



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
June 7, 2012

Members Present: Steve Lankton, Kirk Bowden, Bruce Murchison, Deborah Pettitt, Gloria Gabler
Members Absent: Jayne McElfresh
Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Lynanne Chapman, 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 June 7, 2012, at 9:03 a.m. with Dr. Bowden presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Lankton moved, seconded by Mr. Murchison, to approve the general meeting minutes from the May 18, 2012, meeting as submitted. The motion passed unanimously. Dr. Gabler abstained from the vote.

Mr. Murchison moved, seconded by Mr. Lankton, to approve the 8:02 a.m. executive session minutes from the May 18, 2012, meeting as submitted. The motion passed unanimously. Dr. Gabler abstained from the vote.

Mr. Murchison moved, seconded by Mr. Lankton, to approve the 9:42 a.m. executive session minutes from the May 18, 2012, meeting as submitted. The motion passed unanimously. Dr. Gabler abstained from the vote.

4. Consent Agenda: review, consideration and action

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.

Dr. Gabler reviewed the stipulations of the consent agreement and questioned if the continuing education stipulated in the proposed consent agreement was appropriate given the findings of fact.

Following review and discussion by members, Ms. Pettitt moved, seconded by Mr. Murchison, to offer a modified consent agreement amended as follows:

- The professional shall complete 12-clock hours of pre-approved continuing education in GLBTQ issues
- The professional shall complete 12-clock hours of pre-approved continuing education in motivational interviewing
- The professional shall complete a pre-approved 3-semester credit hour graduate level course in behavioral health ethics
- All other provisions of the proposed consent agreement should be included without modification

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.

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

The Board took a break at 9:55 a.m., reconvening its public meeting at 10:04 a.m.

5. Administrative Hearings

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

Dr. Bowden reviewed procedures for conducting a formal administrative hearing.

Christopher Munns, Solicitor General's Office, was present and available to provide independent legal advice to the Board.

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

Mr. Harris, A.A.G., appeared on behalf of the State and made an opening statement.

Lynanne Chapman, Board Investigator, was sworn and testified on behalf of the State.

State's Exhibits A – D were accepted into evidence.

Mr. Harris made a closing statement.

Mr. Murchison moved, seconded by Dr. Gabler, to adopt the factual allegations and charges from the notice of hearing as findings of fact and conclusions of law. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Murchison, to issue an order revoking the professional'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. 2010-0128, Benjamin Gallaway, LISAC-0759

Dr. Bowden indicated that he was acquainted with the professional approximately 20 years ago, but there is nothing in that relationship that would prevent him from making an unbiased decision in this matter.

The professional appeared in person and addressed the Board.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Pettitt, to re-offer the proposed consent agreement modified to require the completion of 6 clock hours of continuing education in behavioral health ethics and 6 clock hours of continuing education addressing current behavioral health documentation requirements with no other changes 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.

B. 2010-0052, Janet Mantia, LPC-12823
Ms. Rinaudo summarized the complaint.

The professional appeared in person and addressed the Board.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Pettitt, to dismiss the complaint. The motion passed unanimously.

C. 2012-0114, Donald Thomas, LPC-10230 and LISAC-11843
Ms. Rinaudo summarized the complaint.

The professional was properly noticed, but did not appear.

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

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

A. Update regarding Robert Collette judicial review action
No report.

B. Update regarding John Lare judicial review action
Mr. Harris provided an update regarding Mr. Lare's judicial review action.

C. Update regarding Brooks Gibson special action
Mr. Harris provided an update regarding Mr. Gibson's special action.

9. Applications for licensure: review, consideration and action

Eric Felber, LAC applicant

Mr. Murchison moved, seconded by Mr. Lankton, to rescind this Board's May 18, 2012, motion to license the applicant as a Licensed Professional Counselor. The motion passed unanimously. Dr. Gabler abstained from the vote.

Social Work

Mr. Lankton moved, seconded by Mr. Murchison, to approve 4 applicants as Licensed Clinical Social Workers and 12 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Lankton moved, seconded by Mr. Murchison, to deny 4 applications based on the applicants' failure to take and/or pass the required exam. The motion passed unanimously.

Counseling

Ms. Pettitt moved, seconded by Mr. Lankton, to approve 8 applicants as Licensed Associate Counselors, 6 applicants as Licensed Professional Counselors, and one applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Ms. Pettitt moved, seconded by Mr. Lankton, to deny 3 applications based on the applicant's failure to meet minimum licensure requirements. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Dr. Gabler, to approve 5 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Bowden moved, seconded by Dr. Gabler, to deny one application based on the applicant's failure to meet minimum licensure requirements. 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 report.

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

12. Report from the Executive Director and/or staff

A. *General Agency Operations*
No report.

B. *Policy regarding deficient clinical records*
Tabled

C. *Update regarding the Board's performance audit*
No report

D. *Development and posting of information to assist applicants to understand licensing requirements*
Ms. Rinaudo reported that the agency is working on developing a document for the website to help applicants understand the application process.

E. *FY2013 appropriation including funding for technology upgrades*
Ms. Rinaudo provided information regarding the Board's FY2013 appropriation.

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

Schedule extra meeting for formal hearings.

Board staff will provide possible dates for extra meetings to members.

18. Adjournment

Dr. Gabler moved, seconded by Mr. Murchison, to adjourn. The motion passed unanimously and the meeting was adjourned at 11:40 p.m.

Gloria Gabler
Secretary/Treasurer

Date