



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 18, 2012

Members Present: Steve Lankton, Kirk Bowden, Bruce Murchison, Deborah Pettitt, Jayne McElfresh

Members Absent: Gloria Gabler

Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Kami Thur, 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 May 18, 2012, at 8:00 a.m. with Dr. Bowden presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Ms. McElfresh moved, seconded by Mr. Murchison, to approve the general meeting minutes from the April 2, 2012, meeting as submitted. The motion passed unanimously. Mr. Lankton abstained from the vote.

Mr. Murchison moved, seconded by Ms. McElfresh, to approve the executive session minutes from the April 2, 2012, meeting as submitted. The motion passed unanimously. Mr. Lankton abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2011-0160, Laurie Duarte, LISAC-1492

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to accept the proposed signed consent agreement and to issue Lindy Howard a Reminder of Duty to Report letter relating to Complaint 2011-0160.

B. 2011-0066, Athen Fisher, LAMFT-10362

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

C. 2010-0119, Andrea Flores, LMSW-12912

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

D. 2011-0008, Marina Greco, LPC-2159

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

E. 2009-0119, Aaron Grigg, LCSW-12377

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

F. 2011-0155, Patrick Kelly, LISAC-1448

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

G. 2012-0107, Joan Lisa, LISAC-10499 and LAC applicant

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

H. 2012-0087, Moira Lynn, LPC-0836

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

I. 2010-0021, Maureen Maxon, LPC-10172

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

J. 2012-0129, Chad Metz, LMSW applicant

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

K. 2010-0111, Lawrence Minniefield, LPC-12797

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

L. 2012-0047, Donna Noriega, LCSW-10959

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

M. 2010-0129, Courtney Penniman, LISAC-10574

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

N. 2012-0091, Deborah Stelzleni, LPC-10626

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

O. 2009-0089, Brenda Taylor, LISAC-1503

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

Following review by members, Mr. Murchison moved, seconded by Mr. Lankton, to accept the consent agenda as presented. The motion passed unanimously. See attached roll call vote.

The Board took a break at 9:00 a.m., reconvening its public meeting at 9:08 a.m.

5. Administrative Hearings

A. Geraldine Alexis, LAC applicant

Dr. Bowden disclosed that he had limited knowledge regarding the applicant when she was a student, but there is nothing regarding that knowledge that would prevent him from making an unbiased decision in this matter.

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. Alexis appeared and made an opening statement.

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

Ms. Alexis was sworn and testified.

Respondent's Exhibit A was admitted into evidence.

Debra Rinaudo, Executive Director, was sworn and testified on behalf of the State.

State's Exhibits 1 – 7 were accepted into evidence.

Mr. Harris and Ms. Alexis made closing statements.

Following review and discussion by members, Mr. Murchison moved, seconded by Ms. Pettitt, to accept the Findings of Fact and Conclusions of Law from the Notice of Hearing and to affirm the denial of the license. The motion passed unanimously.

The Board took a break at 12:25 p.m., reconvening its public meeting at 12:35 p.m.

B. 2011-0150, Timiadi Edogi, LMSW applicant

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

Ms. Edogi appeared and made an opening statement.

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

Ms. Edogi was sworn and testified.

Respondent's Exhibit A was accepted into evidence.

Kami Thur, Board Investigator, was sworn and testified on behalf of the State.

State's Exhibits 1 – 5 were accepted into evidence.

Following review and discussion by members, Mr. Lankton moved, seconded by Ms. Pettitt, to affirm the denial of the license. The motion passed unanimously.

6. Formal Interviews

None

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

A. 2010-0080, Scott Baker, LAC-12832

Ms. Rinaudo summarized information regarding the Counseling Credentialing Committee's recommendation to the Board.

The professional's attorney, Larry Cohen, appeared in person and addressed the Board.

Ms. McElfresh moved, seconded by Mr. Murchison, 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 9:42 a.m., reconvening its public meeting at 9:50 a.m.

Following review and discussion, Mr. Lankton moved, seconded by Mr. Murchison, to re-offer the consent agreement modified as follows:

- Amend the Conclusions of Law to include a violation of A.R.S. § 32-3251(12)(b)
- Stayed revocation
- 24 months probation
- Completion of a 3 semester hour graduate level course in behavioral health ethics within 12 months
- Compliance with all applicable statutes, rules, and codes of ethics
- Weekly therapy by a pre-approved therapist
- Focus of therapy: honesty, relations with students, and appropriate professional boundaries
- Early release is available after 12 months

The motion passed unanimously. See attached roll call vote.

B. 2011-0139, Lynn Barwick, LCSW-1292

Ms. Rinaudo summarized the Substance Abuse Credentialing Committee's recommendation.

The professional and her attorney, Larry Cohen, appeared in person and addressed the Board.

Following review and discussion, Ms. McElfresh moved, seconded by Mr. Murchison, 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.

C. 2011-0137, Deena Stewart-Hitzke, LISAC-10275 and LPC applicant

Ms. Rinaudo summarized the Substance Abuse Credentialing Committee's recommendation.

The professional's attorney, Jim Goodwin, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Murchison moved, seconded by Ms. McElfresh, 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.

D. 2011-0137, Deena Stewart-Hitzke, LISAC-10275 and LPC applicant

Ms. Rinaudo summarized the Substance Abuse Credentialing Committee's recommendation.

The professional's attorney, Jim Goodwin, appeared in person and addressed the Board.

Following review and discussion by members, Ms. McElfresh moved, seconded by Mr. Murchison, to consolidate Complaint Nos. 2011-0137 and the applicant's license denial and to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

E. 2011-0140, Ronald Gransie, LPC-0730

Ms. Rinaudo summarized the Substance Abuse Credentialing Committee's recommendation.

The professional appeared telephonically and addressed the Board.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Pettitt, to accept the proposed signed consent agreement. The motion passed unanimously.

F. 2010-0062, Brooks Gibson, LPC-10022

Ms. Rinaudo summarized the Counseling Credentialing Committee's recommendation.

The complainant appeared in person and addressed the Board.

The professional and his attorney, Chris Short, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Murchison moved, seconded by Ms. Pettitt, 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.

G. 2010-0120, P. Lauren Levy, LPC-2126

Ms. Rinaudo summarized the Counseling Credentialing Committee's recommendation.

The professional and her attorney, Stephen Myers, appeared in person and addressed the Board.

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

H. 2011-0039, Michelle Ruttinger, LCSW-10994

Ms. Rinaudo summarized the complaint.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Ms. McElfresh moved, seconded by Ms. Pettitt, to accept the signed consent agreement. 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
No report.

C. Update regarding Brooks Gibson special action
Tabled

9. Applications for licensure: review, consideration and action

Dena Omar, LCSW applicant

Ms. McElfresh moved, seconded by Mr. Murchison, to rescind this Board's April 2, 2012, motion to license the applicant as a Licensed Master Social Worker. The motion passed unanimously.

Jill Coxen, LPC applicant

Mr. Murchison moved, seconded by Ms. Pettitt, to rescind this Board's April 2, 2012, motion to deny the application based on the applicant's failure to establish she meets minimum licensure requirements. The motion passed unanimously.

Justin Ashbridge, LAC applicant

Mr. Murchison moved, seconded by Ms. McElfresh, to rescind this Board's April 2, 2012, motion to deny the application based on the applicant's failure to establish he meets minimum licensure requirements. The motion passed unanimously.

Social Work

Mr. Lankton moved, seconded by Ms. McElfresh, to approve one applicant as a Reciprocal Licensed Clinical Social Worker, 11 applicants as Licensed Clinical Social Workers, 30 applicants as Licensed Master Social Workers and one applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Mr. Lankton moved, seconded by Mr. Murchison, to deny 3 applications based on a finding of unprofessional conduct, 2 applications based on failure to meet minimum requirements and 2 applications based on failure to take and/or pass the required exam. The motion passed unanimously.

Counseling

Ms. Pettitt moved, seconded by Ms. McElfresh, to approve 29 applicants as Licensed Associate Counselors and 17 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. Pettitt moved, seconded by Mr. Murchison, to deny 7 applications based on failure to meet minimum requirements, one application based on failure to take and/or pass the required exam and 2 applications based on a finding of unprofessional conduct. The motion passed unanimously.

Marriage and Family Therapy

Dr. Bowden moved, seconded by Mr. Lankton, to approve 4 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

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

Substance Abuse

Dr. Bowden moved, seconded by Mr. Lankton, to approve 4 applicants as Licensed Associate Substance Abuse Counselors and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Murchison, to deny 7 applications based on failure to meet minimum 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 reports.

Following review, Mr. Murchison moved, seconded by Mr. Lankton, to accept the January 31, 2012, and March 31, 2012, monthly financial reports as presented. The motion passed unanimously.

12. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Policy regarding deficient clinical records

Tabled

C. Recognition of recently replaced Board members

Dr. Bowden presented certificates of appreciation for the past service of Laura de Blank and Doug Mitchell.

D. HB2744

Ms. Rinaudo reported regarding HB2744.

E. Identification of types of complaints that are not within the Board's jurisdiction

Ms. Rinaudo provided information regarding a proposed process to identify categories of non-jurisdictional complaints that will not be investigated by the Board.

Members discussed the proposed categories of non-jurisdictional complaints.

Mr. Lankton moved, seconded by Mr. Murchison, to accept the proposed non-jurisdictional complaints as presented for immediate implementation. The motion passed unanimously.

13. Report from the Auditor General's Office staff

Jeremy Weber, Brian Miele and Dale Chapman from the Auditor General's Office were present to address the Board regarding the ongoing performance audit of the Board.

Ms. McElfresh moved, seconded by Mr. Murchison, to go into executive session to review information exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2) and possible legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the Board went into executive session at 8:02 a.m., reconvening its public meeting at 8:26 a.m.

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

Mr. Lankton reported that the State of Michigan is deregulating Occupational Therapy and Acupuncture as part of the elimination of 9 regulatory boards.

15. Future agenda items

Presentation regarding the development of explanatory materials to help applicants navigate the application process

Scheduling of an additional Board meeting for formal hearings

Further discussion regarding non-jurisdictional complaints

16. Call for public comment

No one requested to speak in response to call for public comment.

17. Establishment of future meeting dates

The next regular meeting is scheduled for Thursday, June 7, 2012, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Dr. Bowden requested that, if there are future reports from the auditors, those reports should be presented to the Board at 8:00 a.m.

18. Adjournment

Mr. Murchison moved, seconded by Mr. Lankton, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:05 p.m.

Gloria Gabler
Secretary/Treasurer

Date