



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 31, 2011 – June Meeting

Members Present: Laura de Blank, Gloria Gabler, Kirk Bowden, Douglas Mitchell, Sunita Krishna
Member Absent: Kahryn Nix
Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Kami Thur, Board Investigator, 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 May 31, 2011, at 9:08 a.m. with Ms. de Blank presiding.

2. **Roll Call**

See above.

3. **Minutes: review, consideration and action**

Mr. Mitchell moved, seconded by Dr. Gabler, to approve the general meeting minutes from the May 5, 2011, meeting as submitted. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Krishna, to approve the executive session minutes from the May 5, 2011, meeting as amended. The motion passed unanimously.

4. **Consent Agenda: review, consideration and action**

A. *2011-0138, Sharon Alarotu-Davis, LMSW-12829 suspended*

Review, consideration and action regarding acceptance of the proposed signed interim consent agreement.

B. *2009-0028 and 2010-0012, Paul Harris, LSAT-12030*

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

C. *2007-0161, Connie Hillman, LISAC-11446*

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

D. *2011-0045, Molly Magee-Ivie, LCSW-10840*

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint with a non-disciplinary letter of concern.

E. *2010-0072, William H. Steiniger, LPC-1391 inactive*

Review, consideration and action regarding acceptance of the proposed signed interim consent agreement.

Dr. Bowden moved, seconded by Mr. Mitchell, to accept the consent agenda as presented. The motion passed unanimously. See attached roll call vote.

The Board took a break at 10:15 a.m., reconvening its public meeting at 10:29 a.m.

5. **Administrative Hearings**

A. *2011-0083, Kim Rezarch, LCSW applicant, continued from May 5, 2011*

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.

The hearing continued with the cross-examination of Ms. Thur, Board Investigator.

Mr. Harris called Debra Rinaudo, Executive Director, to testify on behalf of the State. Ms. Rinaudo was sworn and testified.

Ms. Rezarch cross-examined Ms. Rinaudo.

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

Ms. Rezarch provided testimony in rebuttal to evidence presented during the State's case.

Ms. Rezarch and Mr. Harris made closing arguments.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to uphold the Social Work Credentialing Committee's recommendation to deny the professional's request for a license based on a finding of unprofessional conduct and not meeting minimum supervision requirements. The motion passed unanimously. See attached roll call vote.

The Board took a break at 12:35 p.m., reconvening its public meeting at 12:47 p.m.

B. *2011-0138, Sharon Alarotu-Davis, LMSW-12829 suspended*

See agenda item 4(A).

C. *2009-0108, Francine Akins-Arbuckle, LPC-11723*

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

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

The professional and her attorney, Michael Isler, appeared in person.

Mr. Isler requested a continuance because he was not brought into the case until last week so he did not have sufficient time to prepare and because he believed that the Board was going to conduct a formal interview, not a formal hearing.

Mr. Harris objected to the request for a continuance and noted that, when the professional failed to accept the Board's invitation to participate in a formal interview, she was given proper notice that the Board would proceed with a formal hearing.

Mr. Isler advised the Board that he had to leave because of a previous commitment and the formal hearing continued without the professional's counsel.

Following discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to deny the request for a continuance. The motion passed unanimously.

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

Mr. Harris and Ms. Akins-Arbuckle made opening statements.

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

Ms. Akins-Arbuckle cross-examined Ms. Chapman.

The Board took a break at 3:13 p.m., reconvening its public meeting at 3:27 p.m.

Mr. Harris asked additional questions of Ms. Chapman on re-direct examination.

Mr. Harris offered State's Exhibits 1 – 29 into evidence. Ms. de Blank admitted State's Exhibit's 1 – 29 into evidence.

Ms. Akins-Arbuckle testified on her own behalf.

Mr. Harris and Ms. Akins-Arbuckle made closing statements.

The Board took a break at 3:54 p.m., reconvening its public meeting at 4:03 p.m.

Ms. Akins-Arbuckle offered Respondent's Exhibits A – N into evidence.

Mr. Harris objected to the admission of Exhibits D and L based on lack of relevance. Ms. de Blank sustained the objection.

Mr. Harris objected to the admission of Exhibit G based on vagueness. Ms. de Blank overruled the objection.

Mr. Harris objected to the admission of Exhibit I based on relevance and because it was not unsigned. Ms. de Blank overruled the objection.

Mr. Harris objected to the admissions of Exhibits J and K based on relevance. Ms. de Blank overruled the objection.

Ms. de Blank admitted Respondent's Exhibits A – C, E – K, and M – N.

Mr. Harris and Ms. Akins-Arbuckle made closing arguments.

Members discussed changes to the factual allegations in the Complaint and Notice of Hearing. Following discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to adopt the factual allegations as amended as findings of fact. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Krishna, to adopt the charges from the notice of hearing as conclusions of law. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to issue an order as follows:

- The professional's license shall be placed on probation
- The professional shall complete a pre-approved 3-semester credit hour graduate level course in assessment, diagnosis and treatment planning within 12 months
- The professional shall complete 1 pre-approved continuing education course consisting of a minimum of 8-clock hours addressing behavioral health ethics that addresses dual relationships and referral of issues outside the scope of a professional's expertise within 12 months.
- The professional shall receive clinical supervision from a pre-approved clinical supervisor focusing on ethics, dual relationships, scope of practice issues, current behavioral health documentation requirements and assessment and treatment issues for 24 months
- Quarterly supervision reports shall include the date, duration and content of all supervision sessions
- The clinical supervisor must immediately advise the Board if he/she identifies any issues that would lead a reasonable supervisor to have concerns about the professional's ability to practice safely and competently
- The professional can requested early release after 12 months if she has timely complied with all required terms

The motion passed unanimously. See attached roll call.

6. Formal Interviews

A. 2009-0108, Francine Akins-Arbuckle, LPC-11723

The professional did not accept the Board's invitation to participate in a formal interview.

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

A. 2010-0050, Margaret Beresford, LPC-1768

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

The complainant appeared in person and addressed the Board.

The professional and her attorney, Susan Trujillo, appeared in person and addressed the Board.

Following review and discussion by members, Ms. Krishna moved, seconded by Dr. Bowden, to dismiss the complaint as recommended by the Counseling Credentialing Committee. The motion passed unanimously.

B. 2011-0071, Debrah Delos-Santos, LMFT-10229

Dr. Gabler was recused from all matter involving the professional.

The Board determined to invoke the rule of impossibility because Dr. Gabler's recusal and the Board's continuing inability to get additional members appointed renders the Board unable to have a quorum of members to review this matter.

Ms. Rinaudo provided information regarding the signed consent agreement for the voluntary surrender of the professional's license.

The professional was properly noticed, but did not appear.

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

C. 2011-0093, Janet McFarland, LAC-12775

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

The professional and her friend, Trudy Kirkly, appeared in person and addressed the Board.

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

D. 2010-0032, David Orłowski, LPC-1276

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

The complainant appeared in person and addressed the Board.

The professional was properly noticed, but did not appear.

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

E. 2011-0042, Danielle Tassielli, LMSW applicant

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Craig Logsdon, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. de Blank, to re-offer the consent agreement. The motion failed with Dr. Bowden and Ms. de Blank in favor. See attached roll call vote.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to re-offer the consent agreement. The motion carried with Dr. Gabler and Ms. Krishna opposed. See attached roll call vote.

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

A. *Rayne Norton, LC2008-000859-001 DT, 1 CA-CV 10-0049*
Tabled

B. *William Jefferson, LC2010-000516 DT*
Tabled

C. *John Lare, LC2011-00011-001 DT*
Tabled

D. *2011-0002, Georgia Fourlas, LISAC-13167*
Tabled

9. Applications for licensure: review, consideration and action

Timiadi Edogi, LMSW applicant

Ms. Rinaudo summarized information the Board received regarding the applicant's recent termination from Child Protective Services for cause.

Mr. Mitchell moved, seconded Dr. Bowden, to open a complaint, rescind the Social Work Credentialing Committee's August 8, 2010, motion to authorize the applicant to test, and to request further investigation. The motion passed unanimously.

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 2 applicants as Reciprocal Licensed Clinical Social Workers, 11 applicants as Licensed Master Social Workers and one applicant as a licensed Bachelor Social Worker. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to deny 1 application based on failure to take and/or pass the required exam and 2 applications based on failure to meet minimum requirements. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Dr. Gabler, to approve 8 applicants as Licensed Associate Counselors and 2 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Bowden, to deny 4 applications based on failure to meet minimum requirements and 1 application based on a finding of unprofessional conduct and not meeting minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Mr. Mitchell, to approve 2 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Dr. Gabler moved, seconded by Dr. Bowden, to deny 1 application based on failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Ms. Krishna, to approve 2 applicants as Licensed Associate Substance Abuse Counselors and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to deny 1 application based on failure to meet minimum requirements. The motion passed unanimously.

10. Report from Chair

A. Chair report

No report

B. Schedule meetings for formal hearings

Tabled

11. Report from the Treasurer

A. Monthly Financial Report

Tabled

12. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

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

C. Staff compensation

Ms. Rinaudo reported that she is compiling information for Personnel Subcommittee review regarding staff compensation issues.

D. Linda Bennardo

Tabled

13. Committee Reports

A. Appointment of members to the Personnel Subcommittee

Ms. de Blank moved, seconded by Ms. Krishna, to appoint Dr. Bowden to the Personnel Subcommittee. The motion passed unanimously.

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

None

15. Future agenda items

None

16. Call for public comment

None

17. Establishment of future meeting dates

The next regular meeting is scheduled for Thursday, July 7, 2011, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Members discussed rescheduling the August meeting. Board staff will communicate with members regarding alternative dates.

18. Adjournment

Dr. Bowden moved, seconded by Ms. Krishna, to adjourn. The motion passed unanimously and the meeting was adjourned at 6:17 p.m.

Gloria Gabler
Secretary/Treasurer

Date