



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](http://www.az.gov)  
Website: [www.azbbhe.us](http://www.azbbhe.us)  
E-mail address: [information@azbbhe.us](mailto:information@azbbhe.us)

JANICE K. BREWER  
Governor

DEBRA RINAUDO  
Executive Director

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BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
November 7, 2013

Members Present: Steve Lankton, Gloria Gabler, Mary Coonrod, Kirk Bowden, Jerri Shields, Jayne McElfresh, Page Gonzales

Staff Present: Debra Rinaudo, Executive Director, Tobi Zavala, Assistant Director, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Mary Wilson, Laura Dawson, Amber Boehme

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on November 7, 2013, at 9:02 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 September 5, 2013, meeting as submitted. The motion passed unanimously. Ms. Gonzales abstained from the vote.

Dr. Bowden moved, seconded by Ms. McElfresh, to approve the executive session minutes from the September 5, 2013, meeting as submitted. The motion passed unanimously. Ms. Gonzales abstained from the vote.

Dr. Bowden moved, seconded by Ms. Coonrod, to approve the minutes from the October 7, 2013, teleconference as submitted. The motion passed unanimously. Ms. Gonzales abstained from the vote.

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

*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.

Ms. McElfresh moved, seconded by Ms. Coonrod, to accept the consent agenda as presented. The motion passed unanimously. See attached roll call vote.

*The Board took a break at 10:01 a.m., reconvening its public meeting at 10:14 a.m.*

**5. Administrative Hearings 10:00 AM**

*A. Michelle Easson, LAC applicant*

Christopher Munns, Solicitor General's Office, appeared and was available to provide independent legal advice to the Board.

Ms. Rinaudo provided information regarding the professional's request for a continuance.

Mr. Harris, A.A.G., provided information regarding the application and the continuances requested and granted since 2009. Mr. Harris requested that, if the Board grants the continuance, they are clear to the professional that it is the last and that they make it time limited.

Dr. Bowden moved, seconded by Ms. Shields, to grant a time limited 6-month extension, set firm hearing date and inform the professional there will be no more continuances. The motion passed unanimously.

*B. Jill Lewis, LAC-11268 and LPC applicant*

Christopher Munns, Solicitor General's Office, appeared and was available to provide independent legal advice to the Board.

The professional was properly noticed, but did not appear.

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

Following review and discussion, Dr. Bowden moved, seconded by Ms. Shields, to accept the factual allegations from the notice of hearing as findings of fact and the charges from the notice of hearing as conclusions of law. The motion passed unanimously.

Ms. McElfresh moved, seconded by Dr. Bowden, to accept the order as recommended by the Administrative Law Judge to affirm the denial of the license. The motion passed unanimously. See attached roll call vote.

**6. Formal Interviews**

None

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

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

Members reviewed information regarding the complaint.

The complainant was properly noticed, but did not appear.

The professional and his attorney, Ron Lehman, appeared in person and addressed the Board.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Shields, to accept the findings of fact and conclusions of law as presented in the proposed consent agreement. The motion passed unanimously. See attached roll call vote.

Dr. Gabler moved, to accept a consent agreement for an order of censure, The motion failed for lack of a second.

Following further review, Dr. Bowden moved, seconded by Ms. Shields, to re-offer the consent agreement modified to include completion of a 3-semester graduate level course in Assessment, Diagnosis and Treatment, 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 carried with Ms. McElfresh and Ms. Coonrod opposed. See attached roll call vote.

Dr. Bowden moved, seconded by Ms. Shields, to include that the course be completed within 12 months and the information gained through the educational process will be discussed in supervision. The motion carried with Ms. McElfresh opposed.

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

Members reviewed information regarding the complaint.

The complainant appeared telephonically and addressed the Board.

The professional and his attorney, Teresa Sanzio, appeared in person and addressed the Board.

Following review and discussion, Ms. Shields moved, seconded by Ms. McElfresh, to re-offer the consent agreement modified for the voluntary surrender of the professional's license and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

*The Board took a break at 12:04 p.m., reconvening its public meeting at 12:15 p.m.*

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

Members reviewed information regarding the complaint.

The applicant's attorney, Faren Akins, appeared in person and addressed the Board.

Following review and discussion, Ms. Gonzales moved, seconded by Ms. McElfresh, to accept the proposed signed consent agreement. The motion passed unanimously. See attached roll call vote.

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

Members reviewed information regarding the complaint.

The complainant appeared in person and addressed the Board.

The professional was properly noticed, but did not appear.

Following review and discussion, Dr. Bowden moved, seconded by Dr. Gabler, to re-offer the consent agreement and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

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

Members reviewed information regarding the complaint.

The complainant was properly noticed, but did not appear.

The professional appeared telephonically.

The professional's attorney, Steven Perlmutter, appeared in person and addressed the Board.

Dr. Bowden moved, seconded by Ms. Coonrod, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the Board went into executive session at 11:07 a.m., reconvening its public meeting at 11:20 a.m.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Shields, to issue a letter of concern addressing that the closure of the practice was not in accordance with professional standards. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Ms. Shields, to issue a non-disciplinary order for continuing education as follows:

- The professional shall complete a pre-approved 3-semester credit hour graduate level course in intake, assessment and treatment planning within 12 months
- The professional shall complete 6-clock hours of pre-approved continuing education in the NASW Staying Out of Trouble course or its equivalent within 12 months

The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Ms. Coonrod, to have the letter of concern also address the importance of continuation of care and continuity and maintenance of client records. The motion passed unanimously.

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

Members reviewed information regarding the complaint.

The professional and her attorney, Steven Myers, appeared in person and addressed the Board.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Coonrod, to release the professional from the interim consent agreement upon the Board's acceptance of the signed proposed consent agreement modified as follows:

- Findings of fact and conclusions of law remain the same
- Remove the stipulation for a practice monitor
- Remove the stipulation for supervision
- Allow the current therapist after pre-approval by the Chair
- Therapy will be twice monthly
- Reports from the PCP will be quarterly
- AA attendance 3 times a week
- Random bodily fluid testing twice monthly

The motion passed unanimously. See attached roll call vote.

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

Members reviewed information regarding the complaint.

The complainant addressed the Board telephonically.

The professional and his attorney, Steven Myers, appeared in person and addressed the Board.

Following review and discussion, Dr. Bowden moved, seconded by Ms. McElfresh, to table the matter for the attorneys to work out an acceptable consent agreement. The motion passed unanimously.

*The Board took a break at 1:33 p.m., reconvening its public meeting at 1:45 p.m.*

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

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

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

The professional and his attorney, Artie Eaves, appeared in person and addressed the Board.

Following review and discussion, Ms. Shields moved, seconded by Dr. Bowden, to find the following violation:

- A.R.S. §32-3251 (12)(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
  - A.A.C. R4-6-1104, financial and billing records

The motion passed unanimously.

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

- The professional's license will be placed on probation for 12 months
- The professional shall complete an in-person pre-approved 3-semester credit hour graduate level class in behavioral health ethics

- The professional shall complete an in-person pre-approved 3-semester credit hour graduate level class in intake, assessment and treatment planning
- The professional shall receive clinical supervision every 2 months for 6 sessions
- The focus of the clinical supervision will be documentation, treatment planning, financial recordkeeping, electronic recordkeeping and ethics

The motion passed unanimously.

*B. Tara Capanna, LAC applicant*

Ms. Rinaudo summarized the results of the background investigation.

The applicant appeared in person and addressed the Board.

Following discussion, Dr. Bowden moved, seconded by Ms. Shields, to open a complaint. The motion passed unanimously.

Following review and discussion, Dr. Bowden moved, seconded Ms. Coonrod, to find violations of the following:

- A.R.S. §32-3251(12)(c)(i), misrepresentations to obtain a license (Board app)
- A.R.S. §32-3251(12)(b), use of fraud (employment apps)

The motion passed unanimously.

Following further review, Dr. Bowden moved, seconded by Ms. Shields, to deny the license based on a finding of unprofessional conduct. The motion passed unanimously.

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

Tabled

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

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

The complainant addressed the Board telephonically.

The professional appeared in person and addressed the Board.

Following review and discussion, Ms. Shields moved, seconded by Dr. Bowden, to find violations of the following:

- A.R.S. §32-3251(12)(c)(ii), any oral or written misrepresentation of a fact by a licensee in any statements provided during an investigation
- A.R.S. §32-3251(12)(y), engaging in a dual relationship with a client
- A.R.S. §32-3251(12)(p), failing to conform to minimum practice standards as developed by the Board, as it relates to A.A.C. R4-6-1105, confidentiality

The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Dr. Gabler, to accept a consent agreement that stipulates the following:

- The professional's license shall be revoked
- The revocation is stayed for 24-months as long as there is compliance with the consent agreement
- The professional shall complete a pre-approved 3-semester credit hour graduate level behavioral health ethics course in person
- The professional shall complete a pre-approved 3-semester credit hour graduate level advanced case management (can be online)

- The professional shall work in a State licensed facility
- The professional shall receive clinical supervision focusing on clinical assessment and diagnosis, boundaries and transference
- The professional cannot provide supervision

The motion passed unanimously. See attached roll call vote.

*E. Crystal Harris, LAC applicant*

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

The applicant was properly noticed, but did not appear.

Following review and discussion, Dr. Bowden moved, seconded by Ms. McElfresh, to open a complaint and find the following violations:

- A.R.S. §32-3251 (12)(II) being the subject of a revocation, suspension, surrender or any other disciplinary sanction of a professional license
- A.R.S. §32-3251 (12)(d) any false, fraudulent or deceptive statement connected with the practice of behavioral health
- A.R.S. §32-3251 (12)(I) impairment
- A.R.S. §32-3251 (12)(b) use of fraud or deceit in connection with rendering services as a licensee

The motion passed unanimously. See attached roll call vote.

Following further discussion, Dr. Bowden moved, seconded by Ms. McElfresh, to deny the license based on a finding of unprofessional conduct. The motion passed unanimously. See attached roll call vote

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

Ms. Rinaudo provided information regarding the Board's options concerning new information received while there is an open complaint.

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

Members considered the information and agreed to take no action.

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

Tabled

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

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Steven Myers, appeared in person and addressed the Board.

Following review and discussion, Ms. Shields moved, seconded by Dr. Bowden, to find a violation of A.R.S. §32-3251(12)(d), use of any false, fraudulent or deceptive statement connected to the practice of behavioral health. The motion failed with Dr. Bowden, Mr. Lankton and Ms. Shields in favor.

Following further discussion, Dr. Bowden moved, seconded by Ms. Shields, to find a violation of A.R.S. §32-3251(12)(d), use of any deceptive statement in connection with the practice of behavioral health based on the professional allowing her name stamp to be used on assessments and treatment plans she had not reviewed. The motion carried with Dr. Gabler, Ms. Gonzales and Ms. McElfresh opposed.

Dr. Bowden moved, seconded by Dr. Gabler, to table the matter for further consideration after Mr. Harris can research whether the Board can make a finding of a violation and issue a letter of concern. The motion passed unanimously.

*I. Nha Tran, LAC applicant*

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

The applicant appeared in person and addressed the Board.

Following review and discussion, Ms. Shields moved, seconded by Ms. Coonrod, to dismiss the complaint with a letter of concern and approve the license. The motion passed unanimously.

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

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

The complainant's attorney, Terry Woods, appeared and addressed the Board.

The professional was properly noticed, but did not appear.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Lankton, to accept the signed consent agreement for the voluntary surrender of the professional's license. The motion passed unanimously. See attached roll call vote.

Ms. McElfresh moved, seconded by Dr. Gabler, to refer the matter to the appropriate law enforcement agencies. The motion passed unanimously.

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

*A. Change in the standard of proof*

Ms. Shields moved, seconded by Ms. Coonrod, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the Board went into executive session at 9:03 a.m., reconvening its public meeting at 9:13 a.m.

**10. Applications for licensure: review, consideration and action**

*Lisa Keller, LPC applicant*

Dr. Gabler moved, seconded by Dr. Bowden, to rescind this Board's September 5, 2013, motion to deny the application based on failure to meet minimum requirements. The motion passed unanimously.

*Vicktorja Patzer, LMFT applicant*

Dr. Gabler moved, seconded by Dr. Bowden, to rescind this Board's September 5, 2013, motion to deny the application based on failure to meet minimum requirements. The motion passed unanimously.

*Social Work*

Mr. Lankton moved, seconded by Dr. Bowden, to approve 3 applicants as Licensed Clinical Social Workers, 20 applicants as Licensed Master Social Workers and 4 applicants as Licensed Bachelor Social Workers. The motion passed unanimously.

Mr. Lankton moved, seconded by Ms. Coonrod, to deny 4 applications based on failure to pass the required exam and 1 application based on a finding of unprofessional conduct. The motion passed unanimously.

*Counseling*

Ms. Shields moved, seconded by Dr. Bowden, to approve 39 applicants as Licensed Associate Counselors and 18 applicants as Licensed Professional Counselors. The motion passed unanimously.

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

*Substance Abuse*

Dr. Bowden moved, seconded by Mr. Lankton, to approve 1 applicant as a Licensed Associate Substance Abuse Counselor. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Shields, to deny 7 applications based on failure to meet minimum requirements. The motion passed unanimously.

*Marriage and Family Therapy*

Dr. Gabler moved, seconded by Mr. Lankton, to approve 4 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Dr. Gabler moved, seconded by Dr. Bowden, to deny one application 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**

*A. Chair report*

No report

**12. Report from the Treasurer**

*A. Monthly Financial Report (August and September)*

Members reviewed the 2 monthly financial reports.

Following review, Dr. Bowden moved, seconded by Ms. Coonrod, 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.

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

Ms. Rinaudo summarized information regarding the article on the Medical Board and the Ombudsman's report.

*C. Implementation of SB1374*

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

Following review and discussion, Dr. Bowden moved, seconded by Mr. Lankton, to adopt the procedures and associated documents for Board review of deficient applications as presented. The motion passed unanimously.

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

Following review and discussion, Dr. Bowden moved, seconded by Ms. Coonrod, to adopt the procedures and associated documents for the process of withdrawing applications as presented. The motion passed unanimously.

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

Following review and discussion, Dr. Gabler moved, seconded by Dr. Bowden, to adopt the procedures and associated documents for implementation of the investigative file review process as presented. The motion passed unanimously.

*D. Scheduling of 2<sup>nd</sup> regular monthly Board meeting*

Members will work with Ms. Wilson regarding the scheduling of a second monthly meeting.

*E. Designated reviewers of pre-approvals submitted pursuant to consent agreements*

Following discussion, Mr. Lankton moved, seconded by Ms. Shields, to assign pre-approval decisions for consent agreements to the Board member who is on the credentialing committee for the discipline. The motion passed unanimously.

*F. Appointment of members to the Rules Subcommittee*

Mr. Lankton moved, seconded by Ms. Shields, to approve the list of seven members who expressed interest in helping with the rules revisions. The motion passed unanimously.

**14. Committee reports**

No report

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

None

**16. Future agenda items**

- A) Stipulated rehab agreements / non-disciplinary / confidential
- B) Discussion of meeting procedures for consideration of complaints and discipline

**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, December 5, 2013, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Members reviewed the draft meeting calendar for 2014. Following review, Mr. Lankton moved, seconded by Ms. Coonrod, to approve the calendar with the January meeting moved to the 9<sup>th</sup> beginning at 11:00 a.m.. The motion passed unanimously.

Members will communicate with Ms. Wilson regarding scheduling extra Board meetings to conduct formal hearings. Mr. Harris advised the Board that Tom Rogers, attorney for Lisa Bozik, has indicated that the hearing in her matter may take 3 days and to please consider setting the commencement of the formal hearing on 2 consecutive days.

**19. Adjournment**

Mr. Lankton moved, seconded by Dr. Bowden, to adjourn. The motion passed unanimously and the meeting was adjourned at 3: 55 p.m.

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Mary Coonrod  
Secretary/Treasurer

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Date