



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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JANICE K. BREWER  
Governor

DEBRA RINAUDO  
Executive Director

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BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
August 7, 2009

Members Present: Laura de Blank, Kirk Bowden, Gloria Gabler, Doug Mitchell, Kahryn Nix  
Members absent: Ruth Lee, Diane Brassea  
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Marie Jo Foster, Solicitor General's Office,  
Patricia Reynolds, Investigator, Mary Wilson, Elma Brambila

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on August 7, 2009, at 9:07 a.m. with Ms. de Blank presiding.

**2. Roll Call**

See above.

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

Dr. Gabler moved, seconded by Dr. Bowden, to approve the general meeting minutes from July 10, 2009, as submitted. The motion passed unanimously. Ms. Nix abstained from the vote.

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the executive session minutes from June 5, 2009, as submitted. The motion passed unanimously. Ms. Nix abstained from the vote.

Dr. Gabler moved, seconded by Ms. de Blank, to approve the general meeting minutes from June 5, 2009, as amended. The motion passed unanimously. Dr. Bowden abstained from the vote.

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

Dr. Gabler requested that item I be pulled from the consent agenda and considered separately.

*A. 2009-0024, Dennis Andrew, LMFT-0083*

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

*B. 2007-0169, Jeremy Courtney, LISAC-11472*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to release the professional from the consent agreement.

*C. 2008-0020, Stephanie Cox, LPC-10114*

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to release the professional from the consent agreement.

*D. 2007-0125, Elisabeth Davies, LPC-1584 (suspended)*

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint and re-open if the professional re-applies for a license.

*E. 2005-0032, Gail Harper, LPC-0428*

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to release the professional from the consent agreement.

*F. 2007-0117, Shari Healy, LPC-11133*

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

*G. 2009-0013, Kirsten Hendershott, LISAC-1527 and LPC-10414*

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

*H. 2008-0103, Michael King, LPC-1905*

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

*I. 2007-0010, Robert Luigs, LISAC-10352*

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

Dr. Gabler expressed concern that the committee recommended dismissal without a recommendation to issue a letter of concern.

Following discussion by members, Dr. Gabler moved, seconded by Mr. Mitchell, to dismiss the complaint and issue a letter of concern. The motion carried with Ms. Nix opposed.

*J. 2009-0048, JoAnn Marks, LMFT-10280*

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to release the professional from the consent agreement.

*K. 2009-0075 and 2008-0115, Michael Rice, LISAC-1352*

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaints.

*L. 2007-0031, Joanne Rosenberg, LCSW-1087*

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

*M. 2006-0127, Karen Torry Greene, LCSW-10653*

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to release the professional from the non-disciplinary consent agreement.

Ms. Nix moved, seconded by Dr. Bowden, to approve the consent agenda items A – H and J – M as presented. The motion passed unanimously. See attached roll call.

## **5. Administrative Hearings 11:00 AM**

*A. 2009-0088, Abel Moniz-Ferreira, LMSW applicant*

The professional addressed the Board telephonically regarding his request for a review or rehearing.

The professional appeared telephonically.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Nix, to deny the request for a review or rehearing.

## **6. Formal Interviews 11:00 AM**

*A. 2007-0120, Louise Egan, LISAC-10073*

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

The complainant appeared in person and addressed the Board.

The professional and her attorney, Bradley Gardner, appeared in person.

Ms. Egan was sworn in and testified.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Nix, to dismiss the complaint. The motion carried with Ms. de Blank and Dr. Gabler opposed.

*B. 2007-0097, Linda Bennardo, LPC-12144*

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

Ms. Bennardo was sworn in and testified.

The professional's attorney, William Sawkiw, addressed the Board.

The complainant was sworn in and testified telephonically.

Ms. Moore, the professional's co-worker, was sworn in and testified.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to accept the findings of fact as set forth in the proposed original consent agreement. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to accept the conclusions of law as set forth in the proposed original consent agreement. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. de Blank, to issue an order that stipulates the following:

- The license will be placed on probation for a period of 24 months
- The professional shall complete a 3-semester credit hour pre-approved graduate level course in behavioral health ethics within 12 months
- The professional shall complete 3-clock hours of pre-approved continuing education regarding HIPPA within 12 months
- The professional shall complete 6-clock hours of pre-approved continuing education regarding highly contested divorce/custody cases within 12 months
- The professional shall receive clinical supervision every two weeks from a pre-approved masters or higher licensed behavioral health professional
- The focus of the clinical supervision shall relate to clinical boundaries, highly contested divorce/custody cases, clinical recordkeeping and scope of practice issues
- The clinical supervisor shall submit quarterly reports for approval
- Assessment of investigative costs, to be stayed if the professional is compliant with consent agreement requirements

The motion passed unanimously. See attached roll call.

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

*A. 2008-0122, Jean Caron, LISAC-11693 and LPC-10615*

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

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Ms. de Blank moved, seconded by Dr. Gabler, to dismiss the complaint as recommended by the Substance Abuse Credentialing Committee. The motion passed unanimously.

*B. 2009-0002, Thea Wilshire, LISAC-10709*

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Stephen Myers, appeared in person and addressed the Board. Mr. Myers requested that the Board remand this matter back to the Substance Abuse Credentialing Committee to consider whether to dismiss the complaint and remove it from the professional's complaint history pursuant to A.R.S. §32-3281(D) and (E).

Mr. Bowden moved, seconded by Mr. Mitchell, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously. The Board went into executive session at 9:33 a.m., reconvening its public meeting at 10:20 a.m.

Following review and discussion by members, Ms. Nix moved to remand the case back to the Substance Abuse Credentialing Committee. The motion failed for lack of a second.

Following further discussion, Dr. Gabler moved, seconded by Dr. Bowden, to dismiss the complaint as recommended by the Substance Abuse Credentialing Committee. The motion passed unanimously.

*C. 2007-0017 and 2009-0054, Diane Andrick, LISAC-0372*

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

One of the clients involved in Complaint No. 2007-0017 appeared in person and addressed the Board.

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

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to accept the consent agreement as recommended by the Counseling Credentialing Committee 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.

*The Board took a break at 2:28 p.m., reconvening its public meeting at 2:34 p.m.*

*D. 2009-0097, Antonietta Estrada, LISAC-10527*

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

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to accept the signed consent agreement for the voluntary surrender of the professional's license. The motion passed unanimously.

*E. 2009-0015 and 2009-0098, Diane Genco, LPC-1330*

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

2009-0015

The complainant appeared in person and addressed the Board.

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

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

2009-0098

The complainant appeared in person and addressed the Board.

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

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

*F. 2007-0023, Susan Livingston, LCSW-11160 (suspended)*

Tabled

*G. 2008-0082, Eve Mayer, LCSW-0211*

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Charles Hover, appeared in person and addressed the Board.

Following review and discussion by members, Ms. Nix moved, seconded by Mr. Mitchell, to accept the non-disciplinary consent agreement proposed by Mr. Hover. The motion failed with Mr. Mitchell and Ms. Nix in favor.

Following further discussion, Dr. Gabler moved, seconded by Dr. Bowden, to re-offer the original proposed consent agreement 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.

*H. 2008-0114, Mary Molinek, LPC-1541*

Tabled

*I. 2009-0033, Larry Pam, LISAC-10311 (suspended)*

Ms. Rinaudo summarized the results of the Board's investigation indicating that the professional violated the terms of the Interim Consent Agreement by continuing to practice under his license which after it was suspended.

The professional and his attorney, Michael Denea, appeared in person. Mr. Denea addressed the Board and indicated that Mr. Pam would not respond to questions that might implicate him in possible future criminal proceedings.

Following review and discussion by members, Ms. Nix moved, seconded by Dr. Gabler, to offer a consent agreement for the voluntary surrender of the professional's license and, if not signed, to summarily suspend the professional's license based on a finding that the public's health, safety or welfare imperatively requires emergency action. The motion passed unanimously. See attached roll call.

Following further discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to provide authorization to seek an injunction to stop the professional from engaging in the unauthorized practice of behavioral health and to refer this matter to the appropriate law enforcement agency. The motion carried with Ms. Nix opposed.

*J. 2008-0094, Kimberly Popkey, LPC-2248*

Tabled

*K. 2004-0035, Martha Thompson, LPC-1062*

Tabled

*L. NJ09-0021, Amy Gillespie*

Tabled

## **8. Applications for licensure: review, consideration and action**

*A. Anne Lipp, LCSW applicant*

Mr. Mitchell moved, seconded by Dr. Bowden, to issue the professional's LCSW license retroactive to July 1, 2009, based on the Board's administrative error. The motion passed unanimously.

### *Social Work*

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 3 applicants as Licensed Clinical Social Workers, 3 applicants as Reciprocal Licensed Clinical Social Workers, 20 applicants as Licensed Master Social Workers and 2 applicants as Licensed Bachelor Social Workers. The motion passed unanimously.

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

*Counseling*

Ms. de Blank moved, seconded by Mr. Mitchell, to approve 6 applicants as Licensed Associate Counselors, 7 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 1 applicant based on failure to meet minimum requirements in supervised work experience and a finding of unprofessional conduct and 1 applicant based on failure to pass the required exam. The motion passed unanimously.

*Substance Abuse*

Dr. Bowden moved, seconded by Ms. Nix, to approve 8 applicants as Licensed Associate Substance Abuse Counselors and 2 applicants as Licensed Substance Abuse Technicians. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Nix, to deny 4 applicants based on failure to meet minimum requirements in supervised work experience and/or education. The motion passed unanimously.

*Marriage and Family Therapy*

Dr. Gabler moved, seconded by Mr. Mitchell, to approve 9 applicants as Licensed Associate Marriage and Family Therapists and 1 applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

Dr. Gabler moved, seconded by Ms. Nix, to deny 2 applicants based on failure to pass the required exam. The motion passed unanimously.

**9. Report from Chair**

*A. Chair report*

No report.

*B. Member reports*

No report.

*C. A.R.S. §32-3281(E) regarding frivolous complaints*

Tabled

*D. Request for statutory change regarding court appointed behavioral health professionals*

Tabled

**10. Report from the Treasurer**

*A. Monthly Financial Report*

Tabled

**11. Report from the Executive Director and/or staff**

*A. General Agency Operations*

No report.

*B. Announcing disclosures and recusals and review of minutes*

Tabled

*C. Review of Board policies*

Tabled

*D. Report of FY10-11 budget*

Tabled

**12. Committee Reports**

*A. Appointment of members to Personnel Subcommittee*

Tabled

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

None

**14. Future agenda items**

None

**15. Call for public comment**

None

**16. Establishment of future meeting dates**

The next regular meeting is scheduled for September 4, 2009, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

**17. Adjournment**

Dr. Bowden moved, seconded by Mr. Mitchell, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:45 p.m.

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Gloria Gabler  
Secretary/Treasurer

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Date