



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
March 4, 2016

Members Present: Jerri Shields, Chip Coffey, Gerald Szymanski, Cedric Davis, Brad Barnett, Nikole Hintz-Lyon (in at 9:15), Patricia Dobratz, Heidi Quinlan, Mary Coonrod, Habib Khan

Members Absent: Ivan Pemberton, Sally Jones

Staff Present: Tobi Zavala, Executive Director; Marc Harris, A.A.G.; Donna Dalton, Deputy Director; 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 March 4, 2016, at 9:05 a.m. with Ms. Shields presiding.

2. **Roll Call**

See above.

3. **Minutes: review, consideration and action**

Mr. Coffey moved, seconded by Ms. Hintz-Lyon, to approve the general meeting minutes from the November 5, 2015, meeting as submitted. The motion passed unanimously. Mr. Barnett, Dr. Davis and Dr. Khan abstained from the vote.

Mr. Coffey moved, seconded by Ms. Hintz-Lyon, to approve the executive session minutes from the November 5, 2015, meeting as submitted. The motion passed unanimously. Mr. Barnett, Dr. Davis and Dr. Khan abstained from the vote.

Mr. Coffey moved, seconded by Ms. Dobratz, to approve the general meeting minutes from the February 4, 2016, meeting as submitted. The motion passed unanimously. Ms. Quinlan, Ms. Coonrod and Dr. Khan abstained from the vote.

Mr. Coffey moved, seconded by Ms. Dobratz, to approve the executive session minutes from the February 4, 2016, meeting as submitted. The motion passed unanimously. Ms. Quinlan, Ms. Coonrod and Dr. Khan abstained from the vote.

Approval of the minutes from October 1, 2015, and December 3, 2015, is tabled due to lack of quorum of members to approve.

4. **Notification of Deficiencies**

Lauren Golombek, applicant from the list of 8 addressed the Board.

5. **Consent Agenda: review, consideration and action**

A. Cases recommended for dismissal

a. 2015-0094, Donella Arrow, LISAC-10840

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

b. 2015-0099, Margie Tirado, LISAC-0452
The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

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

B. Cases recommended for dismissal with a letter of concern

a. 2016-0065, Lori Olsen, LPC-12825

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

C. Cases recommended for release from consent agreements.

a. 2012-0105, Luciano De La O, LISAC-0569 (active restricted)

b. 2011-0009, Arline Lemeschewsky, LCSW-3634 (active restricted)

c. 2015-0016, Kathleen McGuire, LPC-10650 (active restricted)

d. 2014-0022, Brittany Poole, LMSW-13718

e. 2016-0026, James Sims, LPC-10241 (active restricted)

f. 2011-0076, Jennifer Slothower, LPC-1899 (active restricted)

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

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

N/A

6. Administrative Hearings 10:00 AM

None

7. Formal Interviews

None

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

A. Daniel Altman, LISAC-0606

Ms. Zavala summarized information regarding the SACC's recommendation.

The professional addressed the Board telephonically.

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

B. Melishea Balthazor, LBSW applicant

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

The applicant appeared and addressed the Board.

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

- A.R.S. §32-3251(16)(v), any sexual conduct between a licensee and a client or former client.

- 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 licensee’s profession.
- 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

The motion passed unanimously.

Following review and discussion by members, Mr. Coffey moved, seconded by Dr. Davis, 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	Habib Kahn	Ivan Pemberton	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X		X		X	X	X
NAY												
Absent							X		X			

C. 2014-0049, Maria Clark, LPC-13317 and LISAC-10628

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

The complainant and his neighbor appeared and addressed the Board.

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

Following review and discussion by members, Ms. Dobratz moved, seconded by Mr. Coffey, 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 carried with Mr. Szymanski opposed.

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

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

- A.R.S. §32-3251(12)(p), failing to conform to minimum practice standards as developed by the Board as it relates to the following:
 - A.A.C. R4-6-1101, consent for treatment
 - 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 behavioral health as it relates to the following:
 - A.R.S. §13-3620 duty to report
 - A.R.S. §12-2293 release of medical records
- A.R.S. §32-3251(12)(m), engaging in activities not congruent with the licensee’s professional education, training or experience
- A.R.S. §32-3251(12)(k), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession as it relates to the following:
 - ACA Code of Ethics Section C.2.a. Boundaries

The motion passed unanimously.

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

- The license shall be placed on probation for 24 months
- Stayed suspension
- The professional shall complete 3-clock hours of pre-approved continuing education in mandatory reporting
- The professional shall complete a 3-semester credit hour graduate level course in ethics
- The professional shall work in an agency licensed by Department of Health Services
- The professional shall not work with children
- The professional shall receive clinical supervision twice a month focusing on mandated reporting, documentation, scope of practice and consultation

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	Habib Kahn	Ivan Pemberton	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X		X		X	X	X
NAY												
Absent							X		X			

The Board took a break at 10:55 a.m., reconvening its public meeting at 11:17 a.m.

D. Mary Coy, LMSW applicant

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

The applicant appeared and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Dr. Davis, to open a complaint and 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)(c), any oral or written misrepresentation of a fact by an applicant in an attempt to secure the issuance of a license.

The motion passed unanimously.

Following review and discussion by members, Ms. Quinlan moved, seconded by Mr. Barnett, 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	Habib Kahn	Ivan Pemberton	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X		X		X	X	X
NAY												
Absent							X		X			

E. Rebecca Howard, LPC-12959

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

The professional addressed the Board telephonically.

Following review and discussion by members, Ms. Hintz-Lyon moved, seconded by Mr. Coffey, to open a complaint. The motion passed unanimously.

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

F. 2016-0066, Jay Lambert, LCSW-12295

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

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Coonrod moved, seconded by Dr. Davis, to accept the signed interim consent agreement. The motion passed unanimously. Mr. Barnett recused.

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

G. 2016-0051, Jean Penczar, LPC-13592

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

The complainant could not be contacted at the number provided.

The professional's attorney, Natalya Ter-Grigoryan, appeared and addressed the Board.

Following review and discussion by members, Ms. Hintz-Lyon moved, seconded by Dr. Davis, to accept the proposed signed consent agreement. The motion passed unanimously.

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

H. 2016-0013 and 2016-0073, Mary Reiss, LAC-15664

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

The complainants were properly noticed, but did not appear.

The professional and her attorney, Susan McLellan, appeared and addressed the Board.

Following review and discussion by members, Mr. Barnett moved, seconded by Dr. Davis, to find a violation of A.R.S. §32-3251(16)(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. The motion passed unanimously.

Following further discussion, Mr. Barnett moved, seconded by Dr. Davis, to find a violation of A.R.S. §32-3251(16)(k), and conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession, as it relates to the 2014 ACA Code of Ethics A.12 Abandonment. The motion carried with Mr. Coffey, Ms. Coonrod and Dr. Khan opposed. Mr. Szymanski and Ms. Quinlan recused from the vote.

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

Following further discussion, Mr. Barnett moved, seconded by Dr. Davis, to consolidate the 2 complaints and to offer a consent agreement that stipulates the following:

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

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	Habib Kahn	Ivan Pemberton	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X		X			X	
NAY												
Absent							X		X	recuse		recuse

I. 2014-0068, Scott Rivera, LMSW-12756

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Coffey, to accept the signed interim consent agreement. The motion passed unanimously.

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

J. Ashley Robertson-Roth, LAC applicant

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

The applicant appeared and addressed the Board.

Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to go into executive session pursuant to A.R.S. §43-431.03(A)(2), to review medical records exempt from public inspection. The motion passed unanimously and the Board went into executive session at 11:43 a.m., reconvening its public meeting at 12:03 p.m.

Following review and discussion by members, Mr. Szymanski moved, seconded by Dr. Davis, to open a complaint and dismiss the complaint with a letter of concern regarding maintaining a pain management plan. The motion passed unanimously.

K. 2013-0069, Vicki Scott, LPC-2452 and LISAC-0714

Mr. Harris, A.A.G., summarized information regarding the Board’s investigation.

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

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Coffey, to accept the signed consent agreement. The motion passed unanimously.

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

L. 2015-0114, Melvin Taylor, LMSW-15670 and LISAC-1229

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

The complainant was properly noticed, but did not appear.

The professional and his attorney, DeeDee Holden, appeared and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Szymanski, to dismiss the complaint with a letter of concern regarding honesty on applications. The motion passed unanimously.

The Board took a break for lunch at 12:05 p.m., reconvening its public meeting at 12:35 p.m.

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

N/A

10. Applications for licensure and educational programs: review, consideration and action

Social Work

Dr. Davis moved, seconded by Mr. Coffey, to approve 8 applicants as Licensed Clinical Social Workers, 2 applicants as Licensed Clinical Social Workers by endorsement, 33 applicants as Licensed Master Social Workers, one applicant as Licensed Master Social Workers by endorsement, and one applicant as Licensed Bachelor Social Workers. The motion passed unanimously.

Dr. Davis, moved, seconded by Mr. Coffey, to deny 3 applications based on failure to pass the required exam, one application based on failure to take the required exam, and one application based on a finding of unprofessional conduct. The motion passed unanimously.

Counseling

Mr. Coffey moved, seconded by Ms. Dobratz, to approve 12 applicants as Licensed Associate Counselors and 14 applicants as Licensed Professional Counselors, and one applicant as Licensed Professional Counselor endorsement. The motion passed unanimously.

Substance Abuse

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

Mr. Szymanski moved, seconded by Mr. Coffey, to approve Grand Canyon University Master in Counseling program as meeting curriculum requirements. The motion passed unanimously.

Marriage and Family Therapy

Ms. Dobratz moved, seconded by Mr. Coffey, to approve 4 applicants as Licensed Associate Marriage and Family Therapists, and one applicant as a Licensed Marriage and Family Therapists. The motion passed unanimously.

11. 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.

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

Ms. Shields informed members that the new website was should be up and running within the next couple of months.

D. Discussion regarding FY16 Board goals

Members reviewed a compiled list of suggestions in response to the request for Board goals for 2016. The information was reviewed and members agreed on what should be added to future agenda items.

12. Report from the Treasurer

A. Monthly Financial Reports

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

13. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Discussion with Board lobbyist regarding HB2501.

Stuart Goodman, Board lobbyist for the Board, provided information regarding the most recent amendment to HB2501.

C. Appointment of members to the Personnel Subcommittee and discussion of the process.

Ms. Shields reminded members that if anyone wanted to be a part of the personnel subcommittee to notify her. It was also discussed that the survey to staff of the executive director performance would be sent out within the month.

D. Executive staff visit to St. Luke's Behavioral Health facility

Ms. Zavala informed members that Donna Dalton Deputy Director, Joey Ordonez Enforcement Manager and she toured St. Luke's facility.

E. Outreach to behavioral health community

Ms. Zavala informed members that Board staff mailed out letters to clinical supervisors on registry, all licensees and DHS licensed behavioral health agencies to provide them with information regarding rule changes. Additionally, the letters were posted to the website.

F. Maricopa County Attorney's Office inquiry

Ms. Zavala informed the Board that it recently received an Open Meeting Law Inquiry from the Maricopa County Attorney's Office. The inquiry was filed by a complainant and requested information pertaining to the Board's handling of two complaints. Ms. Zavala advised the Board that she is working with AAG Marc Harris on the matter and will provide the Board with status reports going forward.

G. Ombudsman's Office inquiry

Ms. Zavala informed the Board that it recently received an inquiry from the Ombudsman's Office regarding the Board's handling of a complaint. The inquiry was filed by the complainant. Ms. Zavala advised the Board that she is meeting with the Ombudsman's Office and will keep the Board updated on this matter as events warrant. AAG Marc Harris added that it was his understanding that some members of the Board might have received information directly from the complainant and reminded the Board of the importance of directing all communications, whether verbal or written, to Board staff.

H. Adoption of Substantive Policy Statement related to A.A.C. R4-6-704

Following review and discussion by members, Ms. Shields moved, seconded by Dr. Davis, to adopt the Substantive Policy Statement related to A.A.C. R4-6-704. The motion passed unanimously.

I. A.A.C. R4-6-212.01(1)(a)(i)

Members discussed the supervision exemption request when a clinical supervisor is not available because of the size and geographic location. Members directed staff to research additional information.

J. Policy for treating DUI related issues

Following review and discussion by members, Ms. Shields moved, seconded by Mr. Barnett, to adopt the DUI policy with modifications. The motion passed unanimously.

14. Committee reports

N/A

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

N/A

16. 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 meeting is scheduled for Friday, April 1, 2016, at 9:00 a.m., at 3443 North Central Avenue, Room 1705.

20. Adjournment

Dr. Davis moved, seconded by Mr. Coffey, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:14 p.m.

Patricia Dobratz
Secretary/Treasurer

Date