



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
NOTICE & AGENDA FOR REGULAR SESSION MEETING
Scheduled for June 7, 2012, at 9:00 AM
3443 N Central Avenue, Room 908, Phoenix, Arizona

Pursuant to A.R.S. Sec. 38-431.02, notice is hereby given to the general public and to members of the Arizona State Board of Behavioral Health Examiners that the Board will hold a regular meeting open to the public on the date and at the time indicated above. (The meeting room is located on the 9th floor of the building.)

The Board reserves the right to change the order of items on the agenda, except for those matters set for a specific time. Please note that the recommendations listed on the agenda are merely suggested Board actions. Those recommendations do not become final until adopted by the Board. The Board has the authority to accept, reject or modify any recommendation listed on the agenda.

The Board, upon majority vote of a quorum of the members, may hold an Executive Session on any item on the agenda, where applicable, for purposes of reviewing and considering confidential records, to obtain legal advice and/or to consider its position and instruct its attorneys pursuant to A.R.S. § 38-431.03(A)(2), (3) and (4). Executive Sessions are not open to the public.

Americans with Disabilities Act: Persons with a disability may request a reasonable accommodation, such as a sign language interpreter or a copy of this document in alternative format, by contacting Mary Wilson at 602-542-1832 or the TDD number at 800-367-8939.

The agenda for the meeting is as follows:

1. Call to order

2. Roll call (staff)

3. Minutes: review, consideration and action.

Pursuant to A.R.S. §38-431(A)(2), any discussion of the executive session minutes will take place in executive session.

- A. *May 18, 2012, general meeting minutes*
- B. *May 18, 2012, 8:02 a.m. executive session minutes*
- C. *May 18, 2012, 9:42 a.m. executive session minutes*

4. Consent Agenda: review, consideration and action

The Board may go into executive session to review and consider records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

A. *2011-0015, Larry Ross, LPC-1753*

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

B. *2012-0102, Jeffrey Schill, LAC-13468*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to accept the proposed signed interim consent agreement.

C. *2010-0121, Marie Schimmelpenninck, LMFT-0326*

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

D. 2011-0110, Cedar Stagner, LAC-13312, LASAC-13223 and LPC applicant

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

E. 2012-0018, John Thorne, LPC-13059

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

5. Administrative Hearings 10:00 AM

Pursuant to A.R.S. §§32-3253(A)(10) and 41-1092.07, the Board will conduct administrative hearings in the following matter(s). During the administrative hearing, the Board may go into executive session to review and consider records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

A. 2011-0161, Barbara Nebeker, LISAC-0269

Board to conduct a formal administrative hearing.

6. Formal Interviews

Pursuant to A.R.S. §32-3281, the Board will conduct a Formal Interview in the following matter(s). During a formal interview, the Board may go into executive session to review and consider records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

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

The Board may go into executive session to review and consider records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

Pending complaints represent unproven allegations. On investigation, many complaints are found to be without merit or not of sufficient seriousness to merit disciplinary action against the licensee and are dismissed.

A. 2010-0128, Benjamin Gallaway, LISAC-0759

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to accept the proposed consent agreement

B. 2010-0052, Janet Mantia, LPC-12823

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

C. 2012-0114, Donald Thomas, LPC-10230 and LISAC-11843

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

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

A. Update regarding Robert Collette judicial review action

B. Update regarding John Lare judicial review action

C. Update regarding Brooks Gibson special action

9. Applications for licensure: review, consideration and action

The Board may go into executive session to review and consider records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

A. Review, consideration and action regarding applications for licensure

Names are posted for review in the reception area of 3443 N. Central Avenue, Suite 1700, Phoenix, AZ at least twenty-four (24) hours in advance of the meeting.

B. Eric Felber, LAC applicant

Review, consideration and action to rescind this Board's May 18, 2012, motion to approve Eric Felber as a Licensed Professional Counselor.

10. Report from the Chair

The Board may go into executive session to review and consider records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

A. Chair report

11. Report from the Treasurer

A. Monthly financial report

12. Report from the Executive Director and/or staff

The Board may go into executive session to review and consider records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2), or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

A. General Agency Operations

B. Review, consideration and possible action regarding development of a Board policy addressing discipline to be imposed where complaint allegations are not substantiated, but clinical records are deficient.

C. Update regarding the performance audit of the Board

D. Review, consideration and action regarding development and posting of information to assist applicants to understand the Board's licensure requirements

E. Review, consideration and action regarding the Board's FY2013 appropriation, including funding for technology upgrades

13. Committee reports

The Board may go into executive session to review and consider records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. §38-431.03(A)(3).

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

15. Future agenda items

16. Call for public comment

Those wishing to address the Board do not need to request permission in advance; however, the Board may limit those persons speaking during this time to a reasonable number on any given public matter. In addition, each person wishing to address the Board will be given five (5) minutes to do so. Pursuant to A.R.S. § 38-431.02(H), the Board can only take action on matters listed on the agenda. Action on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or to schedule the matter for further discussion at a later date.

17. Establishment of future meeting date(s)

The next meeting is scheduled for Thursday, July 12, 2012, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Scheduling of a special Board meeting to conduct a formal hearing.

18. Adjournment

May 31, 2012

Debra Rinaudo
Executive Director