



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
Board Website: www.azbbhe.us
Email Address: information@azbbhe.us

DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

MISSION STATEMENT

To establish and maintain standards of qualifications and performance for licensed behavioral health professionals in the fields of counseling, marriage and family therapy, social work and substance abuse counseling and to regulate the practice of licensed behavioral health professionals for protection of the public.

BOARD OF BEHAVIORAL HEALTH EXAMINERS NOTICE & AGENDA FOR REGULAR SESSION MEETING

Scheduled for October 21, 2016, at 9:00 AM
3443 N Central Avenue, Room 1705, Phoenix, Arizona

1st Amended (October 19, 2016)

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 17th 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. The formal hearings and formal interviews are scheduled to be heard during specific time blocks. The Board Chairperson, however, reserves the right to call cases in random order. 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 a majority vote of a quorum of the members, may hold an Executive Session on any of the listed agenda items to discuss or consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state and federal law, or to obtain legal advice. A.R.S. § 38-431.03(A)(2) and (3). Executive Sessions are not open to the public.

The Board usually allows 3 – 5 minutes per person for public comment on any agenda item: however, depending on the issue presented, the Board Chairperson has the discretion to expand that time.

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 Susan Stumfoll at 602-542-1893 or the TDD number at 800-367-8939.

Board Members

Patricia Dobratz, LMFT, Chairperson
Gerald Szymanski, LISAC, LPC, Secretary/Treasurer
Bradley Barnett, LMFT
Peter (Chip) Coffey, LPC
Mary Coonrod, Public Member
Cedric (Doc) Davis, LCSW
Nikole Hintz-Lyon, Public Member
Cecilia (Sally) Jones, LCSW
Habib Khan, Public Member
Heidi Quinlan, LISAC, LPC
Jerri Shields, LPC
Vacant, Public Member

If you need to speak to a member of the Board staff regarding an agenda item, please contact Susan Stumfoll at 602-542-1893 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. June 3, 2016, general meeting minutes

B. June 3, 2016, executive session minutes

C. August 31, 2016, general meeting minutes

D. September 9, 2016 general meeting minutes

E. September 9, 2016 executive session minutes/Agenda Item 6A

F. September 9, 2016 executive session minutes/Agenda Item 8G

G. October 7 2016 general meeting minutes

4. Notification of Deficiencies

Allison Durkin

Wendy Brishke

Willis Beasley

Brian Theer

Sheera Gilboa

Marcella Taylor

Ashley Comtois

Mike Petagna

Nicole Dobert

5. Consent Agenda:

Consent agenda items may be considered for approval as a single action unless a Board member or interested party wishes to remove an item for discussion.

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. Cases recommended for dismissal. The Board will review, discuss, and may vote to take action on the following case(s):

a. 2016-0054, Daniel Blew, LASAC-13347

b. 2016-0100, Michele Edmiston, LMSW-13468

c. 2017-0003, Jane Robinson, LAC-14237

B. Cases recommended for dismissal with a letter of concern. The Board will review, discuss, and may vote to take action on the following case(s):

N/A

C. Cases recommended for release from consent agreements. The Board will review, discuss, and may vote to take action on the following case(s):

a. 2016-0056, Catherine Stacey, LAC-13694(active-restricted)

D. Cases recommended for possible disciplinary action and acceptance of a proposed modified signed consent agreement. The Board will review, discuss, and may vote to take action on the following case(s):

a. 2016-0025, Tricia Siegel, LPC-2133

E. Cases recommended for acceptance of a proposed signed non-disciplinary consent agreement. The Board will review, discuss, and may vote to take action on the following case(s):

a. 2016-0021, Sondra Wilkening, LPC-1256

6. 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. *Linda Brown, LAC-14141 and LPC Applicant*

Continue formal hearing.

7. 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).

N/A

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. *2015-0055, Marilyn Daniel, LAC-14319 (suspension under review)*

Initial review, consideration, and action, regarding opening a complaint and possible disciplinary action based on the professional's possible non-compliance with the terms of a consent agreement.

B. *2016-0111, Lexann Downey-Lewis, LCSW-4096*

Initial review, consideration, and action regarding complaint.

C. *Lori Hall, LCSW Applicant*

Initial review, consideration, and action regarding applicant's request to withdraw application or take action, including but not limited to, opening a complaint and possible disciplinary action based on background investigation.

D. *2017-0009, Kimberly Heaton, LMSW-13790*

Initial review, consideration and action regarding licensee's non-compliance with Board Order.

E. *2017-0021, Marlene Joy, LPC-0321*

Initial review, consideration, and action regarding complaint.

F. *Pallavi Lal, LAC Applicant*

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

G. *2016-0027, L.D. Lumpkin, LCSW-4026 and LISAC-11050*

Initial review, consideration, and action regarding complaint.

H. *2017-0031, Sarah Maaske, LMSW-15532*

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

- I. *2016-0072, Michelle Maliniak, LPC-13723*
Initial review, consideration, and action regarding complaint.
- J. *2016-0096, Kelli Pacicco, LAC-15199*
Initial review, consideration, and action regarding complaint.
- K. *Sandra Terry, LPC-1045*
Initial review, consideration, and action regarding opening a complaint and possible disciplinary action based on background information.
- L. *2016-0133, Marisa Viterbo, LASAC-15114*
Initial review, consideration, and action regarding complaint.
- M. *Del Worley, LPC-10430 and LISAC-055*
Initial review, consideration and action regarding opening a complaint and accepting 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. *2016 Legislative update*

10. Temporary licenses: review, consideration and action

N/A

11. Applications for licensure and educational programs: 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. *Review, consideration, and possible action regarding applications for educational programs*

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.

12. Report from the Chair

The Board may go into executive session to discuss personnel matters pursuant to A.R.S. § 38-431.03(A)(1), 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. *Summary of current events*

By law, the summary of current events is limited to summarizing recent occurrences. The Board cannot propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

13. Report from the Treasurer

A. *August and September monthly financial report*

14. 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. Discussion regarding ADHS Health Regulatory Board Study /Audit

C. Discussion regarding National Data Bank Compliance Report

D. Review, consideration and possible action regarding adopting final draft of proposed rulemaking intended to clarify areas of regulations promulgated last year in response to SB1374 (2013), SB1077(2014) and SB1212(2015)

E. Discussion regarding clinical supervisor requirements

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

G. Review, consideration and possible action regarding 2017 calendar

H. Review, consideration and possible action regarding ASWB delegate to attend national conference

I. Review, consideration and possible action regarding referring the case of Susan McCord, LCSW-15447, to Department of Health Services

J. Update on financial audit

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

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).

N/A

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

N/A

17. Future agenda items

18. 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 five (5) 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.

19. Establishment of future meeting date(s)

The next regular meeting is scheduled for Friday, November 4, 2016, at 9:00 a.m., at 3443 North Central Avenue, Room 1705.

20. Adjournment

October 19, 2016

Tobi Zavala
Executive Director