



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 2, 2012

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

Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Michelle Clinkenbeard, Board 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 2, 2012, at 9:03 a.m. with Dr. Bowden presiding.

**2. Roll Call**

See above.

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

Dr. Gabler moved, seconded by Mr. Lankton, to approve the general meeting minutes from the July 12, 2012, meeting as submitted. The motion passed unanimously.

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

A. 2012-0099, John de Pianelli, LISAC-11697 (revoked)

Review, consideration and action regarding dismissing the complaint without prejudice.

Following review and discussion by members, Mr. Murchison moved, seconded by Dr. Gabler, to accept the consent agenda as presented. The motion passed unanimously.

*The Board took a break at 10:32 a.m., reconvening its public meeting at 10:42 a.m.*

**5. Administrative Hearings**

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

A. 2012-0112, Eric Gaylord, LMSW applicant

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

Mr. Gaylord appeared and made an opening statement.

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

Mr. Gaylord was sworn in and testified.

Respondent's Exhibits A – E were accepted into evidence.

Michelle Clinkenbeard, Board Investigator, was sworn in and testified on behalf of the State.

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

Mr. Gaylord made a closing argument.

Mr. Harris made a closing argument.

Ms. Pettitt moved, seconded by Dr. Gabler, to affirm the denial of the license for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call vote.

*B. 2012-0109, Kim Greenberg, LAC applicant*

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

Ms. Greenberg appeared and withdrew her request for a formal hearing.

Mr. Harris, A.A.G., appeared on behalf of the State and indicated that the State did not oppose the professional's withdrawal of her request for a formal hearing.

Mr. Murchison moved, seconded by Mr. Lankton, to accept the professional's withdrawal of her request for a formal hearing and to affirm the denial of the license for the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call vote.

*The Board took a break at 12:00 p.m., reconvening its public meeting at 12:12 p.m.*

*C. 2012-0111, Rhonda Grier, LASAC applicant*

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

Ms. Grier appeared and withdrew her request for a formal hearing.

Mr. Harris, A.A.G., appeared on behalf of the State and indicated that the State did not oppose the professional's withdrawal of her request for a formal hearing.

Mr. Murchison moved, seconded by Ms. Pettitt, to accept the professional's withdrawal of her request for a formal hearing and to affirm the denial of the license based on the reasons set forth in the Notice of Hearing. The motion passed unanimously. See attached roll call vote.

*D. Lisa Jones, LASAC applicant*

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

Dr. Jones appeared and made an opening statement.

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

Dr. Jones declined to testify and called no witnesses.

Respondent's Exhibits A and B were admitted into evidence.

Debra Rinaudo, Executive Director, was sworn and testified on behalf of the State.

*The Board took a break to get copies at 1:01 p.m., reconvening its public meeting at 1:10 p.m.*

State's Exhibits 1 – 8 were accepted into evidence.

Dr. Jones made a closing argument.

Mr. Harris made a closing argument.

*The committee took a break at 2:05 p.m., reconvening its public meeting at 2:11 p.m.*

Members spoke to Mr. Munns, the Board's legal advisor, telephonically. Mr. Munns advised members they could continue the matter in order to request that the professional submit syllabi from her doctoral program. Following this communication, members declined to continue the hearing.

Following further discussion, Mr. Lankton moved, seconded by Dr. Bowden, to affirm the denial of the license for the reasons set forth in the Notice of Hearing. The motion carried with Mr. Murchison and Ms. Pettitt opposed. See attached roll call vote.

**6. Formal Interviews**

None

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

*A. 2012-0150, Da'Mond Gadson, LAC-13467*

Mr. Murchison indicated that he taught at Pueblo High School when the professional attended school there, but he does not know the professional and he is not aware of any information that would prevent him from making an unbiased decision in this matter.

Ms. Rinaudo summarized information regarding the Board's investigation.

The professional and his attorney, Erin Burns, appeared in person. Ms. Burns requested that the Board continue this matter because she was recently retained and had not had sufficient time to prepare. The Board declined to continue the matter.

Following review and discussion, Mr. Murchison moved, seconded by Mr. Lankton, to re-offer the proposed consent agreement modified to include an option for early release after 12 months 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.

*B. 2012-0064, Yolanda Harvey, LCSW-12887*

Ms. Rinaudo summarized information regarding the Board's investigation.

The professional and her attorney, Faren Akins, appeared in person and addressed the Board.

Following review and discussion, Mr. Murchison moved, seconded by Ms. Pettitt, to re-offer the proposed consent agreement and, if not signed, to remand the matter to formal hearing. The motion carried with Ms. McElfresh opposed. See attached roll call vote.

*C. Millie Hudson-Libby, LPC-1715 (revoked)*

The professional's attorney, Robert Chelle, addressed the Board regarding the changes made by the professional in response to the Board's concerns that it appeared she was continuing to practice psychotherapy despite the revocation of her license.

After reviewing these changes, members agreed no action was required.

*D. 2011-0155, Patrick Kelly, LISAC-1448 (revocation under review)*

Ms. Rinaudo summarized the basis for the lifting of the stay on the revocation of the professional's license.

The professional was properly noticed, but did not appear.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Lankton, to affirm the lifting of the stay on the revocation of the professional's license based on a determination that the automatic revocation of the professional's license was supported by substantial evidence. The motion carried with Ms. McElfresh and Ms. Pettitt opposed.

*E. Michael D. White, LCSW-2165*

Ms. Rinaudo summarized information obtained indicating that the professional was arrested in connection with an ongoing sexual abuse of a minor investigation.

Mr. White appeared telephonically and addressed the Board.

Following review and discussion by members, Mr. Murchison moved, seconded by Lankton, to open a complaint for further investigation. The motion carried with Ms. McElfresh opposed.

Following further discussion, Mr. Lankton moved, seconded by Mr. Murchison, to accept the Interim Consent Agreement if signed by the professional. The motion passed unanimously.

F. 2011-0012, *Lee Zohaunnie-Russell, LASAC-13135*

Ms. Rinaudo summarized the complaint.

The complainant appeared in person and addressed the Board.

The professional appeared telephonically.

Following review and discussion by members, Dr. Gabler moved, seconded by Ms. Pettitt, to uphold the recommendation of the committee to dismiss the complaint. The motion passed unanimously.

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

A. *Update regarding Robert Collette judicial review action*

Mr. Harris provided updated information regarding the pending judicial review action.

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

*Teresa Fresquez, LPC applicant*

Ms. Pettitt moved, seconded by Mr. Murchison, to rescind this Board's July 12, 2012, motion to deny licensure based on failure to meet minimum requirements. The motion passed unanimously. Dr. Gabler abstained from the vote.

*Social Work*

Mr. Lankton moved, seconded by Ms. Pettitt, to approve 1 applicant as a Licensed Clinical Social Worker, 18 applicants as Licensed Master Social Workers, one applicant as a Reciprocal Licensed Clinical Social Worker and one applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Mr. Lankton moved, seconded by Mr. Murchison, to deny 5 applications based on failure to take and/or pass the required exam and 3 applications based on failure to meet minimum requirements. The motion passed unanimously.

*Counseling*

Ms. Pettitt moved, seconded by Dr. Gabler, to approve 3 applicants as Licensed Associate Counselors. The motion passed unanimously.

Ms. Pettitt moved, seconded by Dr. Gabler, to deny 7 applications based on failure to meet minimum requirements and one application based on a finding of unprofessional conduct. The motion passed unanimously.

*Substance Abuse*

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

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

*Marriage and Family Therapy*

Dr. Gabler moved, seconded by Mr. Murchison, to approve 6 applicants as Licensed Associate Marriage & Family Therapists and one applicant as a Reciprocal Licensed Marriage & Family Therapist. 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 reports.

Following review, Dr. Gabler moved, seconded by Mr. Lankton, to accept the monthly financial reports 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. Review of the preliminary draft of the performance audit report*

Ms. Rinaudo advised members of the deadline for the Board's submission of its response to the draft audit report.

*D. Update regarding Stakeholder meetings*

Ms. Rinaudo reported regarding the ongoing stakeholder meetings.

*E. Modifications to the list of complaints not within the Board's jurisdiction*

Members reviewed the recommended expansion of the current list of complaints that Board has determined are not within its jurisdiction.

Mr. Lankton moved, seconded by Murchison, to expand the list of non-jurisdictional complaints to include complaints against unlicensed individuals where there are no allegations that the individual engaged in the unlicensed practice of behavioral health or unlawfully used a designation indicating he/she is licensed by the Board. The motion passed unanimously.

*F. Discussion regarding proposed rule changes by the Division of Behavioral Health Services*

Ms. Rinaudo provided information regarding proposed DBHS rule changes.

**13. Committee reports**

No report

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

None

**15. Future agenda items**

None

**16. Call for public comment**

No one was in attendance to respond to the call for public comment.

**17. Establishment of future meeting dates**

The next regular meeting is scheduled for Thursday, September 6, 2012, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

**18. Adjournment**

Mr. Murchison moved, seconded by Dr. Gabler, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:28 p.m.

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Gloria Gabler  
Secretary/Treasurer

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Date