



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
Website: www.az.gov
Website: www.azbbhe.us
E-mail address: information@azbbhe.us

JANICE K. BREWER
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
July 9, 2010

Members Present: Gloria Gabler, Kirk Bowden, Doug Mitchell, Kahryn Nix
Members by telephone: Laura de Blank, Sunita Krishna
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office,
Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on July 9, 2010, at 9:05 a.m. with Dr. Gabler presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Bowden moved, seconded by Mr. Mitchell, to approve the general meeting minutes from the June 4, 2010, meeting as submitted. The motion passed unanimously. Dr. Gabler abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2009-0116, Kathleen Beck, LCSW-0331 and LMFT-0266

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint.

The complainant appeared and addressed the Board.

The professional and her attorney, Tracey Westerhausen, appeared and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Dr. Gabler, to dismiss the complaint. The motion passed unanimously. Ms. Nix was recused from the vote.

B. 2006-0093 and 2009-0124, Julia Coffey, LCSW-11467

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

C. 2008-0104, Donna Hodax, LCSW-2013

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

D. 2010-0075, Linda Hudnall, LMSW-12384

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

Ms. Nix requested clarifying information regarding the consent agreement.

Following review and discussion by members, Ms. Nix moved, seconded by Dr. Gabler, to accept the proposed signed consent agreement. The motion passed unanimously. See attached roll call vote.

E. 2010-0112, Gary Miller, LMSW-12279

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

The professional was properly noticed, but did not appear.

Mr. Mitchell expressed concern that since the Social Work Credentialing Committee opened a new complaint against the professional based on his non-compliance with a Board consent agreement and recommended the proposed Letter of Concern, the professional submitted a third request for pre-approval of an unqualified clinical supervisor. The Board also reviewed the professional's failure to comply with the consent agreement stipulation requiring that he submit quarterly status reports regarding his employment. Mr. Mitchell noted that the Social Work Committee specifically addressed with the professional the need for him to take responsibility for timely compliance with all consent agreement terms and to thoroughly familiarize himself with the Board's rules.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to adopt the letter of concern. The motion passed unanimously. See attached roll call vote.

Following further discussion, Dr. Bowden moved, seconded by Dr. Gabler, to lift the stay of the suspension of Mr. Miller's license and to suspend the license based on his failure to timely comply with paragraph 10 of his consent agreement regarding pre-approval of a clinical supervisor, and paragraph 8, which requires that he submit quarterly status reports regarding his employment. The motion passed unanimously. See attached roll call vote.

F. 2009-0102, Daniela Roher, LPC-1777

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

G. 2008-0119, Linda Sherwood, LPC-0357

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

H. 2010-0077, Mary Pat Sullivan, LCSW-2315

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

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Nix, to accept the consent agenda items B, C and F – H as presented. The motion passed unanimously. See attached roll call vote.

5. Administrative Hearings 11:00 AM

A. 2009-0057, Nara Dedrick, LISAC-10786

Mr. Harris appeared on behalf of the State. Mr. Cohen appeared on behalf of Ms. Dedrick. Christopher Munns, Solicitor General's Office, appeared as the Board's independent legal advisor.

Mr. Harris and Mr. Cohen submitted stipulated findings of fact and conclusions of law for Board consideration.

Mr. Harris made an opening statement on behalf of the state.

Larry Cohen made an opening statement on behalf of the professional.

Dr. Gabler accepted State's Exhibits 1 through 13 and 15 into evidence.

Dr. Gabler accepted Respondent's Exhibits 1 through 7 into evidence and agreed that the Board would take judicial notice of the information contained in Respondent's Exhibit 8.

The Board took a break 11:21 a.m. reconvening its public meeting at 11:25 a.m.

Mr. Harris called the following witnesses, who were sworn in and testified on behalf of the State: Nara Dedrick, Marcia Mitchell, and Laura Masters.

The Board took a break 1:45 p.m. reconvening its public meeting at 2:00 p.m.

Mr. Cohen called the following witnesses, who were sworn in and testified on behalf of Ms. Dedrick: Joel Temple, Dr. Scott Sindilar, Shelley Curran, Andrea Hartwig, and Ms. Dedrick. Mr. Cohen was allowed to provide an avowal with regard to the information Mr. Conger would have provided had he testified.

The Board took a break 3:27 p.m. reconvening its public meeting at 3:35 p.m.

Mr. Harris and Mr. Cohen made a closing arguments to the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to accept the findings of fact and conclusions of law as stipulated to by the parties. The motion passed unanimously. See attached roll call vote.

Following further discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to issue an order revoking the professional's license. The motion failed with Dr. Gabler, Ms. Krishna and Ms. Nix opposed. See attached roll call vote.

Ms. Nix moved to offer Respondent a consent agreement for the suspension of her license until she obtains a clinical position and then to place her on probation requiring that she complete counseling and education. The motion failed for lack of a second.

Following further discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to issue an order revoking the professional's license. The motion carried with Ms. Krishna and Ms. Nix opposed. See attached roll call vote.

6. Formal Interviews

None

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

A. 2007-0166, Stephanie Crawford, LPC-10292

The professional and her attorney, Rick Carter, appeared in person and addressed the Board.

Ms. Rinaudo summarized the proposed consent agreements negotiated by the Mr. Harris and Mr. Carter.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Nix, to accept the signed consent agreement without the stipulation preventing the professional from providing clinical supervision while on probation. The motion passed unanimously. See attached roll call vote.

B. 2009-0039, Donald Thomas, LPC-10230 and LISAC-11843

The professional appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Gabler, to release the professional from the consent agreement. The motion passed unanimously.

C. 2010-0018, Mary Ann Turner, LCSW-10951

Ms. Rinaudo summarized the proposed consent agreement with modifications requested by the professional.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to accept the signed modified consent agreement. The motion passed unanimously. See attached roll call vote.

The Board took a break at 9:52 a.m., reconvening its public meeting at 10:00 a.m.

D. NJ10-0009, Elisabeth Davies

Dr. Bowden indicated that he worked with the professional in the past, but there is nothing in that relationship that prevents him from making an unbiased decision in this matter.

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

The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Gabler, to continue discussion of the matter for 60 days and to request that the professional submit the client records regarding the complainant's daughter. The motion passed unanimously.

E. NJ10-0018, Patricia Ryding

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, Mr. Mitchell moved, seconded by Dr. Gabler, to dismiss the complaint as non-jurisdictional based on the corrections made properly identifying the states issuing the licenses held by the professional. The motion passed unanimously.

F. NJ10-0019, Dixie Eddy

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. Gabler moved, seconded by Dr. Bowden, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

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

A. Status of judicial review actions and other Superior Court litigation: Information only unless otherwise indicated.

9. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Dr. Gabler, to approve 10 applicants as Licensed Clinical Social Workers and 9 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Gabler, to deny 3 applicants based on failure to pass the required exam, 1 applicant based on failure to meet minimum requirements, and 1 applicant based on a finding of unprofessional conduct. The motion passed unanimously.

Counseling

Dr. Gabler moved, seconded by Dr. Bowden, to approve 8 applicants as Licensed Associate Counselors, 13 applicants as Licensed Professional Counselors, and 2 applicants as Reciprocal Licensed Professional Counselors. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Mitchell, to deny 1 applicant based on failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Dr. Bowden, to approve 3 applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Mitchell, to deny 1 applicant based on failure to pass the required exam. The motion passed unanimously.

Substance Abuse

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

Dr. Bowden moved, seconded by Mr. Mitchell, to deny 2 applicants based on failure to meet minimum requirements. The motion passed unanimously.

10. Report from Chair

A. Chair report

No report.

B. Substantive Policy Statement

Members reviewed a draft substantive policy statement regarding applicants submitting clinical supervision hours provided by a clinical supervisor who does not work for the same entity as the applicant.

Following review and discussion, Mr. Mitchell moved, seconded by Dr. Gabler, to adopt the substantive policy statement as submitted. The motion passed unanimously.

11. Report from the Treasurer

A. Monthly Financial Report

Members reviewed the monthly financial report.

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

12. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Update regarding SB1255

Mr. Harris reviewed SB1255, which addresses requirements regarding advertising by health care professionals.

C. Update regarding O'Neill v. BBHE

Ms. Rinaudo reviewed information regarding O'Neill v. BBHE.

D. Discussion regarding Board application of A.R.S. §32-3206

Tabled

13. Committee Reports

None

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

None

15. Future agenda items

None

16. Call for public comment

None

17. Establishment of future meeting dates

The next regular meeting is scheduled for August 6, 2010, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Dr. Bowden moved, seconded by Mr. Mitchell, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:35 p.m.

Gloria Gabler
Secretary/Treasurer

Date