



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
April 7, 2011

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

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on April 7, 2011, at 9:03 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Bowden moved, seconded by Ms. Krishna, to approve the general meeting minutes from the March 3, 2011, meeting as submitted. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Bowden, to approve the general meeting minutes from the March 3, 2011, meeting as amended to indicate that Ms. de Blank was in attendance. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Mitchell, to approve the amended general meeting minutes from the January 6, 2011, meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

A. 2011-0066, Athen Alexander, LAMFT applicant

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

B. 2011-0021 and 2010-0010, Willis Beasley, LPC-10904

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to consolidate Complaint Nos. 2010-0010 and 2011-0021 and to accept the proposed signed consent agreement.

C. 2010-0010, Willis Beasley, LPC-10904

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to refer the conduct of a nurse practitioner in this matter to the Arizona Board of Nursing.

D. 2010-0071, Kristine Hayes, LISAC-10550

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

E. 2011-0103, Marna Petersen, LASAC applicant

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

F. 2007-0045, Heidi Quinlan, LPC-13084 and LISAC-11071

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

G. 2009-0083 and 2011-0094, Leanne Schroeder, LAC-11691

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

H. 2011-0105, Gina Siler, LAC applicant

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

I. 2009-0089, Brenda S. Taylor, LISAC-1503 suspended

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to release the professional from the Interim Consent Agreement and accept the proposed signed consent agreement.

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

The Board took a break at 10:47 a.m., reconvening its public meeting at 10:55 a.m.

5. Administrative Hearings 10:30 AM

A. 2011-0061, Edward Coin, LAC 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.

Mr. Coin appeared in person.

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

Mr. Harris and Mr. Coin made opening statements.

Mr. Coin called Kami Thur, Board Investigator. Ms. Thur was sworn and testified.

Mr. Coin was sworn and testified on his own behalf.

Mr. Harris called Kami Thur, Board Investigator, to testify on behalf of the State.

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

Mr. Coin and Mr. Harris made closing arguments.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to uphold the Substance Abuse Credentialing Committee's recommendation to deny the professional's license application. The motion passed unanimously. See attached roll call vote.

A. 2011-0002, Georgia Furlas, LASAC-13167

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. Furlas' attorney, Michael Kimerer, appeared on her behalf. Ms. Furlas was not present.

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

Mr. Kimerer and Mr. Harris addressed the Board and requested that the Board accept the signed proposed consent agreement.

Following review and discussion by members, Ms. de Blank moved, seconded by Ms. Krishna, to accept the signed consent agreement. The motion failed with Ms. Krishna in favor. See attached roll call vote.

Following further review and discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to offer a revised consent agreement requiring that Ms. Fourlas complete either a 3 semester credit hour course in ethics or 6 clock hours of continuing education addressing ethics in social networking as it relates to behavioral health. The motion carried with Ms. Krishna opposed.

B. 2010-0105 and 2010-0133, Albert Ledet, LISAC-13167

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.

Mr. Ledet and his attorney, Charles Hover, appeared in person.

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

Following opening statements by Mr. Harris and Mr. Hover, both parties stipulated to findings of fact for consideration by the Board.

Ms. de Blank admitted State's Exhibits 1 – 3 into evidence.

Dr. Will Counts and Tim Martinson, Black Family and Child Services, were sworn in and testified on behalf of the professional.

Mr. Ledet was sworn and testified on his own behalf.

Ms. de Blank admitted Respondent's Exhibits A, B and C into evidence.

Mr. Hover requested that the Board take judicial notice of the reasons for 2010 revocations listed in the Board's adverse action report.

Ms. de Blank admitted Respondent's Exhibits D and E into evidence.

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

Mr. Harris and Mr. Hover made closing arguments.

Following review and discussion by members, Ms. de Blank moved, seconded by Dr. Bowden, to accept the stipulated findings of fact and conclusions of law. The motion passed unanimously. See attached roll call vote.

Following further discussion, Mr. Mitchell moved, seconded by Dr. Bowden, 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. 2010-0070, Paula DeBenedetto, LCSW-1922

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

The complainant was properly noticed, but did not appear.

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

Following review and discussion by members, Ms. de Blank moved, seconded by Ms. Krishna, to delete the NASW Code of Ethics Section 1.06(c) from the conclusions of law. The motion passed unanimously.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to retain A.A.C. R4-6-1105(A) in the conclusions of law. The motion passed unanimously.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to delete A.A.C. R4-6-1103(A) from the conclusions of law. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Ms. de Blank, to offer the consent agreement as modified 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. 2009-0043, 2009-0121 and 2010-0019, Alfred Dodini, LCSW-11040 and LAMFT-10257
Ms. Reynolds summarized the results of the Board's investigation.

The complainant in Complaint No. 2010-0019 appeared in person and addressed the Board.

The professional and his attorney, Steven Myers, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. de Blank, not to modify the conclusions of law of the revised consent agreement. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Mr. Mitchell, 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. 2010-0031, Lynn Hoyland, LMFT-0346
Ms. Reynolds summarized the results of the Board's investigation.

The complainant was properly noticed, but did not appear.

The professional and her attorney, Farin Akins, appeared in person and addressed the Board.

Ms. de Blank moved, seconded by Dr. Bowden, 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 10:23 a.m., reconvening its public meeting at 10:35 a.m.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to dismiss the complaint and modify the letter of concern to include all of the items from proposed consent agreement. The motion passed unanimously.

D. 2010-0069, Howard Markson, LCSW-0470
Ms. Reynolds 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 dismiss the complaint as recommended by the Marriage and Family Therapy Credentialing Committee. The motion passed unanimously.

The Board took a break at 1:25 p.m., reconvening its public meeting at 1:33 p.m.

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

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

Mr. Harris provided a status report regarding the recent Court of Appeals decision.

B. Williams Jefferson, LC2010-000516 DT

Mr. Harris provided a status report on the Judicial Review Action.

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

Mr. Harris provided a status report on the Special Action filed by Mr. Lare.

9. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 2 applicants as Licensed Clinical Social Workers, one applicant as a Reciprocal Licensed Clinical Social Worker, 20 applicants as Licensed Master Social Workers and one applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. de Blank, to deny 4 applications based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Mr. Mitchell, to approve 15 applicants as Licensed Associate Counselors, 5 applicants as Licensed Professional Counselors and 2 applicants as Reciprocal Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Mitchell, to deny 3 applications based on failure to meet minimum requirements and 2 applications based on not meeting minimum requirements and a finding of unprofessional conduct. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Dr. Bowden, to approve 6 applicants as Licensed Associate Marriage and Family Therapists and one applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

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

Substance Abuse

Dr. Bowden moved, seconded by Mr. Mitchell, to approve one applicant as a Licensed Associate Substance Abuse Counselor. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to deny 2 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 report.

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*

None

B. *Update regarding budget negotiations*

Ms. Reynolds reported regarding proposed sweeps of Board funds.

C. *Update regarding Senate Bill 1288*

Ms. Reynolds reported regarding SB1288.

D. Review, consideration and possible action regarding continued need for tracking of investigator time.

Ms. Reynolds reported regarding the resources needed for investigators to track their time where the Board rarely imposes investigative costs for consent agreement non-compliance issues.

Following discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to direct the investigators to stop tracking time per case and to include a civil penalty of one thousand dollars in each consent agreement as an alternative incentive to encourage compliance. The motion passed unanimously.

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 one responded to the Board's call for public comment.

17. Establishment of future meeting dates

The next regular meeting is scheduled for Thursday, May 5, 2011, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Possible rescheduling of June Board meeting

Members agreed to schedule the June Board meeting for Tuesday, May 31, 2011.

18. Adjournment

Mr. Mitchell moved, seconded by Dr. Gabler, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:12 p.m.

Gloria Gabler
Secretary/Treasurer

Date