



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
3443 NORTH CENTRAL AVENUE, SUITE 1700
PHOENIX, AZ 85012
PHONE: 602.542.1882 FAX: 602-364-0890
Website: www.az.gov
Website: www.azbbhe.us
E-mail address: information@azbbhe.us

JANICE K. BREWER
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
February 5, 2010

Members Present: Laura de Blank, Kirk Bowden, Doug Mitchell, Diane Brassea, Ruth Lee, Gloria Gabler, Sunita Krishna

Members Absent: Kahryn Nix

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on February 5, 2010, at 8:06 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Mitchell moved, seconded by Ms. de Blank, to approve the general meeting minutes from January 8, 2010, meeting as submitted. The motion passed unanimously. Dr. Gabler and Ms. Krishna abstained from the vote.

4. Consent Agenda: review, consideration and action

Ms. Lee requested that items C and D be pulled from the consent agenda and considered separately.

A. 2006-0063, 2007-006 and 2007-0072, Christine Fielder, LPC-11218, LMFT-10162 and LISAC-10841
Review, consideration and action regarding the professional's request for release from the consent agreement.

B. 2009-0099, Joyce Morgan, LCSW-20820 and LISAC-11586
Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint.

C. 2009-0062, Marjorie Schulte, LCSW-0820
Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to accept the proposed signed consent agreement.

Ms. Lee expressed concern that the continuing education required in the consent agreement was insufficient given the findings of fact.

The professional and her attorney, Stephen Myers, appeared in person and were available for questions.

Following discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to accept the proposed signed consent agreement. The motion passed unanimously. See attached roll call vote.

D. 2009-0135, Christa Turner, LMSW-10810 suspended
Review, consideration and action regarding the proposed signed consent agreement.

Ms. Lee questioned the clarity of the language used in the order. Mr. Harris explained the process when a licensee with a complaint does not renew his/her license.

Following discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to accept the proposed signed consent agreement. The motion carried with Ms. Lee opposed. See attached roll call vote.

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

5. Administrative Hearings 8:00 AM

A. 2009-0082, William Jefferson, LMFT-0065 and LPC-0229

There was a continuation of the formal hearing that began on February 5, 2010.

Mr. Jefferson appeared in person.

Mr. Munns, Solicitor General's Office, appeared as the Board's legal advisor.

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

Ms. de Blank admitted State's Exhibit 37 into evidence.

Mr. Jefferson called Ms. Reynolds, Deputy Director and Chief Investigator of the Board, as a witness.

Ms. de Blank admitted Respondent's Exhibit A into evidence.

The Board took a break at 9:45 a.m., reconvening its public meeting at 9:55 a.m.

Mr. Jefferson called his wife, Chrystal Jefferson, as a witness.

Mrs. Jefferson was sworn in and testified.

Mr. Harris cross-examined Mrs. Jefferson.

Mr. Harris made a closing argument.

Mr. Jefferson made a closing argument.

Following deliberation by members, Mr. Mitchell moved, seconded by Ms. Krishna, to accept the factual allegations from the Notice of Hearing as findings of fact. The motion passed unanimously.

Following deliberation by members, Dr. Bowden moved, seconded by Mr. Mitchell, to accept the charges 37 – 49 from the Notice of Hearing as conclusions of law. The motion passed unanimously.

Following further discussion, Mr. Mitchell moved, seconded by Dr. Gabler, to issue an order revoking the professional's license. The motion passed unanimously. See attached roll call vote.

6. Formal Interviews

None

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

A. 2007-0166, Stephanie Crawford, LPC-10292

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

The professional and her attorney, Rick Carter, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Lee, re-offer a modified 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 vote.

B. 2010-0056, Sharon Edwards, LPC-0153 and LISAC-0693

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

The professional addressed the Board telephonically.

Following review and discussion by members, Ms. de Blank moved, seconded by Dr. Bowden, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. The motion passed unanimously. See attached roll call vote.

C. 2008-0082, Eve Mayer, LCSW-0211

Ms. Rinaudo summarized the results of the professional's request for review/rehearing.

The complainant was properly noticed, but did not appear.

The professional's attorney, Charles Hover, appeared in person and addressed the Board. The professional did not appear.

Dr. Bowden moved, seconded by Mr. Mitchell, to go into executive session for the purpose of obtaining legal advice pursuant to A.R.S. 38-431.03(A)(3). The Board went into executive session at 12:47 p.m., reconvening its public meeting at 1:00 p.m.

Following discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to deny the professional's request for a review and/or rehearing based on a finding that the evidence supports the findings of fact and conclusions of law contained in the Board's Order. The motion passed unanimously. See attached roll call vote.

D. 2010-0036, Rayne Norton, LMSW-11723 suspended

Ms. Rinaudo summarized information regarding the professional's failure to comply with a Board order and the resulting committee recommendation.

The committee recommended that the Board accept a consent agreement for the voluntary surrender of the professional's license. Ms. Norton has not communicated with the Board regarding this matter.

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

E. NJ10-0002, Chantay White

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

The professional was properly noticed, but did not appear.

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

F. NJ10-0004, Cathy Chidester

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

The professional appeared in person and addressed the Board.

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

G. NJ10-0005, Suren Parikh

Ms. Rinaudo 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 Mr. Mitchell, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

H. NJ10-0008, Gabrielle Mohr

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

The complainant addressed the Board telephonically.

The professional was properly noticed, but did not appear.

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

8. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 7 applicants as Licensed Clinical Social Workers, 1 applicant as a Reciprocal Licensed Clinical Social Worker, 12 applicants as Licensed Master Social Workers and 1 applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to deny 4 applicants based on failure to pass the required exam and 1 applicant based on failure to meet minimum requirements. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Dr. Gabler, to approve 8 applicants as Licensed Associate Counselors and 6 applicants as Licensed Professional Counselors. The motion passed unanimously.

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

Marriage and Family Therapy

Dr. Gabler moved, seconded by Ms. de Blank, to approve 2 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Ms. de Blank, to approve 1 applicant as a Licensed Independent Substance Abuse Counselor and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

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

9. Report from Chair

A. Chair report

No report.

B. Development of a process for moving items from the pending discussion list to a Board agenda

Members reviewed a process for maintaining possible agenda items that have been placed on the pending list and scheduling them for future meetings.

Following discussion, members asked staff to develop a draft policy based on member suggestions for additional discussion.

C. Credentialing Committee member as clinical supervisor for Board order

Mr. Harris reported that a sitting Credentialing Committee member has asked to be approved as a clinical supervisor pursuant to a Board consent agreement.

The Board considered whether a sitting member of the Board or a Credentialing Committee could simultaneously serve in that capacity while providing supervision to a licensed behavioral health professional under a Board order. The Board determined that a sitting member of the Board or a Credentialing Committee must resign from either the Board or the Committee before submitting a request to be approved as a clinical supervisor under a Board order..

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, that a sitting Credentialing Committee or Board member who wants to serve as the clinical supervisor for a Board Order shall immediately resign from Board or Credentialing Committee service. The motion passed unanimously.

10. 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.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Interpretation of A.A.C. R4-6-212(G)

Ms. Rinaudo reported that the question has come up regarding whether the 10 required hours of direct observation is in addition to the required hours of clinical supervision.

Josefina Ahumada, ASU School of Social Work, addressed the Board regarding this issue.

Dr. Gabler moved, seconded by Dr. Bowden, to find that the 10 required hours of direct observation is included in the required hours of clinical 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 5, 2010, at 8:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Mr. Mitchell moved, seconded by Ms. de Blank, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:05 p.m.

Gloria Gabler
Secretary/Treasurer

Date