



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
May 7, 2010

Members Present: Laura de Blank, Sunita Krishna, Kirk Bowden, Doug Mitchell (out at 12:20 p.m.), Ruth Lee, Gloria Gabler

Members Absent: Kahryn Nix

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 May 7, 2010, at 9:02 a.m. with Ms. de Blank 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 April 2, 2010, meeting as submitted. The motion passed unanimously. Ms. Krishna abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2010-0003, Stacy Adler, LCSW-3628

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

B. 2009-0024, Dennis Andrew, LMFT-0083

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

C. 2010-0007, Viola Bruning, LISAC-11812

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

D. 2008-0040, Susan Forno, LPC-1233

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

E. 2007-0060, Rosemarie Ludwig, LPC-0399

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

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

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

G. 2005-0082, Jeanne Rust-Lester, LPC-1997

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

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

The Board took a break at 10:30 a.m., reconvening its public meeting at 10:46 a.m.

5. Administrative Hearings 11:00 AM

A. 2010-0065 and 2008-0044, Bridgette Naughton, LISAC-1538

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

Christopher Munns, Solicitor General's Office, appeared as the Board's legal advisor.

The professional was properly noticed, but did not appear.

Mr. Harris made an opening statement.

Mary Wilson, Board Compliance Monitor, was sworn in and testified on behalf of the State.

Mr. Harris, A.A.G., offered State's Exhibits 1 through 6 into evidence.

Ms. de Blank accepted State's Exhibits 1 through 6 into evidence.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Gabler, to adopt the facts and charges from the Complaint and Notice of Hearing as findings of fact and conclusions of law and to revoke the professional's license. The motion passed unanimously. See attached roll call vote.

B. 2010-0036, Rayne Norton, LMSW-11723

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

Christopher Munns, Solicitor General's Office, appeared as the Board's legal advisor.

The professional was properly noticed, but did not appear.

Mr. Harris made an opening statement.

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

Mr. Harris, A.A.G., offered State's Exhibits 1 through 12 into evidence.

Ms. de Blank accepted State's Exhibits 1 through 12 into evidence.

Dr. Bowden moved, seconded by Dr. Gabler, to find that the professional is unable to be regulated and unwilling to comply with supervision. The motion passed unanimously.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to adopt the facts and charges from the Complaint and Notice of Hearing as findings of fact and conclusions of law and to revoke the professional's license. The motion passed unanimously. See attached roll call vote.

C. 2009-0082, William Jefferson, LMFT-0065 and LPC-0229

The professional appeared in person and addressed the Board regarding his request for review or rehearing.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to deny the request for a review or rehearing based on the professional's failure to establish his rights were materially affected for any of the reasons set forth in A.A.C. R4-6-1002. The motion passed unanimously. See attached roll call vote.

6. Formal Interviews

A. 2010-0026, Linda Bennardo, LPC-12144

Ms. de Blank reviewed the procedures for conducting a formal interview and members were introduced.

The professional addressed the Board telephonically.

The complainant appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to accept the signed consent agreement for the voluntary surrender of the professional's license. The motion passed unanimously.

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

A. 2010-0033, Russell Bentley, LAC-12855

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

The complainant appeared in person and addressed the Board.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to offer a modified consent agreement for the voluntary surrender of the professional's license and, if not signed, to remand the matter to formal hearing. The motion carried with Ms. de Blank and Dr. Gabler opposed. See attached roll call vote.

B. 2010-0054, James Gorton, LPC-1295

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

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

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

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

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Michele Thompson, appeared and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. de Blank, 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.

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.

1. Jane Fendelman, NJ07-0019 and NJ10-0010

Mr. Harris, A.A.G., reported that he has acquired an injunction as requested by the Board.

2. Rayne Norton, LC2008-000859; 1CA-CD-10-0049

Mr. Harris, A.A.G., reported regarding the professional's recent court pleadings.

The Board took a break at 12:15 a.m., reconvening its public meeting at 12:27 a.m.

9. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 7 applicants as Licensed Clinical Social Workers and 22 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to deny 6 applicants based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Mr. Mitchell, to approve 21 applicants as Licensed Associate Counselors and 9 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Gabler, to deny 6 applicants based on failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

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

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

Substance Abuse

Dr. Bowden moved, seconded by Dr. Gabler, to approve 1 applicant as a Licensed Associate Substance Abuse Counselor and 2 applicants as Licensed Substance Abuse Technicians. The motion passed unanimously.

Dr. Bowden moved, seconded by Dr. Gabler, to deny 3 applicants based on failure to meet minimum requirements. The motion passed unanimously.

10. Report from Chair

A. Chair report

No report.

B. Enforcement of attendance policy for non-regularly scheduled meetings

Members discussed the Board's attendance policy.

Ms. de Blank moved, seconded by Dr. Bowden, that non-regularly scheduled board meeting attendance will not count towards the attendance policy and attendance at a non-regularly scheduled meeting can make up for a regularly scheduled meeting absence. The motion passed unanimously.

Board staff will draft the modified policy and bring it to the Board for approval at a future meeting.

C. Appoint members to Personnel Subcommittee and schedule meeting

Tabled

11. Report from the Treasurer

A. Monthly Financial Report

Members reviewed the monthly financial report.

Ms. Rinaudo reported regarding current State budget issues.

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. Schedule additional Board meeting

Members discussed various ways to schedule formal hearings more efficiently.

C. Increase in non-compliance cases

Ms. Rinaudo provided information regarding professionals who are noncompliant with consent agreements. Recent increases in these cases has significantly increased the Board's investigation workload.

D. Legislative Update regarding HB2545

Ms. Rinaudo provided information regarding HB2545, which has been transmitted to the governor for signature. The bill prevents dismissed complaints and non-disciplinary cases from being published on healthcare boards' websites.

E. Board application of A.R.S. §32-3206
Tabled

F. Expression of appreciation for outgoing member
Ms. de Blank presented Ms. Lee with a certificate of appreciation from the Board for her years of service on the Board.

13. Committee Reports

None

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

None

15. Future agenda items

Security at meetings (concealed weapons)
Discussion regarding change of meeting day

16. Call for public comment

None

17. Establishment of future meeting dates

The next regular meeting is scheduled for June 4, 2010, at 8:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Ms. Lee moved, seconded by Dr. Bowden, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:35 p.m.

Gloria Gabler
Secretary/Treasurer

Date