



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 3, 2011

Members Present: Laura de Blank, Gloria Gabler, Kirk Bowden, Douglas Mitchell, Sunita Krishna,
Member Absent: Kahryn Nix
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office,
Kami Thur, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on February 3, 2011, at 9:05 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Bowden moved, seconded by Dr. Gabler, to approve the general meeting minutes from the January 6, 2011, meeting as submitted. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Krishna, to approve the 9:49 a.m. executive session minutes from the December 10, 2010, meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

A. 2008-0014, Sarah House, LMSW-0589

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

B. 2008-0057 and 2011-0074, Carrie Truelove-Hernandez, LPC-12095

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

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

The Board took a break at 10:17 a.m., reconvening its public meeting at 10:24 a.m.

5. Administrative Hearings 10:00 AM

A. 2010-0082 Micki Kloss, LMFT-0157

The professional was not present. The professional's attorney, Kelly McDonald, appeared in person and addressed the Board.

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

B. Daniel Herrera, LASAC applicant

Ms de Blank reviewed procedures for conducting a formal administrative hearing.

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

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

Mr. Herrera appeared in person.

Following opening statements by Mr. Harris and Mr. Herrera, Mr. Herrera was sworn in and testified on his own behalf.

Mr. Harris called Kami Thur, Board Investigator, to testify on behalf of the State. Ms. Thur was sworn in and testified.

Mr. Harris offered State's Exhibits 1-17 and "A" into evidence. Ms. de Blank accepted State's Exhibits 1-17 and "A" into evidence.

Mr. Herrera and Mr. Harris made closing arguments.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to affirm the the Substance Abuse Credentialing Committee's recommendation to the Board to deny the application. The motion passed unanimously. See attached roll call vote.

The Board took a break at 11:30 a.m., reconvening its public meeting at 11:46 a.m.

C. David Tennyson, LSAT applicant

Ms. de Blank reviewed procedures for considering a request for review or rehearing.

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

Mr. Tennyson appeared in person and requested that the Board approve his request for review or rehearing.

Mr. Harris, A.A.G., appeared on behalf of the State and requested that the Board deny the request for review or rehearing.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to deny the applicant's request for review or rehearing. The motion passed unanimously. See attached roll call vote.

The Board took a break at 1:10 p.m., reconvening its public meeting at 1:23 p.m.

D. 2010-0099, Marianne Krivan, LCSW applicant

Ms. Rinaudo advised the Board that, following the applicant's refusal to accept the consent agreement to be licensed subject to a consent agreement offered by the Board following the August 6, 2010, Board meeting, an Order was issued denying the applicant's LCSW application based on unprofessional conduct.

6. Formal Interviews

None

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

A. 2009-0104, Lynn Bonner, LPC-1028

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

The professional's attorney, Anne Fulton-Cavett, addressed the Board telephonically.

The complainant addressed the Board telephonically.

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

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

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. Bowden moved, seconded by Ms. Krishna, to remand the matter to formal hearing. The motion passed unanimously.

C. 2011-0024, Jack Griffith, LCW-10329

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. Bowden moved, seconded by Ms. Krishna, to accept the signed interim consent agreement not to practice as presented. The motion passed unanimously. See attached roll call vote.

D. Kimberly Keane, LPC-1971 expired

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

Ms. Keane appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to amend the Board's October 2, 2009, minutes under item 7(H), to reflect the language pursuant to A.R.S. §32-3281(C).

E. 2011-0047, Maureen Thatcher, LISAC-10351

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

The professional addressed the Board telephonically.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to re-offer the Proposed interim consent agreement not to practice as recommended by the Substance Abuse Credentialing Committee and, if not signed to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

The Board took a break at 10:03 a.m., reconvening its public meeting at 10:17a.m.

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

None

9. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 2 applicants as Licensed Clinical Social Workers, 1 applicant as a Reciprocal Licensed Clinical Social Worker and 10 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. de Blank, to deny 3 applications based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Mr. Mitchell, to approve 5 applicants as Licensed Associate Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Gabler, to deny 6 applications based on not meeting minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Mr. Mitchell, to deny 1 application based on failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Mitchell, to approve 3 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to deny 3 applications based on failure to meet minimum requirements and 1 application based on a finding of unprofessional conduct. 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 financial report as presented. The motion passed unanimously.

12. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Review, consideration and possible action regarding adoption of a Substantive Policy Statement and/or approval of a verification process regarding required continuing education requirements for clinical supervisors pursuant to A.A.C. R4-6-212(J)

Ms. Rinaudo reviewed A.A.C. R4-6-212(J), the rule addressing required clinical supervision education for clinical supervisors and the proposed substantive policy statement to clarify the Board's interpretation of that rule.

Following review and consideration, Dr. Bowden moved, seconded by Mr. Mitchell, to adopt the proposed substantive policy statement regarding required continuing education for clinical supervisors.

Ms. Rinaudo also presented a new process developed by staff that would provide a procedure for clinical supervisors to obtain written clarification regarding their compliance with A.A.C. R4-6-212(J).

C. Review, consideration and possible action regarding increasing Board workload issues

Ms. Rinaudo reviewed continuing increases in workload for staff that are resulting in application and complaint processing delays. She requested that members consider this issue when making decisions affecting staff's workload in order to minimize the negative impact of processing delays on applicants, licensees, complainants and others depending on Board services.

D. Review, consideration and possible action regarding whether to adopt as a Substantive Policy Statement the recommendation of the credentialing committees to require that out-of-state clinical supervisors be held to the same training requirements as in-state clinical supervisors

Ms. Rinaudo reviewed recommendations by the credentialing committees regarding requiring out-of-state supervisors to comply with the Board's continuing education training requirement for in-state clinical supervisors. Following review and consideration, Dr. Bowden moved, seconded by Ms. de Blank, to require that, at a minimum, out of state clinical supervisors must complete 12 hours of clinical supervision training prior to providing clinical supervision used to qualify an applicant for independent licensure. The motion passed unanimously.

E. Review, consideration and possible action regarding the Governor's proposed budget for BBHE and proposed fund sweep

Ms. Rinaudo advised members regarding the proposed fund sweep from the Board's fund recommended in the Governor's proposed budget.

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, March 3 2011, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Mr. Mitchell moved, seconded by Dr. Bowden, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:51 p.m.

Gloria Gabler
Secretary/Treasurer

Date