressing continuation of self-care and failure to report. The motion passed unanimously.

E. Jenise Johnson, LAC-13823

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

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

Following review and discussion by members, Ms. Jones moved, seconded by Dr. Davis, to open a complaint for further investigation. The motion passed unanimously.

F. Pablo Kusak, LSAT applicant

Mr. Coffey indicated that he works at St. Luke’s Behavioral Health but he did not supervise the applicant and contact, if any, would have been incidental.

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

The applicant appeared and addressed the Board.

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

G. Susan Newberry, LBSW-1692

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

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

Following review and discussion by members, Ms. Hintz-Lyon moved, seconded by Mr. Coffey, to open a complaint and 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)(ii), violating any federal or state law, rule, or regulation applicable to the practice of behavioral health, as it relates to:
 - A.R.S. §32-3208, a health professional charged with a misdemeanor must notify the regulatory board in writing within 10 working days

The motion passed unanimously.

Following further discussion, Ms. Hintz-Lyon moved, seconded by Ms. Coonrod, to accept a consent agreement that stipulates the following:

- The license shall be placed on probation for 12 months
- The professional shall complete 6-clock hours of pre-approved continuing education such as the NASW Staying Out of Trouble or its equivalent

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.

	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	X	X			
NAY												
Absent										X		

H. James Sims, LPC-10241

Tabled

I. 2013-0067, Cynthia Wilhelms, LPC-13995

Ms. Zavala summarized information regarding 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 find the following violations:

- A.R.S. §32-3251(12)(m), engaging or offering to engage as a licensee in activities that are not congruent with the licensee’s professional education, training or experience, as it relates to:
 - A.A.C. R4-6-505 independent practice prohibition
- 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
- 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.A.C. R4-6-1104 Financial and Billing Records

The motion passed unanimously.

Following further review, Ms. Hintz-Lyon moved, seconded by Ms. Dobratz, to accept a consent agreement for the voluntary surrender of the professional’s license and, if not signed, 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	X	X			
NAY												
Absent										X		

The Board took a break at 12:30 p.m., reconvening its public meeting at 1:15 p.m.

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

A. Update regarding Gary Tupper appeal.

Mr. Harris reported that the court denied Mr. Tupper’s motion for reconsideration.

B. 2015 Legislative update

Mr. Harris provided information on recent legislation that may impact the Board.

C. Personal communication devices

Mr. Harris reminded members that their personal communication devices become public records once they use them for state business.

D. Member recusals

Mr. Harris provided information regarding recusals from votes.

10. Renewal applications: review, consideration and action

None

11. Applications for licensure: review, consideration and action

James Pennington, LAC applicant

Review, consideration, and action regarding opening a complaint and possible disciplinary action based on application for temporary license.

Ms. Dalton summarized information regarding the application for the issuance of a temporary license.

Following review and discussion by members, Ms. Shields moved, seconded by Mr. Coffey, to pull the applicant from the approval list today and to open a complaint for further investigation. The motion passed unanimously.

Social Work

Ms. Jones moved, seconded by Mr. Coffey, to approve 7 applicants as Licensed Clinical Social Workers, 4 applicants as Licensed Clinical Social Workers by endorsement and 37 applicants as Licensed Master Social Workers. The motion passed unanimously.

Ms. Coonrod moved, seconded by Mr. Coffey, to deny six applications based on failure to pass the required exam and four applications based on failure to take the required exam. The motion passed unanimously.

Counseling

Mr. Coffey moved, seconded by Ms. Coonrod, to approve 61 applicants as Licensed Associate Counselors, two applicants as Licensed Professional Counselors by endorsement, and 17 applicants as Licensed Professional Counselors. The motion passed unanimously.

Mr. Coffey moved, seconded by Ms. Coonrod, to deny two applications based on not meeting minimum requirements, two applications based on failure to take the required exam, and three applications based on failure to pass the required exam. The motion passed unanimously.

Substance Abuse

Ms. Shields moved, seconded by Mr. Coffey, to approve 10 applicants as Licensed Associate Substance Abuse Counselors and two applicants as Licensed Independent Substance Abuse Counselors. The motion passed unanimously.

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

Marriage and Family Therapy

Ms. Shields moved, seconded by Mr. Coffey, to approve three applicants as Licensed Marriage and Family Therapists, one applicant as a Licensed Associate Marriage and Family Therapist, and one applicant as a Licensed Marriage and Family Therapist by endorsement. The motion passed unanimously. Ms. Dobratz recused from the vote.

Ms. Dobratz moved, seconded by Mr. Coffey, to deny one application based on not meeting minimum requirements. The motion passed unanimously. Ms. Shields recused from the vote.

12. Report from Chair

A. Summary of current events

Tabled

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

No report.

C. Development of a Board Civility Policy

A draft will be considered at the August meeting.

13. Report from the Treasurer

A. Monthly Financial Report

Members reviewed the monthly financial report.

Following review, Ms. Jones moved, seconded by Ms. Dobratz, 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

Ms. Zavala reported on the recent ADOA engagement survey. It will be agendaized next month for discussion.

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

Ms. Dalton passed out hard copies of the rules to be reviewed at the July 29, 2015, meeting.

Ms. Dalton announced upcoming public meetings. The meetings are scheduled for Phoenix, Tucson and Flagstaff in August. Ms. Zavala reminded members they can attend the public comment meetings but cannot speak on behalf of the Board.

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

Ms. Zavala reported that the FY15 average approval percentage is 81. She reminded members that if someone provides their name and has an issue they are contacted by staff.

Members discussed possible survey questions for when it moves to survey monkey.

D. Update regarding Academic Review Committee appointments

Ms. Dalton reported that 12 members are needed for the Academic Review Committees (ARCs). At this time the Board has received 3 applications. Ms. Zavala indicated that the Board has continually been transparent that this may be a problem.

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

Ms. Zavala reported the online renewals should be operational in mid-August. Staff members have been testing the system to help identify any issues.

F. Discussion regarding the complaint process.

Ms. Zavala reported that staff is working on a flow chart of the complaint process to put on the Board's website.

G. Discussion regarding court appointed complaints

Tabled

H. Discussion regarding exiting Board members

Members discussed possibilities for getting feedback from exiting members.

I. Discussion regarding on-line CEUs

Members discussed whether the Board is statutorily able to restrict the number of CEUs taken online. This will be discussed further at another meeting and possible be addressed in rules.

J. Discussion regarding approval of rule moratorium

Ms. Dalton explained the steps involved in getting the proposed rules to members. Ms. Dalton reminded members the Board was approved on June 26, 2015.

K. Discussion regarding suicide ideation

Ms. Zavala passed out information from the Arizona Department of Health Services regarding guidelines for suicide ideation. Ms. Zavala would like to future agendize suicide ideation to be discussed among members and staff.

L. Discussion regarding year-end results

Ms. Zavala provided information regarding the year-end results for applications, licenses and complaints.

15. Committee reports

A. Personnel Subcommittee

The subcommittee will meet on July 29, 2015.

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

None

17. Future agenda items

- Assessing fees in consent agreements
- ASWB Fall Conference member attendance
- Change of address form

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, August 6, 2015, at 9:00 a.m., at 3443 North Central Avenue, Room 1705.

Members agreed to meet on July 29, 2015, at 9:00 a.m. to review the initial draft rules.

20. Adjournment

Ms. Hintz-Lyon moved, seconded by Dr. Davis, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:12 p.m.

Patricia Dobratz
Secretary/Treasurer

Date