



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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DOUGLAS A. DUCEY  
Governor

TOBI ZAVALA  
Executive Director

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BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
October 1, 2015

Members Present: Patricia Dobratz, Sally Jones, Chip Coffey, Gerald Szymanski, Nikole Hintz-Lyon, Cedric Davis, Heidi Quinlan

Members Absent: Jerri Shields, Brad Barnett, Mary Coonrod (telephone 1:05 – 1:10 pm)

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

**1. Call to Order**

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on October 1, 2015, at 9:12 a.m. with Ms. Dobratz presiding.

**2. Roll Call**

See above.

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

Approval of the September general meeting minutes is tabled due to lack of quorum of members to approve.

**4. Notification of Deficiencies**

Bradley Devar, an applicant from the list of 5, appeared and provided documentation to the Board.

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

A. Cases recommended for dismissal

a. 2015-0089, Marilyn Daniel, LAC-14319

The complainant appeared and addressed the Board.

The professional and her attorney, Joy Elkins, appeared and addressed the Board.

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

b. 2015-0108, Marilyn Daniel, LAC-14319

The complainant appeared and addressed the Board.

The professional and her attorney, Joy Elkins, appeared and addressed the Board.

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

c. 2012-0015 and NJ12-0001, Micki Kloss, LMFT-0157 suspended

B. Cases recommended for release from consent agreements.

N/A

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

N/A

Dr. Davis moved, seconded by Mr. Coffey, to accept item A(c) of the consent agenda as presented. The motion passed unanimously.

**6. Administrative Hearings**

None

**7. Formal Interviews**

None

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

A. 2015-0112, Stephen Budd, LCSW-11616

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

The professional and his attorney, Faren Akins, appeared and addressed the Board.

Ms. Dobratz moved, seconded by Mr. Coffey, to go into executive session to receive legal advice pursuant to A.R.S. §43-431.03(A)(3). The motion passed unanimously and the Board went into executive session at 1:56 p.m., reconvening its public meeting at 2:07 p.m.

Following review and discussion, Ms. Hintz-Lyon moved, seconded by Ms. Quinlan, to offer an interim consent agreement not to practice until the licensee completes the IOP and gets reevaluated and, if not signed within 7 days of mailing, to agendize for summary suspension of his license. 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		
NAY												
Absent	X		X						X			

B. 2015-0055, Marilyn Daniel, LAC-14319

Mr. Ordenez summarized information regarding the results of the Board’s investigation.

The complainant appeared and addressed the Board.

The professional and her attorney, Joy Elkins, appeared and addressed the Board.

Following review and discussion, Mr. Szymanski moved, seconded by Mr. Coffey, 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)(m), engaging or offering to engage in activities that are not congruent with the licensee’s professional, education, training or experience
- A.R.S. §32-3251(15)(n), failing to comply with or attempting to violate any rule pursuant to this chapter as it relates to:
  - A.A.C. R4-6-503, Independent practice prohibition

The motion passed unanimously.

Mr. Coffey moved, seconded by Ms. Hintz-Lyon, to offer the professional a consent agreement for the voluntary surrender of her license and, if not signed, to remand the matter to formal hearing. The motion failed with Mr. Coffey and Ms. Hintz-Lyon in favor.

	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						
NAY				X	X		X	X		X		
Absent	X		X						X			

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

- Stayed suspension
- The license shall be placed on probation for 24 months
- The licensee shall complete a pre-approved 3-semester credit hour graduate level ethics course
- The licensee shall complete 6 pre-approved clock hours in NASW Staying out of Trouble or its equivalent
- The licensee shall receive therapy from a pre-approved therapist focusing on resolving her own issues, transference and triggers
- Therapy weekly until therapist recommends less frequency, then at least monthly
- The licensee shall receive clinical supervision from a pre-approved clinical supervisor LPC with experience in family law
- Supervision will be weekly focusing on boundaries, Arizona rules and laws, documentation and transference/countertransference
- Hours acquired during consent agreement do not count toward independent licensure
- Early release is not available

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		
NAY												
Absent	X		X						X			

*The Board took a break at 11:16 a.m., reconvening its public meeting at 11:28 a.m.*

*C. Sharon Mendenhall, LCSW-11568*

Ms. Zavala summarized information regarding new information.

The professional’s attorney, Charles Hover, appeared and addressed the Board.

Mr. Harris, A.A.G., advised the Board regarding options.

Following review and discussion, Dr. Davis moved, seconded by Ms. Hintz-Lyon, to incorporate the new information into the existing complaints. The motion passed unanimously.

*D. 2013-0100, Anthony Rubin, LMFT-0202*

Mr. Ordenez summarized information regarding the Board’s investigation.

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Ms. Dobratz moved, seconded by Mr. Coffey, to 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)(k), any conduct that is contrary to recognized standards of ethics or that constitutes a danger to the health, welfare or safety of a client, as it relates to:
  - The AAMFT 2012 Code of Ethics 3.13 Public Statements
  - The AAMFT 2012 Code of Ethics 3.14 Separation of Custody Evaluation
- 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 for Treatment
  - A.A.C. R4-6-1102 Treatment Plan
  - A.A.C. R4-6-1103 Client Record

The motion passed unanimously.

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

- The license shall be placed on probation for 24 months
- The licensee shall complete a pre-approved 3-semester credit hour graduate level ethics course
- The licensee shall complete 6 pre-approved clock hours in NASW Staying out of Trouble or its equivalent
- The licensee shall have an audit of his practice and submit an audit plan for approval
- The licensee shall obtain a practice monitor to carry out the audit plan

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	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Vacant	Vacant
AYE		X		X	X	X	X	X		X		
NAY												
Absent	X		X						X			

*E. Tina Williams, LCSW applicant*

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

The applicant and her attorney, Darius Nickerson, appeared and addressed the Board.

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

- A.R.S. §32-3251(16)(b), use of fraud or deceit in connection with rendering services as a licensee or in establishing qualifications pursuant to this chapter
- 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. Hintz-Lyon, to deny the application based on a finding of unprofessional conduct pursuant to A.R.S. 32-3275(6) and to notify the California Board of these findings. 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		
NAY												
Absent	X		X						X			

*F. 2012-0066, Susan Winder, LCSW-0222*

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

The complainant appeared and addressed the Board.

The professional and her attorney, Anne Fulton-Cavett, appeared and addressed the Board.

Following review and discussion by members, Mr. Szymanski moved, seconded by Ms. Hintz-Lyon, to offer the professional a non-disciplinary consent agreement that stipulates the following:

- Professional shall complete 6 pre-approved clock hours in NASW Staying out of Trouble or its equivalent within 6 months
- May submit continuing education that occurred after the complaint was filed

The motion passed unanimously.

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

N/A

**10. Temporary license applications: review, consideration and action**

N/A

*The Board broke for lunch at 12:35 a.m., reconvening its public meeting at 1:05 p.m.*

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

*Social Work*

Dr. Davis moved, seconded by Ms. Jones, to approve 4 applicants as Licensed Clinical Social Workers, 4 applicants as Licensed Clinical Social Workers by endorsement and 29 applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Coffey, to deny 4 applications based on failure to pass the required exam, 3 applications based on failure to take the required exam, 1 application based on failure to meet minimum requirements, and 1 application based on failure to take the required exam and a finding of unprofessional conduct. The motion passed unanimously.

*Counseling*

Mr. Coffey moved, seconded by Ms. Jones, to approve 40 applicants as Licensed Associate Counselors, 19 applicants as Licensed Professional Counselors and 2 applicants as Licensed Professional Counselors by endorsement. The motion passed unanimously.

Mr. Coffey moved, seconded by Dr. Davis, to deny 9 applications based on not meeting minimum requirements. The motion passed unanimously.

*Substance Abuse*

Mr. Szymanski moved, seconded by Mr. Coffey, to approve 4 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

*Marriage and Family Therapy*

Mr. Coffey moved, seconded by Ms. Jones, to approve 5 applicants as Licensed Associate Marriage and Family Therapists and 2 applicants as Licensed Marriage and Family Therapists. The motion passed unanimously. Ms. Dobratz abstained from the vote.

Mr. Coffey moved, seconded by Dr. Davis, to deny 1 application based on failure to take the required exam. The motion passed unanimously. Ms. Dobratz abstained 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.*

Tabled

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

Tabled

E. *Discussion regarding FY16 Board goals*

Tabled

**13. Report from the Treasurer**

A. *Monthly Financial Reports*

N/A

**14. Report from the Executive Director and/or staff**

A. *General Agency Operations*

No report.

*The Board took a break at 2:21 p.m., reconvening its public meeting at 2:30 p.m.*

B. *Review, consideration, and possible action regarding public comments received.*

Ms. Dalton provided members with the public comments received regarding the proposed rules.

C. *Review, consideration, and possible action regarding adopting final draft of proposed rulemaking being promulgated to address the changes in law contained in SB1374 (2013), SB1077 (2014), and SB1212 (2015).*

Ms. Dalton reviewed with the Board public comment regarding the proposed rules that was received through various means. During the review, the Board considered 18 motions. The motions and their outcomes were as follows:

Dr. Davis moved, seconded by Mr. Szymanski, to remove the word "immediate" from the definition of Direct Supervision in R4-6-101. The motion passed unanimously.

Ms. Hintz-Lyon moved, seconded by Ms. Jones, to move language regarding reviewing an investigative file to R4-6-1001 from R4-6-207. The motion passed unanimously.

Ms. Jones moved, seconded by Dr. Davis, to revise the number of hours of clinical supervision allowed by videoconference and telephone from 70 to 90. The motion carried with Ms. Dobratz, Ms. Hintz-Lyon and Mr. Szymanski 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				
NAY					X	X				X		
Absent	X		X						X			

Ms. Jones moved, seconded by Mr. Szymanski, to increase the number of clinical supervisors an applicant can submit for clinical supervision from 4 to 6 in R4-6-212(F). 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		
NAY				X	X	X						
Absent	X		X						X			

Ms. Dobratz moved, seconded by Dr. Davis, to accept proposed language clarifying individual and group supervision in R4-6-212(G). The motion passed unanimously.

Ms. Dobratz moved, seconded by Mr. Coffey, to remove a physician under Chapter 13 or 17 with a certification in psychiatry or psychology from R4-6-212(A)(2). 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				
NAY										X		
Absent	X		X						X			

Mr. Coffey moved, seconded by Ms. Jones, to add the ability for individuals to request an exemption for clinical supervision to be provided by a physician under Chapter 13 or 17 with a certification in psychiatry or addictive medicine in R4-6-212.01. The motion passed unanimously.

Mr. Szymanski moved, seconded by Ms. Jones, to change the requirement for a jurisprudence exam to a Board approved tutorial on Board rules and statutes in R4-6-214. The motion passed unanimously.

Ms. Quinlan moved, seconded by Dr. Davis, to add “of more than 25% of” to the change reporting requirements in R4-6-307(H). The motion passed unanimously.

Ms. Dobratz moved, seconded by Dr. Davis, to clarify the supervised work experience language as it relates to psychotherapy in R4-6-403, R4-6-503, R4-6-603, and R4-6-705. The motion passed unanimously.

Ms. Quinlan moved, seconded by Dr. Davis, to revise the requirement in R4-6-501(B)(1) to “College or University published course descriptions” in place of course catalog. The motion passed unanimously.

Ms. Dobratz moved, seconded by Ms. Quinlan, to add “including but not limited to” the core content areas in R4-6-601 and R4-6-701. The motion passed unanimously.

Ms. Jones moved, seconded by Dr. Davis, to accept proposed language clarifying the curriculum requirements in R4-6-702(D) and R4-6-703(E). The motion passed unanimously.

Ms. Quinlan moved, seconded by Ms. Jones, to revise the association name in R4-6-704 to “NAADAC, the Association of Addiction Professionals”. The motion passed unanimously.

Mr. Szymanski moved, seconded by Ms. Quinlan, to change the requirement for a jurisprudence course to a Board approved tutorial on Board rules and statutes in R4-6-802. The motion passed unanimously.

Ms. Quinlan moved, seconded by Ms. Jones, to add “Except as otherwise provided by statute” to R4-6-1106(A) and (B). The motion passed unanimously.

Ms. Dobratz moved, seconded by Dr. Davis, to approve proposed versions of R4-6-213 and R4-6-214 as presented with modifications requested by members. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Hintz-Lyon, to approve final proposed draft with modifications as requested by members. The motion passed unanimously.

*D. Review, consideration, and possible action appointment of Academic Review Committee members*  
Following review and discussion the Board appointed the following:

Ms. Dobratz moved, seconded by Dr. Davis, to appoint Josefina Ahumada, Richard Herbig, and Jeanette Devevo to the Social Work Academic Review Committee with Susan McAleavy as an alternate if someone declines appointment. The motion passed unanimously.

Ms. Dobratz moved, seconded by Mr. Coffey, to appoint Patricia Kerstner, Kathleen Britton, and Janet O’Connor to the Counseling Academic Review Committee with Tammi Brandon as an alternate licensee and Sharon Kurpius as an alternate academic if someone declines appointment. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Dobratz, to appoint Keith Cross, Mary Doyle, and Lesley Wimmer Kelly to the Marriage and Family Therapy Academic Review Committee with Gloria Gabler as an alternate if someone declines appointment. The motion passed unanimously.

Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to appoint Kirk Bowden, Cynthia Pio-Padilla, and Ray Johnson to the Substance Abuse Academic Review Committee with Del Worley as an alternate if someone declines appointment. The motion passed unanimously.

*E. Review, consideration, and possible action regarding adopting the Impaired Professional’s Program*

Tabled

*F. Discussion regarding online renewals.*

Ms. Zavala reported that since going live on September 22<sup>nd</sup> the Board has received 82 online renewals.

## **15. Committee reports**

N/A

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

N/A

## **17. Future agenda items**

- 2016 Board meeting schedule

## **18. Call for public comment**

Keith Cross, representing Prescott College, commented that he was in favor of a jurisprudence exam for all licensure renewal applicants and wondered if the negative perception was because of fear. He also recommended adding coverage of Board rules and statutes to the required clinical supervision training.

Jeremy Arp, representing NASW-AZ, commented that they preferred an attestation by clinical supervisors indicating they were familiar with the Board’s rules and statutes, rather than a jurisprudence exam.

Rory Hays, representing the Arizona Council of Human Service Providers, recommended developing a tutorial on the Board's rules and statutes rather than a "jurisprudence exam". Ms. Hays also clarified her concern with the language in the supervised work experience rules (R4-6-403, R4-6-503, R4-6-603 and R4-6-705).

**19. Establishment of future meeting dates**

The next meeting is scheduled for Thursday, November 5, 2015, at 9:00 a.m., at 3443 North Central Avenue, Room 1705.

A tentative meeting was scheduled for October 7, 2015, from 2 – 4 p.m. to discuss the IPP program. If quorum can't be met another day will be selected prior to November 1, 2015.

**20. Adjournment**

Ms. Hintz-Lyon moved, seconded by Ms. Jones, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:31 p.m.

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Patricia Dobratz  
Secretary/Treasurer

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Date