



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANICE K. BREWER
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
December 4, 2009

Members Present: Laura de Blank, Kirk Bowden, Doug Mitchell, Diane Brassea, Kahryn Nix, Ruth Lee, Gloria Gabler

Staff Present: Debra Rinaudo, Patricia Reynolds, Marc Harris, A.A.G., Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 4, 2009, at 9:02 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the general meeting minutes from the November 6, 2009, meeting as submitted. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Mitchell, to approve the executive session minutes from the November 6, 2009, meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

Members requested that all items be pulled from the consent agenda and considered separately.

A. 2009-0103, Sandra Anderson, LPC-0522

Ms. Nix indicated she feels this is case should be considered for dismissal and removal from the professional's complaint history.

Following discussion by members, Dr. Gabler moved, seconded by Dr. Bowden, to dismiss the complaint. The motion passed unanimously.

B. 2009-0068, Dee Dee Bassil, LPC-10770

Ms. Lee was concerned that the language in the proposed consent agreement may not be clear regarding the stayed stipulations.

Mr. Harris informed members that the language regarding stayed stipulations has been modified and will be used for future consent agreements. The proposed consent agreement was drafted and signed prior to the Board asking for modifications.

Following discussion by members, Dr. Gabler moved, seconded by Ms. de Blank, to accept the proposed modified consent agreement. The motion passed unanimously. See attached roll call vote.

C. 2007-0024 and 2010-0011, James Bissell, LAC-12585 and LASAC-13078

Ms. Lee expressed concern that consent agreements should be more clear regarding dates of completion.

Following review and discussion by members, Ms. Lee moved, seconded Mr. Mitchell, to accept the proposed modified consent agreement. The motion passed unanimously. See attached roll call.

D. 2009-0124, Julie Coffey, LCSW-11467

Ms. Lee expressed concern that consent agreements should be more clear regarding dates of completion.

Following review and discussion by members, Ms. Lee moved, seconded Dr. Bowden, to accept the proposed modified consent agreement. The motion passed unanimously. See attached roll call.

E. 2009-0096, Michael Magarinos, LAMFT-10231

Ms. Nix indicated she feels this is case should be considered for dismissal and removal from the professional's complaint history.

Following discussion by members, Ms. Nix moved, seconded by Mr. Mitchell, to dismiss the complaint. The motion passed unanimously.

5. Administrative Hearings 11:00 AM

None

The Board took a break at 11:00 a.m., reconvening its public meeting at 11:09 a.m.

6. Formal Interviews 11:00 AM

A. 2008-0094, Kimberly Popkey, LPC-2248

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

The professional was sworn in and testified.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to modify the conclusions of law to delete the ACA Code of Ethics sections C.2.a and C.2.b violations and to include a violation regarding the ACA Code of Ethics section C.6.B, to adopt the Findings of Fact and Order from the initial consent agreement. The motion passed unanimously. See attached roll call vote.

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

A. 2010-0001, Gerald Garnenez, LISAC-11526

Ms. Reynolds reviewed concerns regarding the proposed consent agreement.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Dr. Bowden, to re-offer the consent agreement with the following modifications to the Order:

- 12 months of biological fluid testing
- 24 months of therapy by a pre-approved independently licensed therapist
- Therapy shall focus on alcohol abuse and relapse prevention
- Therapy shall occur at a frequency recommended by the therapist and approved by the Substance Abuse Credentialing Committee Chair or designee
- Stayed investigative costs
- Early release is available after 12 months

The motion passed unanimously. See attached roll call vote.

Following further discussion, Dr. Bowden moved, seconded by Mr. Mitchell, that if the modified consent agreement is 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 unanimously.

B. 2009-0028 and 2010-0012, Paul Harris, LSAT-12030

Tabled

C. 2009-0120, John Lare, LAC-12407, LISAC-11820 and LPC applicant

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

The professional and his attorney, Melony Balestra, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to offer the professional a modified consent agreement for the voluntary surrender of both of his licenses and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

D. 2005-0142, Rayne Norton, LMSW-11723 suspended

Mr. Harris, A.A.G., provided an update regarding the professional's Superior Court appeal.

E. 2010-0013, Nancy Rybski, LMFT-10146

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Nix, to re-offer the consent agreement 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 unanimously.

F. 2009-0126, Lee Woods, LCSW-0585 and LMFT-0189

Ms. Reynolds reviewed the pending consent agreement and the professional's request for modifications.

The professional was properly noticed, but did not appear.

The complainant was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to offer a modified consent agreement that includes the word "active" on page 9, line 8, in front of the word "practice". The motion passed unanimously. See attached roll call vote.

Following further discussion, Mr. Mitchell moved, seconded by Dr. Bowden, that if the modified consent agreement is 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 unanimously.

8. Applications for licensure: review, consideration and action

Becky Goudy, LPC applicant

Mr. Mitchell moved, seconded by Dr. Bowden, to rescind the Board's November 6, 2009, motion to approve Becky Goudy as a Licensed Professional Counselor. The motion passed unanimously.

Social Work

Mr. Mitchell moved, seconded by Ms. Brassea, to approve 5 applicants as Licensed Clinical Social Workers, 13 applicants as Licensed Master Social Workers and 1 applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. Brassea, to deny 4 applicants based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Ms. Brassea, to approve 10 applicants as Licensed Associate Counselors and 7 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 2 applicants based on failure to meet minimum requirements and 1 applicant based on failure to meet minimum requirements and a finding of unprofessional conduct. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Ms. Brassea, to approve 7 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Dr. Gabler moved, seconded by Ms. Brassea, to deny 1 applicant based on failure to pass the required exam and 5 applicants based on failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Ms. Brassea, to approve 2 applicants as Licensed Independent Substance Abuse Counselors and 2 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Bowden moved, seconded by Dr. Gabler, to deny 2 applicants based on failure to meet minimum requirements and 3 applicants based on failure to pass the required exam. The motion passed unanimously.

9. Report from Chair

A. Chair report

No report.

10. Report from the Treasurer

A. Monthly Financial Report

Dr. Gabler reviewed the monthly financial report.

Dr. Gabler moved, seconded by Mr. Mitchell, to approve the monthly financial report. The motion passed unanimously.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report

B. Review regarding HB2008

Ms. Rinaudo discussed the bill suspending all non-emergency rules packages.

C. Review regarding Notice of Claim against the Board

Mr. Mitchell recused himself from all matters involving Ms. Malone.

Ms. Rinaudo reviewed the Notice of Claim against the Board that was filed by the complainant in a Board disciplinary matter that resulted in the surrender of a professional's license.

D. Review of anonymous Internet articles

Ms. Rinaudo reviewed several articles that have been anonymously posted on the Internet.

12. Committee Reports

None

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

None

14. Future agenda items

Early release provisions

Statutory changes needed to increase the Board's ability to dismiss complaints and remove them from a professional's complaint history

15. Call for public comment

None

16. Establishment of future meeting dates

The next regular meetings are scheduled for December 11, 2009, at 1:00 p.m. and January 8, 2010, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. **Adjournment**

Mr. Mitchell moved, seconded by Dr. Bowden, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:00 p.m.

Gloria Gabler
Secretary/Treasurer

Date