



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
September 3, 2015

Members Present: Jerri Shields, Patricia Dobratz, Sally Jones, Chip Coffey, Cedric Davis, Heidi Quinlan, Brad Barnett (out at 12:04 p.m.), Gerald Szymanski

Members Absent: Mary Coonrod

Member by Phone: Nikole Hintz-Lyon (9 – 9:08 a.m.) (11:30 – 12:04 p.m.)

Staff Present: Tobi Zavala, Executive Director; Marc Harris, A.A.G.; Christopher Munns, Solicitor General's Office; 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 September 3, 2015, at 9:00 a.m. with Ms. Shields presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Coffey moved, seconded by Ms. Jones, to rescind this Board's August 6, 2015, motion to approve the general meeting and executive session minutes from the May 7, 2015, meeting as submitted. The motion passed unanimously. Dr. Davis and Mr. Barnett abstained from the vote.

Mr. Coffey moved, seconded by Ms. Hintz-Lyon, to approve the general meeting and executive session minutes from the May 7, 2015, meeting as submitted. The motion passed unanimously. Dr. Davis and Mr. Barnett abstained from the vote.

Mr. Coffey moved, seconded by Ms. Hintz-Lyon, to approve the general meeting and executive session minutes from the August 6, 2015, meeting as submitted. The motion passed unanimously. Mr. Szymanski abstained from the vote.

4. Notification of Deficiencies

No one from the list of deficiencies appeared at the meeting.

5. Consent Agenda: review, consideration and action

- A. Cases recommended for dismissal
- a. 2014-0008, David Bromberg, LMSW-12481
 - b. 2014-0018, Robert Gurnee, LCSW-0921
- The complainant appeared and addressed the Board.

The professional could not be reached at the number provided.

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

- c. 2014-0017, *Christine Pellegrino, LAC-14234*
- d. *Christine Pellegrino, LAC-14234*

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

- B. Cases recommended for release from consent agreements:
 - a. 2013-0035, *Esther Lopez-Moryl, LMSW-15197*
 - b. 2016-0011, *Susan Newberry, LBSW-1692*

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

- C. Cases recommended for opening a complaint and/or acceptance of a proposed signed consent agreement:
None

6. **Administrative Hearings**

A. 2015-0083, *Dina Milum, LPC-11859 (suspended)*

Mr. Munns, Solicitor General's Office, appeared to provide legal advice to the Board.

Mr. Harris, A.A.G., appeared on behalf of the state.

The professional was properly noticed, but did not appear.

Ms. Zavala provided information regarding the matter.

Ms. Shields moved, seconded by Ms. Jones, to find the following violations and to amend the Notice of Hearing with the additional violations:

- A.R.S. §32-3251(16)(c)(ii), violating any state law, rule or regulation applicable to the practice of behavioral health
- A.R.S. §32-3251(16)(o), failing to furnish information within a specified time to the Board or its investigators or representatives if legally requested by the board

The motion passed unanimously.

The Board directed staff to notify the professional that it is not safe to keep client files in a public storage rental unit.

7. **Formal Interviews**

None

The Board took a break at 9:50 a.m., reconvening its public meeting at 9:55 a.m.

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

A. 2015-0091, *Kathleen Baker, LISAC-10663*

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

The complainant addressed the Board telephonically.

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Jones moved, seconded by Ms. Quinlan, 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)(k), any conduct or practice that is contrary to recognized standards of ethics as it relates to the following:
 - NAADAC Code of Ethics, Standard 1.4 Professional responsibility

The motion failed with Dr. Davis, Mr. Coffey, Ms. Shields and Mr. Szymanski opposed.

Ms. Shields moved, seconded by Dr. Davis, to request further investigation regarding the billing contract, the correct Code of Ethics, and the clinical supervisor. The motion carried with Mr. Coffey and Ms. Dobratz opposed.

The Board took a break at 11:07 a.m., reconvening its public meeting at 11:20 a.m.

B. 2012-0144, John Clarizio, LMSW-13594

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

The complainant addressed the Board telephonically.

The professional appeared and addressed the Board.

Following review and discussion by members, Mr. Szymanski moved, seconded by Ms. Shields, to dismiss the complaint. The motion passed unanimously.

C. 2014-0006, John Clarizio, LMSW-13594

Mr. Ordonez summarized information regarding the Board's investigation.

The complainant was properly noticed, but did not appear.

The professional appeared and addressed the Board.

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

- A.R.S. §32-3251(12)(h), obtaining a fee by fraud, deceit, or misrepresentation
- A.R.S. §32-3251(12)(k), any conduct or practice that is contrary to recognized standards of ethics, as it relates to:
 - NASW Code of Ethics, 1.15 Interruption of Services

The motion passed unanimously.

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

- Professional's license shall be placed on probation for 12 months
- Professional shall complete 6-clock hours in the NASW Staying Out of Trouble course or its pre-approved equivalent

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						

D. Jill Coxen, LPC-14255

Mr. Coffey recused from the matter.

Ms. Zavala summarized information regarding the self-report.

The professional appeared and addressed the Board.

Mr. Szymanski moved, seconded by Ms. Quinlan, to open a complaint and dismiss the complaint with a letter of concern regarding a professional recognizing the importance of professional conduct. The motion passed unanimously.

E. 2015-0044, Salina Hancock Abdul-Bari, LMSW-13868

Ms. Quinlan and Mr. Coffey recused from the matter.

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

The complainant addressed the Board telephonically.

The professional appeared and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Shields, to dismiss the complaint with a letter of concern regarding the importance of getting client records to the client immediately. The motion carried with Dr. Davis 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		X	X		
NAY				X								
Absent		recuse	X					recuse				

If complainant does not have records within 30 days the matter will be scheduled for Board review.

F. Jean-Paul Kingsley, LCSW-2545

Mr. Szymanski recused from the matter.

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Dobratz, to open a complaint for further investigation. The motion carried with Mr. Coffey, Ms. Jones and Ms. Quinlan 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				recuse		

G. 2014-0055, Daniel Martin, LISAC-11571

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

The complainant could not be reached at the number provided.

The professional appeared and addressed the Board.

Following review and discussion by members, Mr. Coffey moved, seconded by Ms. Shields, to dismiss the complaint with a letter of concern regarding the importance of recordkeeping. The motion passed unanimously.

Following further discussion, Mr. Szymanski moved, seconded by Mr. Coffey, to refer the matter to Department of Health Services. The motion passed unanimously.

H. 2015-0049 and 2015-0050, Sharon Mendenhall, LCSW-11568

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

The complainants addressed the Board telephonically.

The professional and her attorney, Charles Hoover, appeared and addressed the Board.

The professional's employer Dr. Robert Cornelius addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Ms. Dobratz, to find the following violations:

- A.R.S. §32-3251(15)(y), engaging in a dual relationship
- A.R.S. §32-3251(15)(k), any conduct or practice that is contrary to recognized standards of ethics as it relates to the following:
 - NASW Code of Ethics, Standard 1.06(c) Professional responsibility
- A.R.S. §32-3251(15)(t), disclosing a professional confidence or privileged communication except as may otherwise be required by law or permitted by valid written release
- 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)(ii), violating any federal or state law, rule or regulation applicable to behavioral health as it relates to A.R.S. §13-3620: Duty to Report.

The motion passed unanimously.

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

- License will be placed on probation for 24 months
- Stayed revocation
- The professional shall complete a pre-approved 3-semester credit hour graduate level course in behavioral health ethics
- The professional shall complete a pre-approved 3-semester credit hour graduate level course in family law
- The professional shall receive weekly clinical supervision focusing on ethics, boundaries, client load, documentation and billing, with immediate reporting if concerns on boundaries or other issues
- The professional shall receive therapy twice monthly focusing on boundaries, transference and mandatory reporting
- The professional can only work at a licensed agency

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						

I. 2015-0050, Sharon Mendenhall, LCSW-11568

Dr. Davis moved, seconded by Mr. Coffey, to consolidate Complaint Nos. 2015-0023, 2015-0049 and 2015-0050. The motion passed unanimously.

J. 2015-0023, Sharon Mendenhall, LCSW-11568

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

The complainants appeared and addressed the Board.

The professional and her attorney, Charles Hoover, appeared and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Dr. Davis, 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)(ii), violating any federal or state law, rule or regulation applicable to behavioral health as it relates to A.R.S. §13-3620: Duty to Report.

The motion passed unanimously.

Ms. Quinlan moved, seconded by Dr. Davis, not to find a violation of A.R.S. 32-3251(15)(t). The motion carried with Ms. Dobratz, Ms. Shields, 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						

K. Mitch Mitchell, Unlicensed

Ms. Zavala summarized information received by the Board.

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Shields moved, seconded by Ms. Dobratz, to issue a cease and desist order. 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						

L. 2015-0092, Kyle Newkirk, LAC-15291

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

The complainant addressed the Board telephonically.

The professional appeared and addressed the Board.

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

M. 2016-0012, James Pennington, LAC applicant

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

The professional addressed the Board telephonically.

Following review and discussion by members, Ms. Jones moved, seconded by Mr. Coffey, to dismiss the complaint with a letter of concern regarding the professional’s responsibility to fill out forms accurately and completely. The motion passed unanimously.

N. 2014-0031, Lovely Poole, LMSW-14068

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

The complainant appeared and was available for questions.

The professional appeared and addressed the Board.

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

O. 2015-0035 and 2015-0118, Gail Wulbrecht, LPC-10532

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Shields moved, seconded by Dr. Davis, to accept the signed consent agreement for the voluntary surrender of the professional’s license. The motion carried with 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		X	X	X			
NAY										X		
Absent			X			X						

The Board took a break for lunch at 12:35 p.m., reconvening its public meeting at 1:15 p.m.

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

None

10. Temporary license applications: review, consideration and action

A. Bonnie Mason, LAMFT applicant

Ms. Shields moved, seconded by Dr. Davis, to issue the temporary license. The motion passed unanimously.

B. Thomas Cleereman, LCSW applicant

Tabled

11. Applications for licensure: review, consideration and action

Robin Johnson, LAMFT applicant

Ms. Dobratz moved, seconded by Mr. Coffey, to rescind this Board’s August 6, 2015, motion to deny the application based on failure to pass the required exam. The motion passed unanimously.

Amanda Royce, LCSW applicant

Ms. Dobratz moved, seconded by Mr. Coffey, to rescind this Board's August 6, 2015, motion to approve the application as a Licensed Master Social Worker. The motion passed unanimously.

Social Work

Ms. Jones moved, seconded by Mr. Coffey, to approve 7 applicants as Licensed Clinical Social Workers, 4 applicants as Licensed Clinical Social Worker by endorsement and 25 applicants as Licensed Master Social Workers. The motion passed unanimously.

Ms. Jones moved, seconded by Mr. Coffey, to deny 2 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 a finding of unprofessional conduct. The motion passed unanimously.

Counseling

Mr. Coffey moved, seconded by Ms. Jones, to approve 9 applicants as Licensed Associate Counselors, 6 applicants as Licensed Professional Counselors and 3 applicants as Licensed Professional Counselors by endorsement. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Coffey, to approve James Pennington as a Licensed Associate Counselor. The motion passed unanimously.

Mr. Coffey moved, seconded by Ms. Jones, to deny 2 applications based on failure to pass the required exam. The motion passed unanimously.

Substance Abuse

Mr. Szymanski moved, seconded by Mr. Coffey, to approve 7 applicants as Licensed Associate Substance Abuse Counselors and 1 applicant as a Licensed Independent Substance Abuse Counselor. The motion passed unanimously.

Marriage and Family Therapy

Ms. Dobratz and Mr. Barnett recused from the vote.

Ms. Shields moved, seconded by Mr. Coffey, to approve 4 applicants as Licensed Associate Marriage and Family Therapists and 5 applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

12. Report from Chair

A. Summary of current events

Tabled

B. Update and review of staffs' implementation of Board's directives and operational objectives.

None

13. Report from the Treasurer

A. Monthly Financial Report

Members reviewed the July and August monthly financial reports.

Following review, Ms. Dobratz moved, seconded by Ms. Jones, to accept the monthly financial reports as presented. The motion passed unanimously.

14. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Review, consideration, and possible action regarding SB1374 update
 No report.

C. Review, consideration, and possible action regarding results of customer service surveys
 No report.

D. Update regarding Academic Review Committee appointments
 Ms. Dalton reported that there are 22 applications and the information will be brought to the Board next month to make initial appointments.

E. Review, consideration, and possible action regarding updating the Board's website
 Ms. Shields thanked staff for working on the website.

F. Review, consideration, and possible action regarding member attendance at the 2015 ASWB Annual Conference
 Dr. Davis indicated that he would like to attend the conference. There will be no cost to the Board.

Ms. Shields moved, seconded by Mr. Szymanski, to approve Dr. Davis to attend the 2015 ASWB Annual Conference. The motion passed unanimously.

G. Discussion regarding CEU clock hours versus contact hours.
 Ms. Dalton reported that the Board uses clock hours for continuing education.

H. Review, consideration, and possible action regarding impaired professional program.
 Ms. Dalton provided information regarding the Board's development of an impaired professional program.

Members discussed internal versus external options.

Following discussion, Ms. Shields moved, seconded by Mr. Szymanski, to have an internally run impaired professional program. The motion carried with Dr. Davis 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	X	X		
NAY				X								
Absent	X		X			X						

Mr. Szymanski moved, seconded by Dr. Davis, to not have rules regarding the impaired professional program. The motion carried with Mr. Coffey and Ms. Quinlan 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	X		
NAY		X						X				
Absent	X		X			X						

I. Discussion regarding changing title of LISAC.
 Ms. Dalton provided information regarding changing the title of the substance abuse licenses. Mr. Coffey distributed printed information regarding substance abuse titles.

Mr. Harris advised members that a change in title would require a statutory change.

J. Discussion regarding Board member's attendance at ASWB Board member training.
 Tabled

K. Discussion regarding removal of pending complaints from website.

Mr. Harris provided information regarding a Superior Court decision that has resulted in pending complaint information being removed from the website.

L. Review, consideration, and possible action to rescind this Board's August 6, 2015, motion regarding master level LASAC.

Tabled

M. Discussion regarding FY16 Board goals.

Tabled

N. Discussion regarding civil penalties.

Members discussed assessment of civil penalties.

Mr. Szymanski indicated that he does not support the assessment of monetary penalties unless the money goes to the Board or to create some kind of educational program. There will be further discussion in an upcoming meeting.

15. Committee reports

None

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

None

17. Future agenda items

None

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 meeting is scheduled for Thursday, October 1, 2015, at 9:00 a.m., at 3443 North Central Avenue, Room 1705.

20. Adjournment

Dr. Davis moved, seconded by Ms. Dobratz, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:40 p.m.

Patricia Dobratz
Secretary/Treasurer

Date