



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
August 6, 2010

Members Present: Gloria Gabler, Kirk Bowden, Sunita Krishna
Members by telephone: Laura de Blank, Kahryn Nix
Members Absent: Doug Mitchell
Staff Present: Patricia Reynolds, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office,
Kami Thur, Jenny Lubben, Mary Wilson, Selena Samarripaz

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on August 6, 2010, at 9:03 a.m. with Dr. Gabler 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 July 9, 2010, meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

A. 2009-0037, Manuel Castillo, LMSW-12810

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

B. 2010-0124, Susan Rassas, LISAC-1393 and LPC-2288

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

C. 2007-0132, Danielle Reed, LCSW-12155

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

D. 2003-0071, 2003-0081 and 2006-0109, Barbara Waldman, LCSW-3559

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

Following review and discussion by members, Dr. Bowden 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 10:55 a.m., reconvening its public meeting at 11:05 a.m.

5. Administrative Hearings 11:00 AM

A. 2010-0099, Marianne Krivan, LCSW applicant

Mr. Harris made an opening statement on behalf of the state.

Cameron Hall made an opening statement on behalf of the applicant.

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

Ms. Krivan was sworn and testified on her own behalf.

Dr. Gabler accepted Respondent's Exhibits 1 through 4 into evidence.

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

The Board took a break at 12:30 p.m., reconvening its public meeting at 12:40 p.m.

Meryl Lawrence was sworn in and testified on behalf of the State.

The Board took a break at 2:07 p.m., reconvening its public meeting at 2:17 p.m.

Dr. Laura Masters was sworn in and testified on behalf of the State.

Mr. Harris offered State's Exhibits 1 through 13 into evidence with judicial notice of Exhibits 14 and 15.

Mr. Hall objected to Exhibit 1 based on no-one to question.

Dr. Gabler accepted State's Exhibits 1 through 15 into evidence.

Mr. Hall made a closing argument.

Mr. Harris made a closing argument.

Following review and discussion by members, Dr. Bowden moved, seconded by Dr. Gloria, to accept the following finding of fact: Failed to complete required documentation after being instructed to do so by your supervisor. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Dr. Gabler, to find conclusions of law A.R.S. §32-3251(12)(l) and A.R.S. § 32-3275(6). The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Ms. de Blank, to accept a consent agreement that stipulates the following:

- The professional shall be issued a license pursuant to a consent agreement
- The professional shall pass the ASWB clinical exam
- The professional shall not practice under the Arizona license until she returns to Arizona and notifies the Board of her employment at a licensed agency
- The professional shall complete a 3-semester credit pre-approved graduate level course in assessment, diagnosis and treatment within 12 months of the issuance of the license
- The professional shall complete 6-clock hours of pre-approved continuing education in NASW Staying Out of Trouble or an equivalent within 12 months of the issuance of the license
- The professional's license shall be on probation for 24 months from the time she returns to Arizona and accepts employment at a licensed agency. She shall notify the Board within 5 days of employment in Arizona.
- The professional shall not provide clinical supervision
- The professional shall receive clinical supervision from a pre-approved independently licensed behavioral health professional
- The clinical supervision shall occur twice a month with at least one session in-person and shall focus on documentation
- The professional can request release after 12 months of supervision if all other stipulations have been met and on the supervisor's recommendation

The motion passed unanimously. See attached roll call vote.

Dr. Bowden moved, seconded by Ms. Krishna, that if the consent agreement is not signed and accepted by the Board, the license is denied based on the conclusions of law. The motion passed unanimously.

B. 2010-0046, Michelle Easson, LAC applicant

Members reviewed information submitted in support of a request for a continuation of the formal hearing.

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

Following review and discussion by members, Dr. Gabler moved, seconded by Dr. Bowden, to grant the applicant's request for a continuance. The motion passed unanimously.

6. Formal Interviews

None

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

A. 2010-0082, Micki Kloss, LMFT-0157

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

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

Dr. Gabler moved, seconded by Ms. Krishna, 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 10:12 a.m., reconvening its public meeting at 10:18 a.m.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Nix, to offer a 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.

B. 2010-0041, Mitzi Mackenzie, LMSW-12181 and LCSW applicant

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

The professional and her attorney, Teresa Sanzio, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to remand the matter to formal hearing. The motion passed unanimously.

C. 2010-0117, Jamie Pullin, LASAC-13089

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to re-offer the consent agreement for the voluntary surrender of her license and, if not signed, to remand the matter to formal hearing. The motion passed unanimously.

D. 2010-0039, Danielle Reed, LCSW-12155

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

The professional was properly noticed, but did not appear.

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

E. 2010-0086, Nancy Taylor, LPC-10994

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Gabler moved, seconded by Dr. Bowden, to re-offer the 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.

F. NJ10-0020, Marilyn Daniel

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

The complainants addressed the Board telephonically.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

G. *NJ10-0021, Linda Frazee*

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

Following review and discussion by members, Dr. Gabler moved, seconded by Dr. Bowden, to dismiss the complaint as non-jurisdictional and to direct staff to notify the professional of the protection of the word psychotherapy(ist). The motion passed unanimously.

H. *NJ10-0022, Jay Piercefield*

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

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

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

A. *Status of judicial review actions and other Superior Court litigation: Information only unless otherwise indicated.*

B. *Uodates*

1. Cancellation of Elizabeth Rodgers formal hearing

Mr. Harris reported that Ms. Rodgers signed the consent agreement for the voluntary surrender of her license.

2. Court of Appeals proceeding regarding Rayne Norton

Mr. Harris reported that he has filed the answer in the Norton appeal.

9. Applications for licensure: review, consideration and action

A. *Mitzi Mackenzie, LCSW applicant*

Review, consideration and action regarding the applicant's request to withdraw her licensure application.

The applicant and her attorney, Teressa Sanzio, appeared in person and addressed the committee.

Dr. Gabler 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 9:28 a.m., reconvening its public meeting at 9:44 a.m.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to deny the applicant's request to withdraw her application. The motion carried with Ms. de Blank and Ms. Nix opposed.

Following further discussion, Dr. Bowden moved, seconded by Dr. Gabler, to deny the application based on the findings in the June 30, 2010, letter to the applicant. The motion carried with Ms. Nix opposed. See attached roll call vote.

Social Work

Dr. Bowden moved, seconded by Dr. Gabler, to approve 3 applicants as Licensed Clinical Social Workers, 10 applicants as Licensed Master Social Workers and 1 applicant as a Reciprocal Licensed Clinical Social Worker. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Krishna, to deny 4 applicants based on failure to pass the required exam. The motion passed unanimously.

Counseling

Dr. Gabler moved, seconded by Dr. Bowden, to approve 11 applicants as Licensed Associate Counselors, 4 applicants as Licensed Professional Counselors and 2 applicants as Reciprocal Licensed Professional Counselors. The motion passed unanimously.

Dr. Gabler moved, seconded by Dr. Bowden, to deny 4 applicants based on failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Dr. Bowden, to approve 4 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Dr. Gabler moved, seconded by Dr. Bowden, to deny 2 applicants based on failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Dr. Gabler, to approve 4 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Bowden moved, seconded by Dr. Gabler, to deny 2 applicants based on failure to meet minimum requirements and 1 applicant based on failure to pass the required exam. 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

No report.

B. Referral of information to Office of Behavioral Health Licensure

Ms. Reynolds summarized the information from the issues/problems at Mentor that resulted in complaints against licensed professionals.

Dr. Gabler moved, seconded by Dr. Bowden, to notify the Office of Behavioral Health Licensure of the deficiencies in documentation at Mentor. The motion passed unanimously.

C. Discussion regarding Board application of A.R.S. §32-3206

Tabled

13. Committee Reports

None

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, September 2, 2010, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Dr. Bowden moved, seconded by Ms. Krishna, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:28 p.m.

Gloria Gabler
Secretary/Treasurer

Date