



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 1, 2011

Members Present: Gloria Gabler, Kirk Bowden, Douglas Mitchell, Sunita Krishna, Bruce Murchison
Member by phone: Laura de Blank
Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., James Barton, Solicitor General's Office (telephone), Patricia Reynolds, Deputy Director, Lynanne Chapman, Investigator, Kami Thur, Investigator, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on August 1, 2011, at 9:04 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 1, 2011, meeting as submitted. The motion passed unanimously. Mr. Murchison abstained from the vote.

Dr. Bowden moved, seconded by Ms. Krishna, to approve the executive session minutes from the July 1, 2011, meeting as submitted. The motion passed unanimously. Mr. Murchison abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2003-0045 and 2007-0006, Gaye Adams, LPC-10249

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

B. 2011-0069, Tara Allen, LPC-13154

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

C. 2011-0092, Jodi Bracy, LPC-10568

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

D. 2010-0019, 2009-0043 and 2009-0121, Alfred Dodini, LCSW-11040 and LAMFT-10257

Review, consideration and action regarding the recommendation to accept the proposed modified signed consent agreement for the surrender of the professional's license.

E. 2011-0101, Mary Erhart, LISAC-0874

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

F. 2011-0072, George Green, LISAC-0044 (suspended expired) and LPC-1784 (suspended expired)

Review, consideration and action regarding the recommendation to accept the proposed modified signed consent agreement.

G. 2010-0029, Mary Kent, LPC-1165

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

H. 2011-0104, Jon Nelson, LAC-13268

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

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

5. Administrative Hearings

A. 2010-0100, Robert Collette, LMSW-12469

Dr. Gabler reviewed procedures for conducting a formal administrative hearing.

James Barton, Solicitor General's Office, appeared telephonically to provide independent legal advice to the Board.

Mr. Collette appeared in person.

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

Mr. Harris and Mr. Collette made opening statements.

Ms. Reynolds, BBHE Deputy Director, was sworn and testified on behalf of the State.

Mr. Harris offered State's Exhibits 1-5 into evidence. Dr. Gabler admitted State's Exhibits 1 -5 into evidence.

The Board took a break at 12:08 p.m., reconvening its public meeting at 12:18 p.m.

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

Mr. Harris questioned Ms. Reynolds on rebuttal.

Mr. Harris offered State's Exhibits 6 and 7 into evidence. Dr. Gabler accepted State's Exhibits 6 and 7 into evidence.

Mr. Harris and Mr. Collette made closing arguments.

Ms. Krishna moved, seconded by Mr. Mitchell, to adopt the Factual Allegations from the Complaint and Notice of Hearing as the Board's findings of fact. The motion passed unanimously.

Ms. Krishna moved, seconded by Mr. Mitchell, to adopt the Charges from the Complaint and Notice of Hearing as the Board's conclusions of law. The motion passed unanimously.

Following further discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to issue an Order revoking the professional's license. The motion carried with Mr. Murchison opposed. See attached roll call vote.

B. 2011-0106, Kirstie McLean, LMSW application

James Barton, Solicitor General's Office, appeared telephonically to provide independent legal advice to the Board.

Ms. McLean was properly noticed, but did not appear.

Mr. Harris, A.A.G., appeared on behalf of the state and addressed the Board.

Dr. Bowden moved, seconded by Mr. Mitchell, to affirm the denial of Ms. McLean's application for the reasons set forth in the Complaint and Notice of Hearing.

Dr. Bowden withdrew his motion and Mr. Mitchell withdrew his second.

Mr. Harris offered State's Exhibits 1-14 into evidence.

Dr. Bowden moved, seconded by Ms. Krishna, to admit State's Exhibits 1 – 14 into evidence. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to affirm the denial of Ms. McLean's application for the reasons set forth in the Complaint and Notice of Hearing.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to uphold the denial of the application for the reasons set forth in the Complaint and Notice of Hearing. The motion passed unanimously. See attached roll call vote.

6. Formal Interviews

None

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

A. 2010-0047 and 2011-0149, William Lowe, LISAC-1594

Ms. Rinaudo summarized the Board investigation.

The professional was properly noticed, but did not appear.

Following review and discussion, Ms. Krishna moved, seconded by Dr. Bowden, to re-offer the consent agreement and, if not signed by September 1, 2011, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

B. 2009-0100 and 2011-0081, Nancy McCoy, LPC-0240

Ms. Rinaudo summarized the Board investigation.

The complainant appeared in person and addressed the Board.

The professional appeared in person and addressed the Board.

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

C. 2009-0007, David Olivarez, LISAC-10277

Ms. Rinaudo summarized the Board's investigation.

The professional appeared in person and addressed the Board.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to offer the professional a modified consent agreement for the voluntary surrender of his license and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

D. 2010-0029, Douglas Pickett, LISAC-0418

Ms. Rinaudo summarized the Board investigation.

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the Board.

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

E. 2011-0034, Terri Waibel, LMSW applicant

Ms. Rinaudo summarized the Board complaint investigation.

The applicant appeared in person and addressed the committee.

Dr. Bowden moved, seconded by Mr. Mitchell, to go into executive session to review medical records 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 10:15 a.m., reconvening its public meeting at 10:28 a.m.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Krishna, to re-offer the consent agreement to the applicant and, if not signed, to deny the application for licensure based on unprofessional conduct. The motion passed unanimously. See attached roll call vote.

F. NJ11-0005, Joyce Nuth

Ms. Rinaudo summarized the non-jurisdictional complaint.

Ms. Nuth appeared in person and addressed the Board.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Krishna, to issue a cease and desist order. The motion passed unanimously. See attached roll call vote.

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

No report

9. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Dr. Bowden, to approve 2 applicants as Reciprocal Licensed Clinical Social Workers, 2 applicants as Licensed Clinical Social Workers and 16 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to deny 3 applications based on failure to take and/or pass the required exam, 1 application based on failure to meet minimum requirements and 1 application based on a finding of unprofessional conduct. The motion passed unanimously.

Counseling

Dr. Bowden moved, seconded by Dr. Gabler, to approve 24 applicants as Licensed Associate Counselors and 5 applicants as Licensed Professional Counselors. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Mitchell, to deny 3 applications based on failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Dr. Bowden, to approve 10 applicants as Licensed Associate Marriage and Family Therapists and 1 applicant as a Reciprocal Licensed Marriage and Family Therapist. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Mitchell, to deny 1 application based on failure to take and/or pass the required exam. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Mitchell, to approve 4 applicants as Licensed Associate Substance Abuse Counselors and 1 applicant as a Licensed Substance Abuse Technician. 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 Mr. Mitchell, 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.

13. Committee Reports

None

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

None

15. Future agenda items

Development of policy for committees to automatically open new complaint for non-compliance issues

16. Call for public comment

No one asked to speak in response to the call for public comment.

17. Establishment of future meeting dates

The next regular meeting is scheduled for Thursday, September 1, 2011, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Dr. Gabler moved, seconded by Mr. Mitchell, to approve the draft 2012 calendar. The motion passed unanimously. Ms. de Blank abstained from the vote.

18. Adjournment

Dr. Gabler moved, seconded by Mr. Mitchell, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:02 p.m.

Gloria Gabler
Secretary/Treasurer

Date