



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 4, 2013

Members Present: Kirk Bowden, Gloria Gabler, Steve Lankton, Deborah Pettitt, Mary Coonrod, Jayne McElfresh

Members Absent: Bruce Murchison

Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on April 4, 2013, at 8:38 a.m. with Dr. Bowden presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Lankton moved, seconded by Ms. Coonrod, to approve the general meeting minutes from the March 7, 2013, meeting as submitted. The motion passed unanimously. Ms. McElfresh abstained from the vote.

Dr. Gabler moved, seconded by Mr. Lankton, to approve the executive session minutes from the March 7, 2013, meeting as submitted. The motion passed unanimously. Ms. McElfresh abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2012-0104, Deborah Cosgrove, LASAC-13121 (suspended)

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint without prejudice.

Mr. Lankton moved, seconded by Ms. Pettitt, to dismiss the complaint without prejudice. The motion passed unanimously.

B. 2011-0102, Mary Hennessey-Peirce, LISAC-0579 and LCSW-10373

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

Mr. Lankton moved, seconded by Dr. Gabler, to reoffer the consent agreement amended to require clinical supervision on a weekly basis. The motion passed unanimously. See attached roll call vote.

C. 2013-0070, Marci Kyle, LMSW applicant

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

D. 2013-0076, Nancy Langsner, LAC applicant

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

E. 2012-0088, Julie Miller, LPC-11997

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

F. 2011-0077, Mark Morton, LCSW-1722

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

G. 2012-0130, Michael Rubel, LISAC-10320 (suspended)

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint without prejudice.

H. 2010-0094, Anne Williams, LPC-11752 (suspended) and LISAC-10391 (suspended)

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to release the professional from the interim consent agreement under the proposed signed non-disciplinary consent agreement.

Following review and discussion by members, Mr. Lankton moved, seconded by Ms. Pettitt, to accept the consent agenda items C through H as presented. See attached roll call vote. Ms. Coonrod abstained from the vote.

5. Administrative Hearings

A. 2013-0053, Stephanie Hight, LPC-10323 (suspended)

Ms. Clinkenbeard presented the professional's request for a continuance.

Mr. Harris addressed the Board regarding the professional's request for a continuance. The complainant and his therapist were present and ready to testify.

The professional was served the notice of hearing by certified mail.

Ms. McElfresh moved, seconded by Ms. Coonrod, to deny the professional's request for a continuance. The motion passed unanimously.

Mr. Munns, Solicitor General's Office, appeared on behalf of the Board.

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

Dr. Bowden admitted State's Exhibit's 1 through 8 into evidence with references to the client redacted from Exhibit 2 and 3.

The complainant, DK, was sworn in and testified.

Ms. Clinkenbeard, Deputy Director, was sworn in and testified.

Mr. Harris made a closing statement.

Following review and discussion, Dr. Gabler moved, seconded by Mr. Lankton, to accept the Factual Allegations as findings of fact and to accept the Notice of Charges as conclusions of law. The motion passed unanimously.

Ms. McElfresh moved, seconded by Ms. Coonrod, to issue an order revoking the professional's license. The motion passed unanimously.

The Board took a break at 11:48 a.m., reconvening its public meeting at 11:55 a.m.

B. 2013-0052, Maurice Stephens, LMSW applicant

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

Mr. Stephens was sworn in and made an opening statement.

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

Ms. Clinkenbeard, Deputy Director, was sworn in and testified.

Dr. Bowden admitted State's Exhibits 1 through 18 into evidence.

Mr. Stephens made a closing statement.

Mr. Harris, A.A.G., made a closing statement.

Following review and discussion, Dr. Gabler moved, seconded by Ms. McElfresh, to authorize the applicant to test for licensure. The motion carried with Mr. Lankton and Dr. Bowden opposed. See attached roll call vote.

6. Formal Interviews

None

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

A. 2013-0057, Cheryl Bolte, LISAC- 10915 and LPC-10982

Ms. Rinaudo summarized information regarding the matter.

Ms. Pettitt moved, seconded by Ms. Coonrod, to go into executive session to review medical information exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the Board went into executive session at 12:50 p.m., reconvening its public meeting at 12:55 p.m.

The professional appeared in person and addressed the Board.

Dr. Janice Blair addressed the Board on the professional's behalf.

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

Following review and discussion, Mr. Lankton moved, seconded by Ms. McElfresh, to direct Mr. Harris to work with the professional's attorney on the proposed interim consent agreement. The motion passed unanimously.

Following further discussion, Ms. Coonrod moved, seconded by Ms. McElfresh, that the professional can start work according to the consent agreement. The motion passed unanimously.

B. 2013-0033, Francis Conrad, LCSW-11315

Ms. Rinaudo summarized information regarding the complaint.

The professional was available for questions.

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

The Board took a break at 10:19 a.m., reconvening its public meeting at 10:32 a.m.

C. 2012-0050 and 2013-0055, Donald Diebold, LISAC-11485

Ms. Coonrod recused herself from all matters involving Mr. Diebold.

Ms. Rinaudo summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Pettitt, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote. Ms. Coonrod was recused from the vote.

D. 2013-0056, David Emehiser, LISAC-11423

Ms. Rinaudo summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Coonrod, to dismiss the complaint with a revised letter of concern. The motion passed unanimously.

E. 2012-0084, Andrea March, LMSW-12753 (suspended)

Ms. Rinaudo summarized information regarding the complaint.

The professional was available for questions.

Following review and discussion, Ms. McElfresh moved, seconded by Mr. Lankton, to accept the consent agreement and modified letter of concern. The motion passed unanimously. See attached roll call vote.

F. 2012-0119 and 2013-0025, Anthony Parrish, LISAC-1381

Ms. Coonrod recused herself from all matters involving Mr. Parrish.

Ms. Rinaudo summarized information regarding the complaint.

The professional appeared and was available for questions.

Following review and discussion, Mr. Lankton moved, seconded by Ms. McElfresh, to remand the matter to formal hearing. The motion passed unanimously. Ms. Coonrod was recused from the vote.

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

None

9. Applications for licensure: review, consideration and action

A. Debra Lowther, LPC applicant

Dr. Gabler moved, seconded by Ms. Pettitt, to rescind this Board's March 7, 2013, motion to deny licensure based on failure to meet minimum requirements. The motion passed unanimously. Ms. McElfresh abstained from the vote.

Social Work

Mr. Lankton moved, seconded by Dr. Gabler, to approve 4 applicants as Licensed Clinical Social Workers, one applicant as a Reciprocal Licensed Clinical Social Worker, 17 applicants as Licensed Master Social Workers, and one applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Mr. Lankton moved, seconded by Dr. Gabler, to deny one application 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 26 applicants as Licensed Associate Counselors and 14 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. Pettitt moved, seconded by Ms. McElfresh, to deny one application based on not meeting minimum requirements and one application based on failure to take and/or pass the required exam. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Lankton, to approve 6 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. Lankton, to deny 3 applications based on failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Mr. Lankton, to approve 7 applicants as Licensed Associate Marriage and Family Therapists and 3 applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Lankton, to deny 2 applications based on failure to take and/or pass the required exam and one application 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 Ms. Pettitt, to accept the 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. Update regarding agency personnel changes

Ms. Rinaudo reviewed recent changes to agency personnel and provided an organizational chart.

Ms. Pettitt moved, seconded by Ms. McElfresh, to go into executive session to review personnel matters exempt from public inspection pursuant to A.R.S. §38-431.03(A)(1). The motion passed unanimously and the Board went into executive session at 1:20 p.m., reconvening its public meeting at 1:26 p.m.

C. SB1374

Ms. Clinkenbeard provided information regarding SB1374.

D. HB2578

No report.

E. Development of consistent standards with regard to work experience and clinical supervision requirements for independent licensure

Ms. Rinaudo summarized the issue that was continued from the February meeting.

Neal Harrington spoke on behalf of Larry Cohen to present their request for interpretation of the rules.

Mr. Lankton moved, seconded by Dr. Gabler, 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 8:47 a.m., reconvening its public meeting at 9:17 a.m.

Following discussion, members agreed to the following:

- The Board will have the opportunity to review all of its rules and implement appropriate changes during discussions related to rule changes required by SB 1374.
- Some of the Board's current rules and statutes allow members to use discretion to interpret those rules and statutes and some do not.
- The Board needs to have consistent interpretations of those rules and statutes that allow for some discretion.
- If a credentialing committee reviews an application and determines that a particular statutory or rule requirement is unclear and subject to interpretation, the committee will forward that application to the Board with a recommended interpretation for final Board decision.

13. Committee reports

No report

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

None

15. Future agenda items

Discussion regarding investigative reports and training investigators.

16. Call for public comment

No one responded to the call for public comment.

17. Establishment of future meeting dates

The next meeting is scheduled for Thursday, May 2, 2013, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Mr. Lankton moved, seconded by Ms. McElfresh, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:43 p.m.

Gloria Gabler
Secretary/Treasurer

Date