



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

November 4, 2016

Members Present: Sally Jones, Chip Coffey, Cedric Davis, Patricia Dobratz, Brad Barnett, Jerri Shields, Nikole Hintz-Lyon, Heidi Quinlan (out at 12:26 pm), Gerald Szymanski (in at 1:06 pm, out at 1:25 pm)

Members Absent: Habib Khan, Mary Coonrod

Staff Present: Tobi Zavala, Executive Director; Marc Harris, A.A.G.; Anne Froedge, Solicitor General's Office; Donna Dalton, Deputy Director; Susan Stumfoll, Operations Manager

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on November 4, 2016, at 9:05 a.m. with Ms. Dobratz presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. August 31, 2016, general meeting minutes

Mr. Coffey moved, seconded by Dr. Davis, to approve the general meeting minutes from the August 31, 2016 meeting as submitted. The motion passed unanimously. Mr. Barnett abstained.

B. October 21, 2016, general meeting minutes

Mr. Coffey moved, seconded by Mr. Barnett, to approve the general meeting minutes for the October 21, 2016 meeting as submitted. The motion passed unanimously. Ms. Shields abstained.

C. October 21, 2016, executive session minutes

Tabled due to lack of quorum of members to vote.

D. Review, discussion and ratification of October 21, 2016, vote to approve September 9, 2016 executive session minutes/agenda item 8G

Tabled due to lack of quorum of members to vote.

4. Notification of Deficiencies

Myrio Jones and Latisha Miner from the list of six addressed the Board.

5. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

a. 2017-0012, Barbara Kiffmeyer, LMSW-12917

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

The complainant appeared and addressed the Board.

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

Following discussion, Dr. Davis moved, seconded by Ms. Shields, to dismiss the complaint and remove it from the licensee's complaint history. The motion passed unanimously.

b. 2016-0095, Kristine Godinez, LPC-13155

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

The complainant appeared and addressed the Board.

The professional and her attorney, Fred Cummings, appeared and addressed the Board.

Following discussion, Mr. Coffey moved, seconded by Dr. Davis, to dismiss the complaint. The motion passed unanimously.

c. 2017-0016, Lindsay Rayball, LAMFT-10428

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

The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

Following discussion, Ms. Hintz-Lyon moved, seconded by Dr. Davis, to dismiss the complaint. The motion passed unanimously. Ms. Dobratz recused.

d. 2017-0025, Telly Rivenburgh, LMSW-13613

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

B. Cases recommended for dismissal with a letter of concern

a. 2016-0060, Kristine Godinez, LPC-13155

Following discussion, Ms. Shields moved, seconded by Mr. Coffey, to approve the consent agenda item 5(B). The motion passed unanimously.

C. Cases recommended for release from consent agreements.

a. 2015-0072, Betty Wittels, LPC-0371 (active restricted)

Following discussion, Mr. Coffey moved, seconded by Ms. Shields, to approve the consent agenda item 5(C). The motion passed unanimously.

D. Cases recommended for opening a complaint, possible disciplinary action and acceptance of a proposed signed consent agreement.

N/A

E. Cases recommended for opening a complaint and acceptance of a proposed signed non-disciplinary consent agreement.

a. Kenneth Alva Brown, LMFT-0268

Following discussion, Ms. Shields moved, seconded by Mr. Coffey, to approve the consent agenda item 5(E). The motion passed unanimously.

F. Cases recommended for acceptance of a proposed signed non-disciplinary consent agreement.

a. 2016-0079, Catherine Rosick, LPC-12097

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

The complainant appeared and addressed the Board.

The professional’s attorney, Michael Wolver, appeared telephonically and addressed the Board.

Following discussion, Mr. Coffey moved, seconded by Dr. Davis, to accept the proposed signed non-disciplinary consent agreement. The motion passed unanimously. Ms. Shields recused.

b. 2016-0110, James Williams, LCSW-11062

Following discussion, Dr. Davis moved, seconded by Ms. Jones, to approve the consent agenda item 5(F)(b). The motion passed unanimously.

The Board took a break at 10:03 a.m., reconvening its public meeting at 10:18 a.m.

6. Administrative Hearings

A. 2017-0019, Kathryn Cooper, LAC applicant

Ms. Froedge, Solicitor General’s Office, appeared to provide independent legal advice to the Board.

The applicant appeared and addressed the Board.

Mr. Harris, A.A.G., appeared on behalf of the State and made an opening statement to the Board.

Following review and discussion by members, Ms. Shields moved, seconded by Dr. Davis, to find a violation of:

- A.R.S. § 32-3275(6) as it relates to:
 - A.R.S. § 32-3251(16) (n), failing to comply with or violating, attempting to violate or assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant to this chapter, any lawful order of the board, or any formal order, consent agreement, term of probation or stipulated agreement issued under this chapter
- A.R.S. § 32-3275(7) as it relates to:
 - A.R.S. § 32-3275(B), if the board finds that an applicant is subject to subsection (A)(5-8) of this section, the board may determine to its satisfaction that the conduct or condition has been corrected, monitored and resolved and may issue a license. If the conduct or condition has not been resolved, the board may determine to its satisfaction that mitigating circumstances exist that prevent its resolution and may issue a license.

and to offer a consent agreement for the issuance of the license that stipulates the following:

- The professional shall complete 6 clock hours of continuing education in mandated reporting
- The professional shall complete a three semester credit graduate level class in behavioral health ethics
- Upon completion of the required education, the license will be issued

The motion passed unanimously.

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

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Jones, to continue the administrative hearing until the modified consent agreement is accepted, and vacate the administrative hearing if signed, and if not signed, to proceed with the administrative hearing for denial of licensure.

The motion passed unanimously.

7. Formal Interviews

N/A

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

A. 2015-0055, Marilyn Daniel, LAC-14319 (suspended)

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

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Shields moved, seconded by Dr. Davis, to modify the existing consent agreement to include the following stipulations:

- Clinical supervision shall be completed by a Licensed Professional Counselor or Licensed Clinical Social Worker pre-approved by the Board chair or designee
- The clinical supervision shall focus on the ACA code of ethics in addition to those previously included in the consent agreement

The motion passed unanimously.

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

B. 2016-0081, Salina Hancock Abdul-Bari, LMSW-13868

Ms. Zavala explained that additional information had been received and asked the members to consider a continuance of the matter for further investigation.

The complainant appeared and addressed the Board.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Shields, to provide ten business days for the professional to provide complete client record as previously subpoenaed, and if not received, to issue an order compelling enforcement of the subpoena. The motion passed unanimously. Mr. Coffey and Ms. Quinlan recused.

Following further discussion, Dr. Davis moved, seconded by Ms. Jones, to continue the matter to allow further investigation by Board staff. The motion passed unanimously. Mr. Coffey and Ms. Quinlan recused.

C. 2016-0104, Donald Miretsky, LPC-0144

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

The professional and his attorney, Michele Thompson appeared and addressed the Board.

Following review and discussion by members, Mr. Coffey moved, seconded by Ms. Shields, to find a violation of:

- 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 motion passed unanimously.

Following further discussion, Mr. Coffey moved, seconded by Ms. Shields, 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. R4-6-212(F)(4) Clinical Supervision Requirements

The motion passed unanimously.

Following further discussion, Ms. Shields moved, seconded by Ms. Hintz-Lyon, to find a violation of:

- A.R.S. § 32-3251(16)(c)(i), any oral or written misrepresentation of a fact by an applicant or licensee to secure or attempt to secure the issuance or renewal of a license

The motion failed with Ms. Dobratz, Ms. Hintz-Lyon, and Ms. Shields in favor.

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

D. Donald Miretsky, LPC-0144

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

The professional and his attorney, Michele Thompson appeared and addressed the Board.

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(16)(c)(i), any oral or written misrepresentation of a fact by an applicant or licensee to secure or attempt to secure the issuance or renewal of a license
- 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. R4-6-212(F)(4) Clinical Supervision Requirements
- 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 motion passed unanimously.

Following further discussion, Dr. Davis moved, seconded by Ms. Jones, to offer a consent agreement addressing both of professional’s disciplinary matters that stipulates the following:

- The license shall be placed on probation for 24 months
- The professional shall complete 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall complete a three semester credit graduate level class in behavioral health ethics and documentation
- The professional shall be restricted from providing clinical supervision for 24 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.

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

The Board took a break at 12:27 a.m., reconvening its public meeting at 1:06 p.m.

E. 2016-0092, Caileigh Smith, LAC-15889

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

The professional appeared and addressed the Board.

Following review and discussion by members, Mr. Barnett moved, seconded by Ms. Shields, to dismiss the complaint. The motion passed unanimously.

F. 2017-0010, Beth Stoddard, LISAC-10994

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

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Dr. Davis, to find the following violations:

- A.R.S. § 32-3251(16)(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, welfare or safety of a client, as it relates to: the 2013 NAADAC Code of Ethics
 - Section I. The Counseling Relationship, Standard 2: Client Self Determination
- 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. R4-6-1102, Treatment Plan
 - A.A.C. R4-6-1103, Client Record

The motion passed unanimously. Ms. Hintz-Lyon recused.

Following further discussion, Ms. Quinlan moved, seconded by Mr. Barnett, to offer 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 the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall complete 12 clock hours of continuing education in family court procedures
- The professional shall receive clinical supervision monthly from a pre-approved independently licensed behavioral health professional with experience in forensically informed treatment
- Clinical supervision shall focus on family court procedures, client care, and family court ethics

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. Ms. Hintz-Lyon recused.

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

G. Erica Wagner, LMSW-13153 and LCSW applicant

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

The professional appeared and addressed the Board.

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

- A.R.S. § 32-3251(16)(c)(i), any oral or written misrepresentation of a fact by an applicant or licensee to secure or attempt to secure the issuance or renewal of a license

The motion passed unanimously.

Following further discussion, Ms. Shields moved, seconded by Ms. Hintz-Lyon, to find a violation of:

- 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 motion carried with Mr. Coffey, Dr. Davis, and Ms. Jones opposed.

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

Following further discussion, Mr. Coffey moved, seconded by Ms. Shields, to deny the application based on a finding of unprofessional conduct. The motion passed unanimously.

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

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

A. 2016 Legislative update

Marc Harris, A.A.G. provided the Board with a summary of the 2016 legislative changes that affect regulatory agencies.

B. Review and discussion regarding Leanna Smith vs Arizona State Board of Behavioral Health Examiners

Marc Harris, A.A.G. advised the Board that the Superior Court granted the Board’s Motion to Dismiss Leanna Smith’s Complaint for Judicial Review of its decision to dismiss the case that she filed against Ms. Greco. In doing so, Mr. Harris stated that the Court adopted the Board’s argument that Ms. Smith failed to provide any facts or authority upon which the Court could find that as a complainant she had the right to appeal from the Board’s decision or that the Court has subject matter jurisdiction to review that decision.

Mr. Harris further stated the Court also adopted the Board’s argument that Ms. Smith failed to provide any facts or authority upon which the Court could find that Ms. Smith had been injured by the Board’s decision and thus would have standing to appeal.

10. Temporary licenses: review, consideration and action

N/A

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

A. Review, consideration, and possible action regarding applications for licensure

Counseling

Ms. Shields moved, seconded by Ms. Jones to approve 17 applicants as Licensed Associate Counselors, and 10 applicants as Licensed Professional Counselors. The motion passed unanimously. Mr. Coffey recused.

Social Work

Ms. Jones moved, seconded by Dr. Davis, to approve 1 applicant as a Licensed Clinical Social Worker, 1 applicant as a Licensed Clinical Social Worker by endorsement, and 18 applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Coffey, to approve 1 applicant as a Licensed Clinical Social Worker. The motion passed unanimously.

Ms. Jones moved, seconded by Dr. Davis, to deny 6 applications based on failure to take the required

exam, and 1 application based on failure to pass the required exam. The motion passed unanimously.

Substance Abuse

Ms. Quinlan moved, seconded by Mr. Barnett, to approve 1 applicant as a Licensed Associate Substance Abuse Counselor, and 1 applicant as a Licensed Independent Substance Abuse Counselor. The motion passed unanimously.

Ms. Quinlan moved, seconded by Ms. Jones, to deny 1 application based on failure to take the required exam, and 3 applications based on failure to meet minimum requirements. The motion passed unanimously.

B. Review, consideration, and possible action regarding applications for educational programs
N/A

12. Report from Chair

A. Summary of current events

No report.

B. Discussion regarding chairperson performance

Ms. Dobratz asked members to present feedback on her performance at the next Board meeting.

C. Discussing regarding meeting process

Ms. Dobratz asked members to consider changing the process of member introductions. The discussion will be agendized for the December Board meeting.

13. Report from the Treasurer

A. Monthly Financial Reports

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

14. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Discussion regarding ADHS Health Regulatory Board Study /Audit

Ms. Zavala provided information on the pending audit by Beacon International. Their report on consolidating health boards should be available soon.

C. Discussion regarding National Data Bank Compliance Report

Ms. Zavala shared a report indicating that the Board is in compliance with National Data Bank reporting requirements.

D. Discussion regarding clinical supervisor requirements

Members discussed the appropriate length of time in practice as an independently licensed behavioral health professional prior to being qualified to provide clinical supervision. The members may want to consider a change in rule in the future.

E. Discussion regarding behavior analysts transferring jurisdiction from the Arizona Psychologist Board to the Arizona Board of Behavioral Health Examiners

Tabled.

F. Review, consideration and possible action regarding 2017 calendar

Ms. Zavala presented a proposed Board meeting schedule for 2017.

Following discussion and review by members, Ms. Shields moved, seconded by Ms. Jones, to accept the proposed meeting calendar with January 6th being a telephonic meeting for licenses only. The calendar will be reviewed again at the December meeting.

G. Update on financial audit

Ms. Zavala provided an update on the financial audit completed in August. The audit was a risk audit, not a complete financial audit. There were no concerns noted.

H. Discussion regarding telepractice

Members discussed the use of telepractice and setting additional security standards in a future rulemaking.

I. Review, consideration, and possible action regarding the substantive policy statement for the exam requirements for substance abuse counselor licensure

Ms. Dalton presented information on substantive policy statement 2016-01 and its incorporation into the recent rulemaking.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Shields to rescind substantive policy statement 2016-01, Exam Requirements for Substance Abuse Counselor Licensure.

The motion passed unanimously.

15. Request for extension of inactive status: review, consideration and action

N/A

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

N/A

17. Future agenda items

A. Member attendance

18. Call for public comment

Robin Payne appeared and addressed the Board.

19. Establishment of future meeting dates

The next meeting is scheduled for Friday, December 2, 2016, at 9:00 a.m., at 3443 North Central Avenue, Room 1705.

20. Adjournment

Ms. Shields moved, seconded by Mr. Barnett, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:20 p.m.

Gerald Szymanski
Secretary/Treasurer

Date

Arizona Board of Behavioral Health Examiners
Licenses recommended for approval - November 4, 2016 meeting

COUNSELING

Licensed Associate Counselor - 17			
Christine Besaw	Aaron Garcia	Ilisa Keith	Laurene Simms
Darrina Bledsoe	Katrina Harrell	Zelenia Pellat	Tawny White
Jennifer Cooper	Vonecia Hill	Robbie Petsche	Julie Young
Craig Dalton	Robin Horn	Virginia Pierce	Ratnamala Gunnala
Christopher Daugherty			
Licensed Professional Counselor - 10			
Lori Boston	Kathleen Hald	Diane Hernandez	Jennifer Noreus
Harrison Crawford	Hayley Hansen	Kimberley Joe	Chere Sterenfeld
Elizabeth Forsyth	Alice Henley		

SOCIAL WORK

Licensed Master Social Worker - 18			
Laurel Alexander	Michael Elder	Karina McCluskey	Paloma Perez
Elizabeth Anthony	Jacob Fox	Laura Morgan	Denise Rae
Kelly Baker	Sylvia Green	Brigid O'Connor	Jennifer Schirmer
Stephanie Crum	Randy Gyorffy	Sarah Ott	Sarah Sheridan
Aubrey Dillistone	Catherine Maradik		
Licensed Clinical Social Worker - 2			
Traci Andes	Tracey Corbett		
Licensed Clinical Social Worker - by endorsement - 1			
Leslie Keene			

SUBSTANCE ABUSE COUNSELING

Licensed Associate Substance Abuse Counselor - 1	
Kristen Pulver	
Licensed Independent Substance Abuse Counselor - 1	
Sara Branscum	

Arizona Board of Behavioral Health Examiners
Licenses recommended for denial - November 4, 2016 meeting

SOCIAL WORK - 7

Failure to take the required exam - 6

Lori Harris-Shelah
Constance Guerrero
Samantha Clark
Andrea McCluskey
Elizabeth Biehn
James Barrett

Failure to pass the required exam -1

Alejandro Flores

SUBSTANCE ABUSE COUNSELING - 4

Failure to take the required exam - 1

Theodore True

Failure to meet minimum requirements - 3

Jamie Logan
August White
Brett Hansen