



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  
February 6, 2009

Members Present: Gloria Gabler, Ruth Lee, Kahryn Nix, Diane Brassea, Jose Herrera, Doug Mitchell

Members absent: Robert Evans, Laura de Blank

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Mary Wilson, Elma Brambila

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on February 6, 2009, at 9:08 a.m. with Dr. Gabler presiding.

**2. Roll Call**

See above.

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

Mr. Herrera moved, seconded by Ms. Nix, to approve the general meeting minutes from January 9, 2009, as submitted. The motion passed unanimously. Mr. Mitchell abstained from the vote.

Mr. Herrera moved, seconded by Dr. Gabler, to approve the executive session minutes from January 9, 2009, as submitted. The motion passed unanimously. Mr. Mitchell abstained from the vote.

Mr. Herrera moved, seconded by Dr. Gabler, to approve the amended general meeting minutes from November 7, 2008, as submitted. The motion passed unanimously. Mr. Mitchell abstained from the vote.

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

Members requested that items A, B, D and H be pulled from the consent agenda and considered separately.

*A. 2005-0012 and 2008-0076, Carolyn Bennett, LISAC-11493*

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

The professional appeared in person and addressed the Board.

Following review and discussion by members, Ms. Lee moved, seconded by Mr. Mitchell, to accept an amended consent agreement with the following revisions:

- The probation will be for a period of 3-years instead of an indefinite term
- While on probation, the professional is prohibited from providing individual or group psychotherapy

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. 2004-0007, 2008-0067, 2008-0068, 2008-0100 and 2009-0038, Sherry Burk, LPC-1730*

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

Ms. Lee indicated concern regarding the actions of Ms. Burk's clinical supervisor under Ms. Burk's first consent agreement.

Ms. Rinaudo explained that the issue regarding the clinical supervisor was separately agendized for Board consideration.

Following review and discussion by members, Ms. Lee moved, seconded by Mr. Herrea, to accept the consent agreement as recommended by the Counseling Credentialing Committee. The motion passed unanimously. See attached roll call.

*C. 2007-0099, Charles Hare, LCSW-11897 suspended*

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to release the professional from the Interim Consent Agreement.

*D. 2006-0154, Alice Kibby, LISAC-0495*

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

The professional was available telephonically for questions.

Ms. Lee expressed concern regarding the systemic agency deficiencies apparent in the investigative report regarding Ms. Kibby. Ms. Rinaudo informed members that issues involving the agency owner, a Board licensee, will be presented to the Board at a later date.

Following review and discussion by members, Ms. Lee moved, seconded by Dr. Gabler, to dismiss the complaint as recommended by the Marriage and Family Therapy Credentialing Committee. The motion passed unanimously. See attached roll call.

*E. 2006-0120, Roban Kubic, LPC-1995*

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

*F. 2004-0031, Joan Leshner, LCSW-10163*

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

*G. 2009-0020, Elaine Maez, LCSW-10749*

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

*H. 2005-0031, Lawrence Minniefield, LPC-12797*

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

Ms. Lee expressed concern regarding the professional's request that information regarding his complaint be expunged. Mr. Harris indicated that the consent agreement is a public record and that the Board does not have the authority to expunge a public record.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Brassea, to send the professional a letter clarifying that the Board does not have the authority to expunge public records and to release the professional from consent agreement as recommended by the Counseling Credentialing Committee. The motion passed unanimously. See attached roll call.

*I. 2006-0160, Eric Putnam, LAC-12435*

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

*J. 2005-0085, 2005-0134 and 2006-0049, Kris Radke, LPC-0186 suspended*

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

*K. 2008-0027, Dale Roth, LISAC-11383*

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

*L. 2007-0003, Bernard Sharkus, LPC-1346*

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

*M. 2007-0055, Kathleen Wales, LMSW-12318*

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

*N. 2006-0047 and 2007-0073, Melanie Wall-Brumble, LISAC-1483*

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

Ms. Lee moved, seconded by Ms. Nix, to approve the consent agenda items C, E-G and I-N. The motion passed unanimously. See attached roll call.

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

None

**6. Formal Interviews**

None

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

*A. 2008-0052, Mary Perdue, LPC-10874*

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

The complainant appeared in person and addressed the Board.

The professional was available telephonically for questions.

Following review and discussion by members, Ms. Lee moved, seconded by Mr. Mitchell, to accept the signed consent agreement as recommended by the Counseling Credentialing Committee. The motion passed unanimously. See attached roll call.

*B. 2009-0063, Jane Trautmann, LAC-11706*

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

The professional appeared in person and was available for questions.

Following review and discussion by members, Mr. Mitchell moved, seconded by Mr. Herrera, to accept the signed consent agreement as recommended by the Counseling Credentialing Committee. The motion passed unanimously. See attached roll call.

*C. Jo Ann Preston, LISAC-1578*

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

The professional was properly noticed, but did not appear.

Following discussion by members, Ms. Brassea moved, seconded by Ms. Lee, to open a complaint and accept the signed Interim Consent Agreement not to practice. The motion passed unanimously. See attached roll call.

*D. NJ08-0010, Elaine Rankin*

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

Ms. Rinaudo reported that the professional is licensed by the Nursing Board and that under that license she can practice psychotherapy if she is appropriately qualified.

Following review and discussion by members, Ms. Brassea moved, seconded by, Mr. Mitchell, to refer the matter to Ms. Rankin's licensing Board and to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

*E. NJ08-0002, Paula Petrovic*

Ms. Rinaudo summarized the information gathered since the last Board meeting.

Ms. Petrovic addressed the Board telephonically and provided information regarding changes she has made to her practice to ensure she is in compliance with Board statutes prohibiting unlicensed individuals from practicing psychotherapy.

Following review and discussion by members, Mr. Herrera moved, seconded by, Ms. Lee, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

*F. NJ08-0011, Kathy Dober*

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

Following review and discussion by members, Dr. Gabler moved, seconded by, Ms. Nix, to find a violation of A.R.S. §32-3286(B)(1), using the LPC designation when not licensed to do so, to assess a civil penalty of \$500 pursuant to A.R.S. §32-3286(C), to issue a cease and desist order and to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

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

*A. Harry Cole, Jr.*

Following review and discussion by members, Ms. Nix moved, seconded by Mr. Herrera, to rescind this Board's January 9, 2009, motion to approve the applicant as a Licensed Independent Substance Abuse Counselor. The motion passed unanimously.

*Social Work*

Mr. Mitchell moved, seconded by Dr. Gabler, to approve 14 applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Mitchell moved, seconded by Dr. Gabler, to deny 8 applicants based on failure to pass the required exam. The motion passed unanimously.

*Counseling*

Dr. Gabler moved, seconded by Ms. Brassea, to approve 6 applicants as Licensed Associate Counselors, 7 applicants as Licensed Professional Counselors and 1 applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Dr. Gabler moved, seconded by Ms. Nix, to deny 3 applicants based on failure to meet minimum requirements in education and/or supervised work experience and 1 applicant based on failure to pass the required exam. The motion passed unanimously.

*Substance Abuse*

Dr. Gabler moved, seconded by Mr. Mitchell, to approve 2 applicants as Licensed Independent Substance Abuse Counselors, 2 applicants as Reciprocal Licensed Independent Substance Abuse Counselors, 2 applicants as Licensed Associate Substance Abuse Counselors, and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Dr. Gabler moved, seconded by Ms. Brassea, to deny 1 applicant based on failure to pass the required exam. The motion passed unanimously.

*Marriage and Family Therapy*

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

**9. Report from Chair.**

*A. Chair report*

No report.

*B. Member reports*

No report.

*C. Request for extension of inactive status (Don Clark)*

Ms. Rinaudo explained that the Social Work Credentialing Committee denied this professional's request for an extension to inactive status based on the failure to establish good cause pursuant to A.A.C. R4-6-209. The professional subsequently appealed that decision and submitted additional explanation to support his request.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Brassea, to approve the request for an extension to inactive status. The motion passed unanimously.

*D. Counseling Credentialing Committee recommendation to make a referral to the Nursing Board*

Ms. Lee moved, seconded by Mr. Herrera, to refer the information obtained during the investigation of several complaints against Ms. Sherry Burk regarding conduct by Ms. Ziv to Ms. Ziv's licensing Board. The motion passed unanimously.

**10. Report from the Treasurer**

*A. Monthly Financial Report*

Mr. Herrera moved, seconded by Mr. Mitchell, to accept the monthly financial report as presented. The motion passed unanimously.

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

*A. General Agency Operations*

No report.

*B. Substantive Policy Statements*

Ms. Rinaudo explained that the substantive policy statements under review are no longer appropriate because of recent statutory and rule revisions.

Following discussion by members, Mr. Mitchell moved, seconded by Mr. Herrrea, to delete the following substantive policy statements:

- o 2006-02 Counseling Curriculum Requirements
- o 2008-01 Counseling Curriculum Requirements
- o 2008-03 Reciprocity Review of Counseling Coursework
- o March 7, 2003 Counseling Supervision

The motion passed unanimously.

**12. Committee Reports**

None

**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 March 6, 2009, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

**17. Adjournment**

Ms. Lee moved, seconded by Mr. Herrera, to adjourn. The motion passed unanimously and the meeting was adjourned at 10:45 a.m.

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Gloria Gabler  
Secretary/Treasurer

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Date