



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
May 5, 2011

Members Present: Laura de Blank, Gloria Gabler, Kirk Bowden, Douglas Mitchell, Sunita Krishna
Member Absent: Kahryn Nix
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office,
Lynanne Chapman, Kami Thur, Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on May 5, 2011, at 9:02 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the general meeting minutes from the April 7, 2011, meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

A. 2009-0060, *Karrie Chenevert, LISAC-11558*

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

B. 2008-0083, *Jeffery Larsen, LAMFT-10278*

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

C. 2010-0113, *Jeffery Larsen, LAMFT-10278*

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint with a letter of concern.

D. 2009-0022 and 2010-0030, *Nanette Mongelluzzo, LPC-11867*

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

E. 2010-0081, *Janice Neely, LCSW-2259*

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

F. 2009-0062, *Marjorie Schulte, LCSW-0820*

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

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

5. Administrative Hearings 11:00 AM

A. 2011-0083, Kim Rezarch, LCSW applicant

Ms. de Blank reviewed procedures for conducting a formal administrative hearing.

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

Ms. Rezarch appeared in person.

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

Ms. Rezarch requested that the Board approve her request to withdraw her LCSW application. Mr. Harris opposed the request.

Mr. Mitchell moved, seconded by Dr. Bowden, to deny the professional's request to withdraw her application. The motion passed unanimously.

Ms. Rezarch was sworn in and testified on her own behalf.

Ms. Rezarch offered Respondent's Exhibit A into evidence. Mr. Harris objected to the admission of Exhibit A. The objection was sustained.

Mr. Harris called Kami Thur, Board Investigator, to testify on behalf of the State. Ms. Thur was sworn and testified.

Mr. Harris offered State's Exhibits 1 – 9 into evidence. Ms. de Blank admitted State's Exhibits 1 – 9 into evidence.

Ms. Rezarch began her cross-examination of Ms. Thur.

Further proceedings were discontinued when the Board lost quorum at 11:55 a.m.

6. Formal Interviews

None

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

A. Sharon Alarotu-Davis, LMSW-12829

Ms. Rinaudo summarized information regarding the professional's current criminal charges and provided a letter from the attorney representing Ms. Alarotu-Davis in the criminal proceeding.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. de Blank moved, seconded by Dr. Bowden, to open a complaint for further investigation based on the pending criminal charges. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Ms. de Blank, to summarily suspend the professional's license where the information provided in the investigative report supports a finding that the public health, safety or welfare requires emergency action pursuant to A.R.S. 32-3281(C). The motion passed unanimously. See attached roll call vote.

B. 2011-0040, Karmin Fowler, LAC-12527

Ms. Rinaudo summarized the results of the Board's investigation and the recommended consent agreement.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Ms. de Blank moved, seconded by Dr. Bowden, to offer the professional a revised consent agreement with the following modifications:

- Participation in a recovery program for 12 months
- 24 months of therapy every other week.
- The professional can request early release after 12 months with the therapist's recommendation
- Stayed suspension for 24 months

and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

C. 2009-0128, Katherine Freeman, LMSW-12596 (suspended)

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, Ms. Krishna moved, seconded by Dr. Bowden, to remand the matter to formal hearing. The motion passed unanimously.

D. 2010-0126, Elizabeth Garigan, LPC-0380

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Anne Fulton Cavett, appeared telephonically.

Following review and discussion by members, Ms. de Blank moved, seconded by Dr. Gabler, to dismiss the complaint with a letter of concern. The motion passed unanimously.

Following further discussion, Ms. de Blank moved, seconded by Dr. Bowden, to modify the letter of concern as discussed. The motion passed unanimously. See attached roll call vote.

E. 2011-0099, Laura Lindsay, LMSW-12305, LISAC-11541 and LCSW applicant

Ms. Rinaudo summarized the results of the Board's investigation. Ms. Rinaudo advised the Board that the professional was given information verbally and writing regard procedures for submitting a written request to participate in a Board meeting telephonically and failed to submit such a request.

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to re-offer the proposed consent agreement and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

F. 2011-0003, Charles Lunden, LPC-0333

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

The complainant was properly noticed, but did not appear.

The professional's attorney, Charles Hover, appeared in person and addressed the Board.

Mr. Mitchell moved, seconded by Ms. de Blank, 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 9:31 a.m., reconvening its public meeting at 9:43 a.m.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to offer the professional a modified consent agreement with a stayed assessment of a \$1,000 civil and to delete the term requiring stayed investigative costs. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Dr. Gabler, to further modified the consent agreement offered to the professional to clarify that the stay on the suspension will only be lifted based on the professional's non-compliance with the 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. 2010-0076, Kim McDonald, LMSW-10080 and LISAC-10088 (suspended)

Ms. Rinaudo summarized the results of the Board's investigation and the professional's email requesting that the Board postpone its review of this matter.

The complainant appeared and was available for questions.

The professional was properly noticed, but did not appear.

Mr. Mitchell moved, seconded by Ms. de Blank, to deny the professional's request to postpone the matter. The motion passed unanimously.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to re-offer the proposed consent agreement to the professional and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

H. 2010-0116 and 2007-0122, Malcolm Pavey, LISAC-1220

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

The professional's attorney, Larry Cohen, appeared in person and requested that this matter be remanded to formal hearing.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to remand the matter to formal hearing. The motion passed unanimously.

I. 2011-0028, Steve Sadler, LISAC-1540 (suspended)

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, Mr. Mitchell moved, seconded by Dr. Bowden, to remand the matter to formal hearing. The motion passed unanimously.

J. 2005-0090, Deborah Yancer, LPC-1451 and LISAC-1546

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

The professional and her attorney, Stephen Myers, appeared and requested that the Board accept the signed consent agreement.

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

The Board took a break at 10:50 a.m., reconvening its public meeting at 11:00 a.m.

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

No report.

9. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve one applicant as a Reciprocal Licensed Clinical Social Worker and 17 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to deny 5 applications based on failure to take and/or pass the required exam, one application based on failure to meet minimum requirements and one application based on a finding of unprofessional conduct and failure to meet minimum requirements. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Mr. Mitchell, to approve 10 applicants as Licensed Associate Counselors and 5 applicants as Licensed Professional Counselors. The motion passed unanimously.

Marriage and Family Therapy

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

Dr. Gabler moved, seconded by Dr. Bowden, to deny 2 applications based on failure to take and/or pass the required exam. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Mitchell, to approve 4 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. de Blank, to deny 9 applications based on failure to meet minimum requirements and one application based on a finding of unprofessional conduct. The motion passed unanimously.

10. Report from Chair

A. Chair report

11. Report from the Treasurer

A. Monthly Financial Report

Tabled

12. Report from the Executive Director and/or staff

A. General Agency Operations

None

B. Review, consideration and action regarding acceptance of the Substance Abuse Credentialing Committee's recommendation to accept the proposed Board policy regarding approving extensions for obtaining committee ordered evaluations

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

No call to the public was made as the Board lost quorum at 11:55 a.m.

17. Establishment of future meeting dates

The next regular meeting is scheduled for Tuesday, May 31, 2011, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

No motion to adjourn was made as the Board lost quorum at 11:55 a.m.

Gloria Gabler
Secretary/Treasurer

Date