



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 6, 2012

Members Present: Kirk Bowden, Gloria Gabler, Steve Lankton, Deborah Pettitt, Mary Coonrod, Jayne McElfresh

Members Absent: Bruce Murchison

Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Diana Rasner, Solicitor General's Office, Michelle Clinkenbeard, Board Investigator, Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 6, 2012, at 9:04 a.m. with Dr. Bowden presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Lankton moved, seconded by Dr. Gabler, to approve the general meeting minutes from the November 1, 2012, meeting as submitted. The motion passed unanimously. Ms. McElfresh abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2009-0108, Francine Akins-Arbuckle, LPC-11723

Review, consideration and action regarding the professional's request for release from the consent agreement.

B. 2011-0006, Eric Cuestas-Thompson, LCSW-12502 and LISAC-10713

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint.

C. 2012-0117, Brent Case, LPC-12277

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to accept the proposed signed consent agreement.

Dr. Gabler and Dr. Bowden asked that this matter be pulled from the consent agenda for individual consideration.

The professional did not appear. The professional's attorney, Larry Cohen, appeared and addressed the Board.

Following review and discussion by members, Ms. Pettitt moved, seconded by Dr. Gabler, to continue the investigation and to order the professional to have a neuropsychiatric evaluation. The motion passed unanimously.

Following further discussion, Ms. Pettitt moved, seconded by Dr. Gabler, to amend the previous motion to specify that, At a minimum, the neuropsychiatrist will 1) provide a neuropsychiatric exam addressing any potential mental health disorders, including any which may be of neurobiological or organic nature, and 2) complete or have completed neuropsychological testing needed to assess any potential cognitive impairment that might affect the appropriateness of the professional's behavior. The motion passed unanimously.

Following review and discussion by members, Dr. Gabler moved, seconded by Mr. Lankton, to accept consent agenda items A and B as presented. The motion passed unanimously. See attached roll call vote.

The Board took a break at 10:20 a.m., reconvening its public meeting at 10:30 a.m.

5. Administrative Hearings

A. 2011-0086, Susan Sargent, LISAC-0433 (suspended)

Diana Rasner, Solicitor General's Office, appeared to provide independent legal advice to the Board.

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

Ms. Sargent was properly noticed, but did not appear.

Following review and discussion by members, Mr. Lankton moved, seconded by Ms. Pettitt, to accept the signed consent agreement for the voluntary surrender of the professional's license. The motion passed unanimously. See attached roll call vote.

B. Katy Scoblink, LISAC applicant

Diana Rasner, Solicitor General's Office, appeared to provide independent legal advice to the Board.

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

Ms. Scoblink appeared in person and made an opening statement.

Dr. Bowden admitted Respondent's Exhibits A through L. Respondent's Exhibits B, D, E, F, G, are admitted under seal to protect the confidentiality of client records.

Ms. Scoblink was sworn and testified.

Ms. Scoblink's supervisor, Thomas Litwicki, testified on her behalf.

Ms. Clinkenbeard was sworn and testified on behalf of the state.

Dr. Bowden admitted State's Exhibits 1 – 13 into evidence. State's Exhibits 2, 3, 6 and 9 are admitted under seal to protect the confidentiality of client records.

Ms. Scoblink and Mr. Harris made closing arguments.

The Board took a break at 12:40 p.m., reconvening its public meeting at 12:57 p.m.

Following review and discussion by members, Dr. Gabler moved, seconded by Ms. McElfresh, to issue the applicant's license. The motion passed unanimously. See attached roll call vote.

6. Formal Interviews

None

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

A. 2012-0032, Janet Carpentier, LISAC-10475

Ms. Rinaudo summarized information regarding the professional's request for release from the Interim Consent Agreement ("ICA").

The professional and her attorney, Larry Cohen, appeared in person and addressed the Board and requested that the ICA be modified to delete the reference to the suspension of the professional's license.

Ms. Coonrod moved, seconded by Ms. McElfresh, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the Board went into executive session at 9:51 a.m., reconvening its public meeting at 10:07 a.m.

Following review and discussion, Ms. Pettitt moved, seconded by Ms. Coonrod, to offer the professional a modified ICA providing that the ICA is considered an interim suspension of her license. The motion carried with Mr. Lankton opposed. See attached roll call vote.

B. 2013-0032, Yvonne Culp, LMSW-11341

Ms. Rinaudo summarized information regarding the pending complaint.

The professional addressed the committee telephonically.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Coonrod, to reoffer the proposed 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. See attached roll call vote.

C. 2012-0124, Carmen Howard, LAC-11693

Ms. Rinaudo summarized information regarding the pending complaint.

The complainant was properly noticed, but did not appear

The professional was properly noticed, but did not appear.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Coonrod, to reoffer the proposed 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. See attached roll call vote.

D. 2013-0047, Wendy Kutz, LCSW-2236

Ms. Rinaudo summarized information regarding the pending complaint.

The professional and her attorney, Larry Cohen, appeared in person and addressed the committee.

Dr. Gabler moved, seconded by Ms. McElfresh, to go into executive session to review confidential medical records pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the Board went into executive session at 1:41 a.m., reconvening its public meeting at 2:08 p.m.

Following review and discussion, Dr. Gabler moved, seconded by Ms. McElfresh, to offer the professional an ICA that stipulates the following:

- The professional shall not engage in any type of clinical practice or supervise anyone providing any type of clinical services
- A copy of the executed ICA shall be provided to the professional's current employer
- The professional shall not change accept any other positions without pre-approval from the Board
- The professional shall provide monthly updates to the Board monthly regarding her efforts at recovery.

The motion passed unanimously. See attached roll call vote.

Mr. Cohen indicated that the professional would agree to sign the proposed ICA.

E. 2011-0009, Arline Lemeshewsky, LCSW-3634

Ms. Rinaudo summarized information regarding the pending complaint.

The complainant was properly noticed, but did not appear.

The professional and her attorney, Larry Cohen, appeared in person and addressed the committee.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Coonrod, to reoffer the proposed 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. See attached roll call vote.

F. 2012-0044, Trisha McMahon, LPC-12450

Ms. Rinaudo summarized information regarding the complaint.

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the committee.

Following review and discussion, Ms. McElfresh moved, seconded by Dr. Gabler, to re-offer the proposed 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. See attached roll call vote.

G. 2013-0043, Diane Whisler, LCSW-10963

Ms. Rinaudo summarized information regarding the pending complaint.

The professional was properly noticed, but did not appear.

Following review and discussion, Dr. Gabler moved, seconded by Mr. Lankton, to accept the signed ICA. The motion passed unanimously. See attached roll call vote.

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

None

9. Applications for licensure: review, consideration and action

Social Work

Mr. Lankton moved, seconded by Ms. McElfresh, to approve 5 applicants as Licensed Clinical Social Workers, 28 applicants as Licensed Master Social Workers, 1 applicant as a Licensed Bachelor Social Worker and 1 applicant as a Reciprocal Licensed Clinical Social Worker. The motion passed unanimously.

Mr. Lankton moved, seconded by Dr. Gabler, to deny 5 applications based on failure to take and/or pass the required exam, 4 applications based on failure to meet minimum requirements, and 2 applications based on unprofessional conduct. The motion passed unanimously.

Counseling

Ms. Pettitt moved, seconded by Dr. Gabler, to approve 12 applicants as Licensed Associate Counselors and 12 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. Pettitt moved, seconded by Dr. Gloria, to deny 6 applications based on failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

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

Dr. Bowden moved, seconded by Ms. McElfresh, to deny 5 applications based on failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Ms. McElfresh, to approve 1 applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

10. Report from Chair

A. *Chair report*

No report

11. Report from the Treasurer

A. *Monthly Financial Report*

Members reviewed the monthly financial reports.

Following review, Dr. Gabler moved, seconded by Mr. Lankton, to accept the monthly financial report as presented. The motion passed unanimously.

12. Report from the Executive Director and/or staff

A. General Agency Operations

Ms. Rinaudo reported that the credit card payment system should be operational by the end of the year.

B. Policy regarding deficient clinical records

Tabled

C. Discussion regarding the Board's Sunset Hearing

Ms. Rinaudo provided information regarding the Sunset Hearing.

The Board took a break at 2:42 p.m., reconvening its public meeting at 2:52 p.m.

D. Discussion regarding medical practitioners for consent agreement stipulations

Dr. Bowden reported regarding the Substance Abuse Credentialing Committee's decision to specify that consent agreements requiring medication management shall only be completed by MDs and DOs.

13. Committee reports

No report

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

None

15. Future agenda items

None

16. Call for public comment

No one asked to speak in response to the call for public comment.

17. Establishment of future meeting dates

The next meeting is scheduled for Thursday, January 3, 2013, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Dr. Gabler moved, seconded by Ms. Coonrod, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:50 p.m.

Gloria Gabler
Secretary/Treasurer

Date