



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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JANICE K. BREWER  
Governor

DEBRA RINAUDO  
Executive Director

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BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
February 3, 2012

Members Present: Laura de Blank, Gloria Gabler, Kirk Bowden, Douglas Mitchell, Bruce Murchison

Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Michelle Clinkenbeard, Board Investigator, Mary Wilson

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on February 3, 2012, at 9:04 a.m. with Ms. de Blank presiding.

**2. Roll Call**

See above.

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

Dr. Gabler moved, seconded by Dr. Bowden, to approve the general meeting minutes from the January 10, 2012, meeting as submitted. The motion passed unanimously.

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

A. 2009-0126, *Lee Woods, LMFT-0189 and LCSW-0585*

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

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

**5. Administrative Hearings**

A. 2012-0054, *Donna Lane, LISAC applicant*

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

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

Ms. Lane was properly noticed, but did not appear. Ms. Lane was noticed of the meeting by certified mail and previously advised the Board that she would not participate in the hearing.

Mr. Harris, A.A.G., appeared on behalf of the State and requested that the Board deny Ms. Lane's application based on her failure to appear or present any evidence in support of her application.

Following review and discussion by members, Dr. Bowden moved, seconded by Dr. Gabler, to deny the license based on Ms. Lane's failure to establish that she meets minimum requirements. The motion passed unanimously. See attached roll call vote.

B. 2011-0159, *Carol Pease, LASAC applicant*

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

Ms. Pease was properly noticed of the Board's review of her request for a review or rehearing, but did not appear.

Mr. Harris, A.A.G., addressed the Board on behalf of the State and requested that the Board deny Ms. Pease's request for review or rehearing.

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

**6. Formal Interviews**

None

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

*A. 2011-0135, Jennifer Bjerke, LPC-13051*

Dr. Gabler indicated that she had prior short phone conversations with the professional regarding a teaching position, but there is nothing regarding those communications that would prevent her from making an unbiased decision in this matter.

Ms. Rinaudo summarized information regarding the proposed consent agreement.

The professional and her attorney, Teresa Sanzio, appeared in person and addressed the Board.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to offer a modified consent agreement with the following terms:

- Suspension of the professional's license for 24 months
- The suspension will be stayed pending successful completion of the consent agreement terms.
- The professional has the option of working in an OBHL licensed agency while on probation.
- If the professional wishes to remain in private practice, she shall comply with all of the following terms:
  - Twice monthly sessions with a clinical supervisor for at least 24 months
  - Twice monthly meetings with a practice monitor for at least 24 months
  - Both the supervisor and the practice monitor shall be pre-approved independently licensed behavioral health professionals who were not grandfathered into licensure and passed the required examination
  - The focus of the supervision/practice monitoring shall be ethics, documentation requirements, dual relationships, and scope of practice and professional judgment issues
- Therapy at least weekly for the first 6 months and twice monthly thereafter for 24 months
- The focus of the therapy shall include professional boundaries and dual relationships
- Early release can be requested after 12 months upon the recommendation of the practice monitor, clinical supervisor, and therapist

and, if not accepted, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

*B. 2012-0086, Susan Hannah, LISAC-1393 and LPC-2288 (active restricted)*

Ms. Rinaudo summarized information regarding proposed signed consent agreement.

The professional was properly noticed, but did not appear.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to accept the signed consent agreement for the voluntary surrender of the professional's licenses. The motion passed unanimously. See attached roll call vote.

*C. Kathleen Hernandez, LMSW-11377*

Ms. Rinaudo summarized information regarding the proposed signed Interim Consent Agreement.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to accept the signed Interim Consent Agreement. The motion passed unanimously. See attached roll call vote.

*D. 2012-0084, Andrea March, LMSW-12753*

Ms. Rinaudo summarized information regarding the proposed Interim Consent Agreement.

The professional and her attorney, Robert Chelle, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to re-offer the Interim Consent Agreement and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

*E. 2011-0161, Barbara Nebeker, LISAC-0269*

Ms. Rinaudo summarized information regarding the proposed consent agreement.

The professional was properly noticed, but did not appear.

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

*The Board took a break at 10:00 a.m., reconvening its public meeting at 10:10 a.m.*

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

*A. Update regarding Robert Collette judicial review action*

Mr. Harris provided information regarding the judicial review action filed by Robert Collette.

*B. Update regarding John Lare judicial review action*

No report

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

*Social Work*

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 3 applicants as Reciprocal Licensed Clinical Social Workers, 6 applicants as Licensed Clinical Social Workers, 26 applicants as Licensed Master Social Workers and 1 applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. de Blank, to deny 1 application based on a finding of unprofessional conduct. The motion passed unanimously.

*Counseling*

Ms. de Blank moved, seconded by Mr. Mitchell, to approve 7 applicants as Licensed Associate Counselors and 1 applicant as a Licensed Professional Counselor. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Mitchell, to deny 2 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 1 applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

Dr. Gabler moved, seconded by Dr. Bowden, 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 2 applicants as Licensed Associate Substance Abuse Counselors and 1 applicant as a Licensed Independent Substance Abuse Counselor. The motion passed unanimously.

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

*Michael Oviatt and Nathan Velez*

Members reviewed information and discussed the applicant's request that psychoeducational activities and case management hours be accepted as supervised work experience hours limited to the practice of psychotherapy.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to remand consideration of the applications back to the Counseling Credentialing Committee for reconsideration. 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 Dr. Bowden, 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.

*B. Policy regarding deficient clinical records*

Tabled

*C. Proposed standard letter for supervisors who fail to report unprofessional conduct by another licensee*

Ms. Rinaudo summarized information regarding the Substance Abuse Credentialing Committee's recommendation that the Board develop a letter to be sent when a committee finds that a supervisor did not appropriately report possible unprofessional conduct by another licensee to the Board.

Members reviewed a draft letter and requested modifications.

Dr. Bowden moved, seconded by Mr. Murchison, to adopt the letter as modified. The motion passed unanimously.

*D. Review, consideration and action regarding SB1189*

Ms. Rinaudo provided information regarding SB1189.

*E. Update regarding the Sunset Review audit*

Ms. Rinaudo provided an update regarding the audit.

*F. Update regarding the Board's FY13 budget*

Ms. Rinaudo provided an update regarding recommendations regarding the Board's FY13 budget request.

*G. Review of negotiations limiting the Board's regulatory authority to practice of "psychotherapy"*

Ms. Rinaudo summarized information regarding the history of negotiations that resulted in legislative approval of mandatory licensure for behavioral health professionals.

*H. Review of prior Board decisions finding case management and psychoeducational activities do not qualify as the practice of psychotherapy*

Ms. Rinaudo summarized information regarding past committee and Board decisions finding that psychoeducational and case management hours do not qualify as the practice of psychotherapy and cannot be used to qualify an applicant for independent licensure.

The following individuals addressed the Board regarding this agenda item:

Jerry Boehme, Arizona Council of Human Service Providers

Nathan Velez, Applicant, and his attorney, Larry Cohen

Patricia Hernandez, Ottawa University

Ms. de Blank moved, seconded by Dr. Bowden, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the Board went into executive session at 1:23 p.m., reconvening its public meeting at 1:52 p.m.

Following review and discussion, members agreed:

- The Board enforces standards as set forth in rule and statute.
- If the regulated community believes that changes to the Board's authoring statutes or rules are needed to address changing standards and practices, statutory and/or rules modifications will be required.

Ms. de Blank moved, seconded by Mr. Mitchell, to direct Ms. Rinaudo to participate on behalf of the Board in stakeholder meetings held to address possible modifications to the Board's statutes/rules requested by the regulated community. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Mitchell, to rescind the previous motion as it was not agendized for action. The motion passed unanimously.

**13. Committee Reports**

None

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

None

**15. Future agenda items**

None

**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 Friday, March 1, 2012, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Members moved the April meeting to Monday, April 2, 2012.

**18. Adjournment**

Dr. Gabler moved, seconded by Ms. de Blank, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:15 p.m.

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Gloria Gabler  
Secretary/Treasurer

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Date