



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 7, 2013

Members Present: Kirk Bowden, Gloria Gabler, Steve Lankton, Deborah Pettitt, Mary Coonrod, Jayne McElfresh
Members Absent: Bruce Murchison
Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Jill Dowling, Board Investigator, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on February 7, 2013, at 9:02 a.m. with Dr. Bowden presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Lankton moved, seconded by Dr. Gabler, to approve the general meeting minutes from the January 3, 2013, meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

A. 2011-0069, Tara Allen, LPC-13154

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

B. 2009-0101 and 2009-0134, Paul Cartone, LPC-10042

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

C. 2011-0033, Amy Duemler, LMSW-10596

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

D. 2011-0112, Kathleen Exelby, LPC-0513

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

E. 2011-0140, Ronald Gransie, LPC-0730

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

F. 2010-0115, Mamta Gupta, LPC-1623

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

G. 2011-0048, Deborah Lane, LPC-10368

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

H. ND07-0004, C. Elizabeth Rios, LAC-12998

Review, consideration and action regarding the licensee's request for release from the non-disciplinary consent agreement.

I. 2013-0044, Marisa Spletter, LMSW applicant

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

J. 2013-0042, Richard Starbuck, LAMFT applicant

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to issue a letter of concern.

Following review and discussion by members, Mr. Lankton moved, seconded by Ms. Coonrod, to accept the consent agenda as presented. See attached roll call vote.

The Board took a break at 10:02 a.m., reconvening its public meeting at 10:15 a.m.

5. Administrative Hearings

A. 2013-0031, Robert Lovett, LAC applicant

Mr. Harris, A.A.G., appeared on behalf of the State and reviewed the signed consent agreement for the issuance of the licensee's license.

Mr. Lovett appeared in person and was available for questions.

Following review and discussion by members, Ms. Pettitt moved, seconded by Mr. Lankton, to accept the signed consent agreement for the issuance of the license. The motion passed unanimously.

6. Formal Interviews

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

Ms. Rinaudo provided information from the investigative report.

Mr. Gadson and his attorney, Erin Byrnes, appeared in person and addressed the Board.

Scott Peterson, the licensee's supervisor, addressed the Board.

Following discussion, Mr. Lankton moved, seconded by Ms. Coonrod, to issue an order with the findings of fact, conclusions of law and order from the proposed consent agreement with the order modified as follows:

- To require clinical supervision as stated or until the licensee receives an LPC license
- The focus of the required supervision shall include, but not be limited to behavioral health ethics
- No pre-approval of the clinical supervisor if licensee remains employed at an OBHL licensed agency.

The motion passed unanimously. See attached roll call vote.

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

A. 2012-0055, Christina Allen, LISAC-11447

Ms. Rinaudo summarized information regarding the matter.

The licensee was properly noticed, but did not appear.

Following review and discussion, Ms. Pettitt moved, seconded by Dr. Gabler, to find that protection of the public requires emergency action and to summarily suspend the license with further review available once the licensee's submits the results of the required hair follicle test. The motion passed unanimously. See attached roll call vote.

Ms. McElfresh moved, seconded by Ms. Coonrod, to reopen this matter at the licensee's request. The motion passed unanimously.

The licensee and her advocate addressed the Board.

Following further review, Dr. Bowden moved, seconded by Mr. Lankton, to pre-approve Greenberg and Sucher for completion of the required hair follicle test and approved the automatic reinstatement of the license upon submission of a clean test result. The motion passed unanimously. See attached roll call vote.

B. 2010-0068, Shawna Bowen, LISAC-10656

Ms. Rinaudo summarized information regarding the complaint.

Ms. Bowen was available by telephone if members had questions.

Following review and discussion, Mr. Lankton moved, seconded by Ms. McElfresh, to accept the signed consent agreement. The motion passed unanimously. See attached roll call vote.

C. 2013-0053, Stephanie Hight, LPC-10323

Ms. Rinaudo summarized information regarding the complaint.

The complainant addressed the Board telephonically.

The client identified in the complaint addressed the Board in person.

The licensee was properly noticed, but did not appear.

Following review and discussion, Dr. Gabler moved, seconded by Ms. Coonrod, to find that protection of the public requires emergency action and to summarily suspend the license. The motion passed unanimously. See attached roll call vote.

D. 2013-0062, Harry Ivy, LASAC applicant

Ms. Rinaudo summarized information regarding the complaint.

The applicant appeared in person and addressed the Board.

Following review and discussion, Ms. Coonrod moved, seconded by Mr. Lankton, to accept the signed consent agreement. The motion passed unanimously. See attached roll call vote.

E. 2013-0038, Susan Kullman, LCSW-2411

Ms. Rinaudo summarized information regarding the complaint.

The licensee's attorney, Faren Akins, appeared in person and addressed the Board.

Following review and discussion, Ms. McElfresh moved, seconded by Mr. Lankton, to accept the signed consent agreement for the surrender of the license. The motion passed unanimously. See attached roll call vote.

F. 2010-0041, Mitzi Mackenzie, LMSW-12181

Mr. Harris summarized information regarding the complaint.

The licensee's attorney, Guy Bluff, appeared and addressed the Board. The licensee was also present.

Members agreed that the language in the consent agreement requiring licensee to provide a copy of the consent agreement to an employer is only required if she is practicing under her license at that place of employment.

Following review and discussion, Ms. McElfresh moved, seconded by Mr. Lankton, to accept the signed consent agreement. The motion passed unanimously. See attached roll call vote.

G. 2013-0035, Esther Williamson, LMSW applicant

Tabled

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

None

9. Applications for licensure: review, consideration and action

Brooke Mansour, LMFT applicant

Dr. Gabler moved, seconded by Ms. Pettitt, to rescind this Board's January 3, 2013, motion to deny the applicant a substance abuse license. The motion passed unanimously.

Social Work

Mr. Lankton moved, seconded by Dr. Gabler, to approve 3 applicants as Licensed Clinical Social Workers, 19 applicants as Licensed Master Social Workers, 1 applicant as a Licensed Bachelor Social Worker and 1 applicant as a Reciprocal Licensed Clinical Social Worker. The motion passed unanimously.

Mr. Lankton moved, seconded by Dr. Gabler, to deny 2 applications based on failure to take and/or pass the required exam. The motion passed unanimously.

Counseling

Ms. Pettitt moved, seconded by Dr. Gabler, to approve 14 applicants as Licensed Associate Counselors, 12 applicants as Licensed Professional Counselors, and 2 applicants as Reciprocal Licensed Professional Counselors. The motion passed unanimously.

Ms. Pettitt moved, seconded by Dr. Gabler, to deny one application based on failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Lankton, to approve 7 applicants as Licensed Associate Substance Abuse Counselors and 4 applicants as Licensed Substance Abuse Technicians. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Lankton, to deny 7 applications based on failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Mr. Lankton, to approve 2 applicants as Licensed Associate Marriage and Family Therapists, 6 applicants as Licensed Associate Marriage and Family Therapists and one applicant as a Reciprocal Licensed Marriage and Family Therapist. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Mr. Lankton, to deny 3 applications based on failure to meet minimum requirements and one application based on a finding of unprofessional conduct and failure to meet minimum requirements. 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 Ms. Pettitt, 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. Discussion regarding the Board's Employee Engagement Survey results

Ms. Rinaudo provided information regarding the results of the Employee Engagement Survey.

D. Update regarding FY2014-2015 budget submission

Ms. Rinaudo provided updated information regarding the Board's budget submission.

E. Update regarding credit card implementation

Ms. Rinaudo provided information regarding the credit card payment system. Credit card payments have been accepted online through the Board's website for the past two weeks.

F. Update regarding paperless investigation system

Ms. Rinaudo provided information regarding the status of the paperless investigation system. The Social Work Credentialing Committee will begin using the new system for its March meeting.

G. Review, consideration and action regarding SB1374
Ms. Rinaudo provided information regarding SB1374.

H. Update regarding agency personnel changes

Ms. Rinaudo provided information regarding personnel changes. Ms. Rinaudo plans to promote 2 current staff members into the Deputy Director (vacated by retirement) and the Assistant Director positions. Members requested additional information regarding the qualifications of those being promoted. The requested information will be provided at the April Board meeting.

The Board took a break at 12:30 p.m., reconvening at 12:40 p.m.

I. Review, consideration and action with regard to the development of consistent standards with regard to work experience and clinical supervision requirements for independent licensure applicants.

Ms. Rinaudo provided information regarding the history of the development of R4-6-212 and Board interpretation of that rule since implementation in 07/04. .

Larry Cohen and Felicia Michelle Hooper addressed the Board regarding the issue.

Following review and discussion, Ms. McElfresh moved, seconded by Mr. Lankton, to table the matter until the April Board meeting to allow interested parties to submit comments. The motion passed unanimously.

13. Committee reports

No report

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

None

15. Future agenda items

Personnel matters at the April meeting
Interpretation of R4-6-212 at the April meeting

16. Call for public comment

Christina Allen and her advocate addressed the Board regarding the Board's summary suspension of her license.

17. Establishment of future meeting dates

The next meeting is scheduled for Thursday, March 7, 2013, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Ms. Coonrod moved, seconded by Ms. McElfresh, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:12 p.m.

Gloria Gabler
Secretary/Treasurer

Date