



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
October 6, 2017

Members Present: Kimberly Bailey, Bradley Barnett, Chip Coffey, Cedric Davis, Gary Goodwin, Meaghan Kramer, Heidi Quinlan, Jerri Shields, Gerald Szymanski (out at 2:12 p.m.)

Members Absent: Nikole Hintz-Lyon, Mary Coonrod

Staff Present: Tobi Zavala, Executive Director; Michael Raine, A.A.G., Donna Dalton, Deputy Director; Joey Ordonez, Assistant Director; Charlene Garcia, Operations Manager

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on October 6, 2017 at 9:03 a.m. with Ms. Shields presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. July 14, 2017, amended general meeting minutes
Tabled due to lack of quorum of members to vote.

B. August 4, 2017, general meeting minutes
Tabled due to lack of quorum of members to vote.

C. August 8, 2017, teleconference minutes
Tabled due to lack of quorum of members to vote.

D. September 15, 2017, general meeting minutes
Dr. Davis moved, seconded by Mr. Coffey, to approve the general meeting minutes for the September 15, 2017 meeting as submitted. The motion passed unanimously. Ms. Quinlan abstained.

E. September 15, 2017, executive session minutes/agenda item 5A(b)
Dr. Davis moved, seconded by Mr. Coffey, to approve the executive session minutes for the September 15, 2017 meeting agenda item 5A(b) as submitted. The motion passed unanimously. Ms. Quinlan and Mr. Coffey abstained.

F. September 15, 2017, executive session minutes/agenda item 5A(c)
Dr. Davis moved, seconded by Mr. Coffey, to approve the executive session minutes for the September 15, 2017 meeting agenda item 5A(c) as submitted. The motion passed unanimously. Ms. Quinlan and Mr. Coffey abstained.

G. September 15, 2017, executive session minutes/agenda item 8D
Dr. Davis moved, seconded by Mr. Coffey, to approve the executive session minutes for the September 15, 2017 meeting agenda item 8D as submitted. The motion passed unanimously. Ms. Quinlan and Mr. Coffey abstained.

4. Notification of Deficiencies

Marisol Perez, Daniel O'Gradney, Kathryn Clark, and Sonja Smith from the list of 11 addressed the Board.

5. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

- a. 2017-0142, *Angelika Babcock, LPC-16028*
- b. 2017-0146, *Deborah Mack, LMSW-12497*

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

- b. 2017-0146, *Deborah Mack, LMSW-12497*

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

The complainant appeared and addressed the Board.

The professional appeared telephonically and addressed the Board.

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

B. Cases recommended for dismissal with a letter of concern

- a. 2018-0011, *Kenneth Miller, LCSW-2095*

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

C. Cases recommended for release from consent agreements

- a. 2017-0095, *Dina Aragona, LPC-13172*
- b. 2015-0032, *Ellen Vimmerstedt, LPC-1266 (active-restricted)*
- c. 2015-0033, *Melanie Wall Brumble, LISAC-1483 (active-restricted)*

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

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

N/A

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. 2017-0104, *Robbie Petsche, LAC-16361*

Following review and discussion by members, Mr. Coffey moved, seconded by Mr. Barnett, to accept the proposed signed non-disciplinary consent agreement. The motion passed unanimously.

The Board took a break at 10:09 a.m., reconvening its public meeting at 10:24 a.m.

6. Administrative Hearings

N/A

7. Formal Interviews

N/A

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

A. Angelika Babcock, LPC-16028

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

The professional and her attorney, Charlie Hover, appeared and addressed the Board.

Following review and discussion by members, Mr. Coffey moved, seconded by Dr. Davis, to open a complaint for further investigation. The motion passed unanimously.

B. 2017-0080, Karen Bagley, LMSW-15686 (interim suspension)

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

The professional appeared telephonically and addressed the Board.

Mr. Barnett moved, seconded by Dr. Davis to go into executive session pursuant to A.R.S. § 38-431.03(A)(2) to review medical records exempt from public inspection. The motion passed unanimously and the Board went into executive session at 11:02 am, reconvening its public meeting at 11:16 am.

Following review and discussion by members, Mr. Szymanski moved, seconded by Ms. Quinlan, to deny the professional’s request for release from the interim consent agreement. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X	X	X	X
NAY											
Absent				X			X				

The Board took a break at 11:51 a.m., reconvening its public meeting at 12:39 p.m.

C. 2017-0136, Jennifer Balistreri, LMSW-12207

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

The complainant and her attorney, Kasey Nye, appeared telephonically and addressed the Board.

The professional appeared telephonically and addressed the Board.

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

- A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities that are not congruent with the licensee’s professional education, training or experience
- 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 as it relates to:
 - A.A.C. R4-6-210, Practice Limitations
 - A.A.C. R4-6-211(A), Direct Supervision: Supervised Work Experience: General

The motion passed unanimously.

Following further discussion, Dr. Davis moved, seconded by Mr. Barnett, to offer the professional a consent agreement that stipulates the following:

- The license shall be placed on probation for 24 months
- Stayed Suspension
- The professional shall receive clinical supervision from a pre-approved Licensed Clinical Social Worker, twice monthly for 12 months and after that, at the recommendation of the clinical supervisor
- The focus of the clinical supervision will be on Board rules and statutes, and ethics
- Clinical supervision hours can not be used for independent licesure
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in behavioral health ethics

and if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X	X	X	X
NAY											
Absent				X			X				

D. 2017-0144, Renee Cunningham, LMFT-10132

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

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Charlie Hover, appeared and addressed the Board.

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

- 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 failed with Mr. Coffey, Ms. Quinlan, and Ms. Shields in favor.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE			X						X	X	
NAY	X	X			X	X		X			X
Absent				X			X				

Following further discussion by members, Mr. Szymanski moved, seconded by Dr. Davis, to offer the professional a non-disciplinary consent agreement for completion of 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent. The Board may consider education previously completed by the professional. The motion carried with Ms. Shields and Mr. Goodwin opposed.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X			X	X		X
NAY						X				X	
Absent				X			X				

E. 2016-0131, Jon Grossman, LCSW-0754, LMFT-0182

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

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Coffey, to accept the

proposed signed modified consent agreement as presented. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X	X	X	X
NAY											
Absent				X			X				

F. 2016-0132, Phyllis Grossman, LPC-1814 (closed-expired)

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

Following review and discussion by members, Mr. Barnett moved, seconded by Ms. Quinlan, to accept the proposed signed modified consent agreement as presented. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X	X	X	X
NAY											
Absent				X			X				

G. 2018-0001, Roberta Lewusz, LPC-10223

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

The complainant appeared telephonically and addressed the Board.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Shields moved, seconded by Mr. Barnett, to find the following violation:

- 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 2014 ACA Code of Ethics:
 - E.6.a Appropriateness of Instruments

The motion passed unanimously.

Following further discussion by members, Mr. Barnett moved, seconded by Mr. Goodwin, to offer the professional a consent agreement that stipulates the following:

- The professional’s license shall be placed on probation for 12 months
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in behavioral health ethics

and if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X	X	X	X
NAY											
Absent				X			X				

H. 2017-0134, Thomas Macewicz, LPC-16739

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

The complainant and her attorney, Kasey Nye, appeared telephonically and addressed the Board.

The professional appeared telephonically and addressed the Board

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

- A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities that are not congruent with the licensee’s professional education, training or experience.
- 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 as it relates to:
 - A.A.C. R4-6-210, Practice Limitations
 - A.A.C. R4-6-211(A), Direct Supervision: Supervised Work Experience: General

The motion passed unanimously.

Following further discussion, Dr. Davis moved, seconded by Ms. Quinlan, to offer the professional a consent agreement for a decree of censure and if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X	X	X	X
NAY											
Absent				X			X				

I. 2016-0001, Judith Pike, LCSW-1535 (active-restricted)

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

Following review and discussion by members, Mr. Coffey moved, seconded by Ms. Quinlan, to accept the proposed signed modified consent agreement as presented. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X	X	X	X
NAY											
Absent				X			X				

J. 2017-0135, Victor Scozzarella, LPC-15697

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

The complainant and her attorney, Kasey Nye, appeared telephonically and addressed the Board.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Coffey, to find the following violation:

- 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 as it relates to:
 - A.A.C. R4-6-210, Practice Limitations
 - A.A.C. R4-6-211(A), Direct Supervision: Supervised Work Experience: General

The motion passed unanimously.

Following further discussion, Dr. Davis moved, seconded by Mr. Barnett, to offer the professional a consent agreement for a decree of censure with the following stipulations:

- The professional’s license shall be placed on probation for 12 months
- The professional shall not provide clinical supervision

and if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X	X	X	X
NAY											
Absent				X			X				

K. 2017-0118, Ruth Zum Mallem, LPC-0819

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

The complainant appeared and addressed the Board.

The professional and her attorney, Sandra Creta, appeared and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Mr. Barnett, to find the following violation:

- 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.

L. 2018-0007, Ruth Zum Mallem, LPC-0819

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

The professional and her attorney, Sandra Creta, appeared and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Mr. Coffey, to find the following violation:

- A.R.S. § 32-3251(16)(y), engaging in a dual relationship with a client that could impair the licensee’s objectivity or professional judgment or create a risk of harm to the client.

The motion passed unanimously.

Following further discussion, Mr. Barnett moved, seconded by Ms. Quinlan, to consolidate complaints 2017-0118 and 2018-0007. The motion passed unanimously.

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

- The professional’s license shall be placed on probation for 24 months
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in behavioral health ethics

- The professional shall complete 3 clock hours of continuing education in suicide risk assessment in adolescents and children
- The professional shall receive clinical supervision weekly from a pre-approved independently licensed behavioral health professional
- Clinical supervision shall focus on suicide risk assessments, self-awareness, case management, countertransference, caseload, and decision making
- The professional is prohibited from treating minors
- Early release at the recommendation of the clinical supervisor

and if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Nikole Hintz-Lyon	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X	X	X	X
NAY											
Absent				X			X				

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

N/A

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

Mr. Coffey moved, seconded by Ms. Quinlan to approve 17 applicants as Licensed Associate Counselors, 15 applicants as Licensed Professional Counselors and 4 applicants as Licensed Professional Counselors by endorsement. The motion passed unanimously.

Mr. Coffey moved, seconded by Mr. Barnett, to deny 1 application based on failure to pass the required exam, 1 application based on failure to take the required exam, 1 application based on failure to meet minimum requirements, and 1 application based on a finding of unprofessional conduct.

Social Work

Dr. Davis moved, seconded by Mr. Coffey, to approve 5 applicants as Licensed Clinical Social Workers, 8 applicants as Licensed Clinical Social Workers by endorsement, 1 applicant as a Licensed Baccalaureate Social Worker and 22 applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Coffey, to deny 3 applications based on failure to pass the required exam. The motion passed unanimously.

Marriage and Family Therapy

Mr. Barnett moved, seconded by Mr. Coffey, to approve 1 applicant as a Licensed Associate Marriage and Family Therapist. The motion passed unanimously.

Mr. Barnett moved, seconded by Mr. Coffey, to deny 2 applications based on failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Mr. Szymanski moved, seconded by Mr. Coffey, to approve 2 applicants as Licensed Independent Substance Abuse Counselors, 2 applicants as Licensed Associate Substance Abuse Counselors and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Mr. Szymanski moved, seconded by Mr. Coffey, to deny 1 application based on failure to pass the required exam and 2 applications based on failure to take the required exam. 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. Update regarding the National Board for Certified Counselors Conference
Tabled.

13. Report from the Treasurer

A. September financial report

Following review and discussion by members, Mr. Szymanski moved, seconded by Mr. Coffey, to accept the September monthly financial report as presented. The motion passed unanimously.

14. Report from the Executive Director and/or staff

A. General Agency Operations
No report.

B. Discussion regarding relocation of the Board's office

Ms. Zavala informed members that there was not a current update, and that the Board is scheduled to move the week of December 18, 2017.

C. Review, consideration, and possible action regarding tutorials

Ms. Dalton presented information on the structure and content of the clinical supervision tutorial.

Following review and discussion by members, Mr. Coffey moved, seconded by Ms. Quinlan, to approve the tutorial as presented. The motion passed unanimously.

D. Review, consideration, and possible action regarding request to repeal or modify rules R4-6-210(3) and R4-6-211(A)

Ms. Zavala presented a letter the Board received from the Goldwater Institute dated September 25th.

Following discussion, members agreed to add a teleconference meeting on October 10, 2017 at 8:00 a.m. for purposes of review, consideration, and possible action regarding the request to repeal or modify rules R4-6-210(3) and R4-6-211(A).

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. Applications: denials vs consent agreements for issuance

B. Application background question #9

C. Board designee training

D. Safety of the public vs Agency policies

E. Templates for treatment plans and progress notes

F. Court appointed and Therapeutic Interventionist cases

G. Board Correspondence

18. Call for public comment

No one was present to respond to the call for public comment.

19. Establishment of future meeting dates

The next teleconference meeting is scheduled for Tuesday, October 10, 2017, at 8:00 a.m.

20. Adjournment

Dr. Davis moved, seconded by Ms. Quinlan, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:24 p.m.

Gerald Szymanski
Secretary/Treasurer

Date