



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 2, 2012

Members Present: Gloria Gabler, Kirk Bowden, Bruce Murchison, Deborah Pettitt, Jayne McElfresh

Members Absent: Steve Lankton, Damon Cable

Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Kami Thur, Board Investigator, Mary Wilson

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on April 2, 2012, at 9:01 a.m. with Dr. Bowden presiding.

**2. Roll Call**

See above.

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

Dr. Bowden moved, seconded by Mr. Murchison, to approve the general meeting minutes from the February 3, 2012, meeting as submitted. The motion passed unanimously. Ms. Pettitt and Ms. McElfresh abstained from the vote.

Dr. Bowden moved, seconded by Mr. Murchison, to approve the executive session minutes from the February 3, 2012, meeting as submitted. The motion passed unanimously. Ms. Pettitt and Ms. McElfresh abstained from the vote.

Dr. Bowden moved, seconded by Mr. Murchison, to approve the general meeting minutes from the March 5, 2012, teleconference meeting as submitted. The motion passed unanimously. Ms. Pettitt and Ms. McElfresh abstained from the vote.

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

*A. 2012-0095, Elijah Bedrosian, LAC applicant*

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

*B. 2009-0049, Jane Davis, LPC-0818*

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

Dr. Gabler had a technical question regarding one of the report attachments. Staff provided complete copies of the attachment.

Following review and discussion by members, Dr. Gabler moved, seconded by Dr. Bowden, to accept the signed consent agreement. The motion passed unanimously.

*C. 2012-0062, Jacquelyn Dearth, LPC-11773 and LISAC-10730*

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

*D. 2010-0107, Fernando Estrada, LCSW-2273*

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

*E. 2010-0115, Mamta Gupta, LPC-1623*

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

*F. 2008-0064, Lisa Moody, LISAC-10353*

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

*G. 2011-0063, Hal Nevitt, LCSW-3406 and LISAC-0837*

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

*H. 2011-0134, Luranna Perez, LISAC-11644*

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

*I. 2010-0016, Valerie Perrone, LCSW-11926*

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

*J. 2010-0008, David Stephensen, LCSW-11293*

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

Following review and discussion by members, Mr. Murchison moved, seconded by Ms. McElfresh, to accept the consent agenda items A and C through J as presented. The motion passed unanimously. See attached roll call vote.

*The Board took a break at 10:02 a.m., reconvening its public meeting at 10:10 a.m.*

## **5. Administrative Hearings**

*A. 2011-0151, Tamera Van Berkel, LAC applicant*

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. Van Berkel appeared and made an opening statement.

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

Ms. Van Berkel was sworn and verified that all statements made during her opening statement were true.

The professional's father was sworn in and testified on her behalf.

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

State's Exhibits 1 – 4 were accepted into evidence.

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

*B. 2010-0032, David Orłowski, LPC-1276*

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

Mr. Harris, A.A.G., appeared on behalf of the State and requested that the Board accept the proposed signed consent agreement.

The professional's attorney, Craig McCarthy, appeared and requested that the Board accept the proposed signed consent agreement.

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

*C. 2010-0059, Douglas Pickett, LISAC-0418*

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

The professional and his attorney, Robert Jarvis, appeared and requested that the Board accept the proposed signed consent agreement.

Mr. Harris, A.A.G., appeared on behalf of the State and requested that the Board accept the proposed signed consent agreement.

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

**6. Formal Interviews**

None

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

*A. 2012-0070, Fred Elsen, LMSW-3569*

Ms. Rinaudo summarized the complaint.

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

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

*B. 2011-0040, Karmin Fowler, LAC-12527 (suspension under review)*

Ms. Rinaudo summarized the professional's request for Board review regarding the lifting of the stay of the suspension of her license based on her noncompliance with a Board consent agreement.

The professional appeared in person and addressed the Board.

Dr. Bowden 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 9:18 a.m., reconvening its public meeting at 9:26 a.m.

Following review and discussion, Dr. Bowden moved, seconded by Dr. Gabler, to affirm the lifting of the stay of the suspension of the professional's license based on her noncompliance with a Board consent agreement. The motion passed unanimously. See attached roll call vote.

*C. 2011-0032, Susan Fox, LPC-10643*

Ms. Rinaudo summarized the complaint.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. McElfresh moved, seconded by Dr. Bowden, to accept the signed consent agreement. The motion passed unanimously.

D. 2012-0071, Charles Howard, LISAC-11725  
Ms. Rinaudo summarized the complaint.

The professional appeared in person and requested that the Board modify the proposed consent agreement. The professional verbally agreed to sign a consent agreement that includes language indicating that he did not believe Client was suicidal during their 10/11 telephone conversation.

Following review and discussion by members, Ms. McElfresh moved, seconded by Dr. Bowden, to accept a modified consent agreement that includes a statement that the professional did not believe Client was suicidal

during their 10/11 telephone conversation and the professional's verbal agreement to sign the modified consent agreement and, if not signed, to accept the original signed consent agreement. The motion passed unanimously. See attached roll call vote.

E. 2012-0015 and NJ12-0001, Micki Kloss, LMFT-0157 (suspended)  
Ms. Rinaudo summarized the complaints.

The professional's attorney, Kelly McDonald, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Murchison moved, seconded by Ms. McElfresh, 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 passed unanimously. See attached roll call vote.

*The Board took a break at 11:50 a.m., reconvening its public meeting at 12:03 a.m.*

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

A. *Update regarding Robert Collette judicial review action*

Mr. Harris provided an update regarding Mr. Collette's judicial review action.

B. *Update regarding John Lare judicial review action*

Mr. Harris provided an update regarding Mr. Lare's judicial review action.

C. *Open Meeting Law training*

Mr. Harris provided training regarding the Open Meeting Law.

9. **Applications for licensure: review, consideration and action**

*Social Work*

Dr. Gabler moved, seconded by Ms. McElfresh, to approve 2 applicants as Reciprocal Licensed Clinical Social Workers, 8 applicants as Licensed Clinical Social Workers and 48 applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Gabler 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 1 application based on failure to take and/or pass the required exam. The motion passed unanimously.

*Counseling*

Dr. Gabler moved, seconded by Ms. McElfresh, to approve 37 applicants as Licensed Associate Counselors and 16 applicants as Licensed Professional Counselors. The motion passed unanimously.

Dr. Gabler moved, seconded by Ms. McElfresh, to deny 11 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.

*Marriage and Family Therapy*

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

Dr. Gabler moved, seconded by Ms. McElfresh, to deny 4 applications based on failure to meet minimum requirements, 2 applications based on failure to take and/or pass the required exam and 1 application based on failure to meet minimum requirements and a finding of unprofessional conduct. The motion passed unanimously.

*Substance Abuse*

Dr. Bowden moved, seconded by Dr. Gabler, to approve 7 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Bowden moved, seconded by Dr. Gabler, to deny 3 applications based on failure to meet minimum requirements, 2 applications based on a finding of unprofessional conduct and 1 application based on failure to meet minimum requirements and a finding of unprofessional conduct. The motion passed unanimously.

*Elijah Bedrosian, LAC applicant*

Dr. Bowden indicated that he is Chair of the Counseling program at Grand Canyon University, but there is nothing regarding his position that would keep him from making an unbiased and objective decision regarding the course the applicant completed at ASU.

Members reviewed information regarding the ethics course completed by the applicant.

Following review and discussion by members, Mr. Murchison moved, seconded by Dr. Gabler, to uphold the Counseling Credentialing Committee's decision that the course Mr. Bedrosian completed meets Board curriculum requirements. The motion passed unanimously.

*The Board took a break at 2:35 p.m., reconvening its public meeting at 2:45 p.m.*

**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 Ms. McElfresh, to accept the February 29, 2012, monthly financial report 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. Update regarding Sunset Review audit*

Ms. Rinaudo provided an update regarding the audit.

*D. Review, consideration and action regarding notification of an employer when the Board lifts the stay on a license suspension or revocation*

Ms. Rinaudo asked whether the Board wanted automatic notification to be provided to a professional's employer upon the lifting of the stay on a license suspension or revocation.

Mr. Murchison moved, seconded by Dr. Bowden, to add language to the standard consent agreement language indicating that the employer will be automatically notified upon the lifting of the stay on a license suspension or revocation. The motion passed unanimously.

*E. Appointment of members to review continuing education content for compliance with A.A.C. R4-6-212(J)*

Mr. Murchison moved, seconded by Ms. McElfresh, to appoint a subcommittee to review the content of continuing education submitted to meet requirements set forth in A.A.C. R4-6-212(J) comprised of Dr. Gabler and 2 other professional members from the credentialing committees. The motion passed unanimously.

*F. Discussion regarding formation of a workgroup*

Ms. Rinaudo provided information regarding the formation of a work group comprised of representatives from the four state professional associations. The work group was formed to try to identify concerns in the regulated community regarding the Board's processes and to develop possible solutions.

*G. Election of Board officers*

Dr. Bowden and Dr. Gabler expressed interest in serving as Chair.

Mr. Murchison moved, seconded by Dr. Bowden, to nominate Dr. Bowden as Chair. The motion carried with Dr. Gabler and Ms. Pettitt opposed.

Dr. Bowden moved, seconded by Mr. Murchison, to nominate Dr. Gabler as Secretary. The motion passed unanimously.

*H. Review, consideration and possible action regarding recognition of replaced Board and Committee members*

Members asked that recognition of past Board members be placed on a future agenda.

**13. Committee Reports**

None

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

None

**15. Future agenda items**

Update report by the auditors

**16. Call for public comment**

Two attendees from Tucson addressed the Board regarding their perceptions regarding the Board's processes.

**17. Establishment of future meeting dates**

The next regular meeting is scheduled for Thursday, May 3, 2012, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Staff will contact members regarding rescheduling of the May, June and July Board meetings.

**18. Adjournment**

Ms. McElfresh moved, seconded by Ms. Pettitt, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:03 p.m.

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Gloria Gabler  
Secretary/Treasurer

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Date