



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

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS
NOTICE & AGENDA FOR REGULAR SESSION MEETING
Scheduled for November 7, 2013, at 9:00 AM
3443 N Central Avenue, Room 908, Phoenix, Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the general public and to members of the Arizona State Board of Behavioral Health Examiners that the Board will hold a regular meeting open to the public on the date and at the time indicated above. (The meeting room is located on the 9th floor of the building.)

The Board reserves the right to change the order of items on the agenda, except for those matters set for a specific time. Please note that the recommendations listed on the agenda are merely suggested Board actions. Those recommendations do not become final until adopted by the Board. The Board has the authority to accept, reject or modify any recommendation listed on the agenda.

The Board, upon majority vote of a quorum of the members, may hold an Executive Session on any item on the agenda, where applicable, for purposes of reviewing and considering confidential records, to obtain legal advice and/or to consider its position and instruct its attorneys pursuant to A.R.S. § 38-431.03(A)(2), (3), and (4). Executive Sessions are not open to the public.

Americans with Disabilities Act: Persons with a disability may request a reasonable accommodation, such as a sign language interpreter or a copy of this document in alternative format, by contacting Mary Wilson at 602-542-1832 or the TDD number at 800-367-8939.

The agenda for the meeting is as follows:

1. Call to order

2. Roll call (staff)

3. Minutes: review, consideration and action.

Pursuant to A.R.S. § 38-431(A)(2), any discussion of the executive session minutes will take place in executive session.

- A. *September 5, 2013, general meeting minutes*
- B. *September 5, 2013, executive session minutes*
- C. *October 7, 2013, teleconference minutes*

4. Consent Agenda: review, consideration and action

The Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

- A. *2013-0059, Sharron Ahles, LPC-13275*
Review, consideration, and action, regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint.
- B. *2012-0045, Tara Boocheck, LPC-12785 (active-restricted)*
Review, consideration, and action, regarding the professional's request for release from the consent agreement.
- C. *2013-0079, Kelly O'Horo, LAC-13582 and LPC applicant*
Review, consideration, and action, regarding the Counseling Credentialing Committee's recommendation to accept the proposed signed consent agreement.
- D. *2011-0055, Ariel Schulz, LCSW-2622*
Review, consideration, and action, regarding the professional's request for release from the consent agreement.

E. 2013-0006, Mary Ann Turner, LCSW-10951 (revoked)

Review, consideration, and action, regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint without prejudice.

F. 2011-0027, Joseph Vigneux, LISAC-10338

Review, consideration, and action, regarding the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint.

5. Administrative Hearings 10:00 AM

Pursuant to A.R.S. §§ 32-3253(A)(10) and 41-1092.07, the Board will conduct administrative hearings in the following matter(s). During the administrative hearing, the Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

A. Michelle Easson, LAC applicant

Review, consideration, and action, regarding the applicant's request for a continuance of the Formal Hearing on the denial of her LAC application.

B. Jill Lewis, LAC-11268 and LPC applicant

Consideration of Recommendation from Office of Administrative Hearings. The Board will discuss and take action on a recommended decision from the Office of Administrative Hearings in accordance with A.R.S. § 41-1092.08.

6. Formal Interviews

Pursuant to A.R.S. § 32-3281, the Board will conduct a Formal Interview in the following matter(s). During a formal interview, the Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

7. Disciplinary matters recommended by Credentialing Committees: review, consideration and action.

The Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Pending complaints represent unproven allegations. On investigation, many complaints are found to be without merit or not of sufficient seriousness to merit disciplinary action against the licensee and are dismissed.

A. 2011-0013, Jeffrey Aronson, LPC-1655

Review, consideration, and action, regarding the Counseling Credentialing Committee's recommendation to accept the proposed consent agreement.

B. 2013-0072, Cesar Gamez, LPC-13569

Review, consideration, and action, regarding the Counseling Credentialing Committee's recommendation to accept the proposed consent agreement.

C. 2012-0064, Yolanda Harvey, LCSW-12887

Review, consideration, and action, regarding the Social Work Credentialing Committee's recommendation to accept the proposed signed consent agreement.

D. 2011-0116, Howard Rockett, LCSW-11050

Review, consideration, and action, regarding the Social Work Credentialing Committee's recommendation to accept the proposed consent agreement.

E. 2010-0101, Joseph Vigneux, LISAC-10338

Review, consideration, and action, regarding the Substance Abuse Credentialing Committee's recommendation to accept the proposed consent agreement.

F. 2013-0048, Diane Whisler, LCSW-10963

Review, consideration, and action, regarding the Substance Abuse Credentialing Committee's recommendation to release the professional from the Interim Consent Agreement and to accept the proposed consent agreement.

G. 2011-0124, Robert Whitney, LCSW-0946

Review, consideration, and action, regarding the Social Work Credentialing Committee's recommendation to accept the proposed consent agreement.

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

The Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Pending complaints represent unproven allegations. On investigation, many complaints are found to be without merit or not of sufficient seriousness to merit disciplinary action against the licensee and are dismissed.

A. 2014-0005, Kent Baker, LPC-10419

Initial review, consideration, and action.

B. Tara Capanna, LAC applicant

Initial review, consideration, and action, regarding opening a complaint and possible disciplinary action based on the background investigation.

C. 2012-0056, Cherilin Diefenbacher-Pharriss, LMSW-11277 (suspended)

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

D. 2014-0007, Jeffrey Friedman, LISAC-10376

Initial review, consideration, and action.

E. Crystal Harris, LAC applicant

Initial review, consideration, and action, regarding opening a complaint and possible disciplinary action based on the background investigation.

F. 2013-0008, Rhonda Pruitt, LISAC-1291 and LPC-11597

Initial review, consideration, and action, regarding opening a new complaint, or adding additional allegations to the pending complaint, based on new information obtained during the pending complaint investigation.

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

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

H. 2013-0061, Karen Smith, LISAC-11376

Initial review, consideration, and action.

I. Nha Tran, LAC applicant

Initial review, consideration, and action, regarding opening a complaint and possible disciplinary action based on the background investigation.

J. 2014-0016, Roman Zepeda, LISAC-0465

Initial review, consideration, and action, regarding accepting the proposed signed consent agreement.

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

The Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

A. Review, consideration, and possible action regarding the change in the standard of proof.

10. Applications for licensure: review, consideration and action

The Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

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

Names are posted for review in the reception area of 3443 N. Central Avenue, Suite 1700, Phoenix, AZ at least twenty-four (24) hours in advance of the meeting.

B. Lisa Keller, LPC applicant

Review, consideration, and possible action, to rescind this Board's September 5, 2013, motion to deny the application based on failure to meet minimum requirements.

C. Vicktoria Patzer, LMFT applicant

Review, consideration, and possible action, to rescind this Board's October 7, 2013, motion to deny the application based on failure to meet minimum requirements.

11. Report from the Chair

The Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

A. Chair report

12. Report from the Treasurer

A. Monthly financial reports (August and September)

13. Report from the Executive Director and/or staff

The Board may go into executive session to discuss personnel matters pursuant to A.R.S. § 38-431.03(A)(1), to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2), or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

A. General Agency Operations

B. Review, consideration, and action, regarding the Arizona Republic article on the Medical Board and the Executive Summary of the Ombudsman's Report

C. Implementation of SB1374

• *Review, consideration, and possible action, regarding the following:*

○ *Adoption of procedures and associated documents developed for Board review of deficient applications.*

○ *Adoption of the procedures and associated documents developed for the process of withdrawing license applications:*

• *Referring applications for possible background investigation*

▪ *Withdrawal of an application*

○ *Adoption of the procedures and associated documents developed for implementation of the investigative file review process*

D. Review, consideration, and possible action, regarding the scheduling of a second regular monthly Board meeting

E. Review, consideration, and possible action, regarding the designated reviewer(s) of preapproval requests submitted to the Board pursuant to consent agreements

F. Review, consideration, and possible action, regarding appointment of members to the Rules Subcommittee

14. Committee reports

The Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

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

16. Future agenda items

17. Call for public comment

Those wishing to address the Board do not need to request permission in advance; however, the Board may limit those persons speaking during this time to a reasonable number on any given public matter. In addition, each person wishing to address the Board will be given three (3) minutes to do so. Pursuant to A.R.S. § 38-431.01(H), the Board can only take action on matters listed on the agenda. Action on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or to schedule the matter for further discussion at a later date.

18. Establishment of future meeting date(s)

The next meeting is scheduled for Thursday, December 5, 2013, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

- A. Approval of the Board's 2014 draft meeting calendar.*
- B. Schedule extra meetings to conduct formal hearings.*

19. Adjournment

October 30, 2013

Debra Rinaudo
Executive Director