



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

CEDRIC DAVIS
Board Chair

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
January 4, 2008

Members Present: Cedric Davis, Jose Herrera, Julian Pickens (out at 2:30 p.m.), Ruth Lee, Diane Brassea, Laura de Blank, Kahryn Nix (out at 2:30 p.m.)

Members Absent: Robert Evans

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Sherry Blatner, Kami Thur, Sheila Perry-Johnson, Lynanne Chapman, Eleni Keterelos, Patricia Reynolds, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 7, 2007, at 9:10 a.m. with Dr. Davis presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Pickens moved, seconded by Ms. Brassea, to approve the general meeting minutes from December 7, 2007, as submitted. The motion passed unanimously. Mr. Herrera abstained from the vote.

Ms. Lee moved, seconded by Ms. de Blank, to approve the executive session minutes from December 7, 2007, as amended. The motion passed unanimously. Mr. Herrera abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2007-0130, Jodi Engel, LPC-10685

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

B. 2005-0123, Perci La-Nae, LCSW-11337

Review, consideration and action to approve the Social Work Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

C. 2005-0136, Nick Myers, LISAC-10368

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

D. 2008-0046, Florida Marie Powell, LAC applicant
Considered individually.

E. 2006-0019 and 2007-0025, Norma A. Reed, LCSW-10131

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

F. 2005-0074, Sandra Reiff, LISAC-1267

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

Dr. Davis moved, seconded by Mr. Herrera, to approve the consent agreement items A through C, E and F. The motion passed unanimously. See attached roll call.

2008-0046, Florida Marie Powell, LAC applicant

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

Ms. Lee had questions regarding the content of the letter of concern.

Ms. Blatner summarized the areas the committee wanted to address in the letter of concern and provided a draft letter for members to review.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Herrera, to dismiss the complaint and issue the proposed letter of concern. The motion passed unanimously.

5. Administrative Hearings

None

6. Formal Interviews

A. 2007-0098, Brooks Gibson, LPC-10022

Dr. Davis reviewed the procedures for conducting a formal interview. Board members and staff were introduced.

Mr. Gibson and his attorney, James J. Syme, Jr., appeared in person and addressed the Board.

The complainant was properly noticed, but did not appear.

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

Mr. Gibson answered questions from Board members.

Following review and discussion by members, Ms. de Blank moved, seconded by Mr. Herrera, to dismiss the complaint with a letter of concern addressing the professional's billing practices and timely responses to client requests for financial records. The motion carried with Ms. Lee opposed. See attached roll call vote.

Ms. Lee explained that she voted against the dismissal of the complaint. She believes that it should have been a simple matter for the professional to follow appropriate accounting principles, which include providing receipts for all payments received.

Following further discussion, members indicated that courses in ethics and billing practices would be helpful to the professional.

The Board took a break at 10:44 a.m., reconvening its public meeting at 10:54 a.m.

B. 2005-0001, Sondra Wilkening, LPC-1256

Dr. Davis reviewed the procedures for conducting a formal interview.

Ms. Wilkening and her attorney, Mark Harrison, appeared in person and addressed the Board.

Ms. Perry-Johnson summarized the results of the Board's investigation.

Ms. Wilkening answered questions from Board members.

The complainant appeared in person and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Lee, to dismiss the complaint with a letter of concern addressing client confidentiality requirements. The motion carried with Mr. Herrera opposed.

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

A. 2008-0001, John Zegar, LISAC-10658

Ms. Reynolds summarized the facts of the case.

The complainant appeared in person and addressed the Board.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Brassea moved, seconded by Ms. Lee, to summarily suspend the professional's license. The motion passed unanimously.

The Board took a break at 12:32 p.m., reconvening its public meeting at 12:44 p.m.

B. 2005-0073, Rex Smyly, LISAC-10486

Ms. Keterelos summarized the changes to the consent agreement.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Lee, to find a violations of A.R.S. §32-3251(10)(b) and A.R.S. §32-3251(12)(b), use of fraud or deceit in connection with rendering services or establishing qualifications. The motion passed unanimously.

Following further discussion, Dr. Davis moved, seconded by Ms. Lee, to offer the professional a consent agreement that stipulates the following:

- The license will be placed on probation for 12 months
- Completion of a 3-semester credit hour graduate level in-class ethics course
- The professional can request early release upon completion of the required course
- All cost will be borne by the professional

The motion passed unanimously. See attached roll call.

Dr. Davis moved, seconded by Ms. Brassea, to offer the professional the proposed consent agreement and, if not signed, to invite the professional to participate in a formal interview and, if not accepted, to remand the case to formal hearing. The motion passed unanimously.

C. 2008-0030, Rene White, LCSW-10131

Ms. Thur summarized the facts of the case.

Ms. White addressed the Board telephonically.

Dr. Pickens moved, seconded by Ms. Lee, to go into executive session to discuss confidential behavioral health and medical records exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the Board went into executive session at 1:13 p.m., reconvening its public meeting at 1:20 p.m.

Following discussion by members, Dr. Davis moved, seconded by Ms. Brassea, to adopt the recommendation of the Social Work Credentialing Committee to deny the professional's request for release from the Interim Consent Agreement and to require that the professional have an independent psychiatric evaluation by a pre-approved provider who is not a member of her current treatment team before submitting any further requests for release from the Interim Consent Agreement. The motion passed unanimously. See attached roll call.

D. NJ07-0030, Chris Monoco

Ms. Chapman summarized the facts of the complaint.

Ms. Lee moved, seconded by Ms. de Blank, to dismiss the complaint as non-jurisdictional and request that the Board's A.A.G. pursue an injunction against the professional for engaging in the practice of behavioral health without being licensed to do so. The motion passed unanimously.

8. Applications for licensure: review, consideration and action

Dr. Davis moved, seconded by Mr. Herrera, to rescind the Board's December 7, 2007, motion to license Deborah Ardolino as a Licensed Associate Counselor. The motion passed unanimously.

Social Work

Dr. Davis moved, seconded by Ms. de Blank, to approve 10 applicants as Licensed Clinical Social Workers and 6 applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. de Blank, to deny 3 applicants for social work licensure based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Mr. Herrera, to approve 11 applicants as Licensed Associate Counselors and 6 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 4 applicants for counseling licensure based on failure to establish that they meet minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

Substance Abuse

Dr. Davis moved, seconded by Ms. Brassea, to approve 3 applicants as Licensed Independent Substance Abuse Counselors and 5 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Davis moved, seconded by Ms. Brassea, to deny 3 applicants based on failure to establish that they meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

Marriage & Family Therapy

Dr. Davis moved, seconded by Ms. de Blank, to deny 3 applicants for marriage and family therapy licensure based on failure to establish that they meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

9. Report from Chair.

A. Chair report

No report.

B. Member reports

No report.

C. Discussion regarding disclosure of confidential records pursuant to A.R.S. §32-3206

Tabled

D. Review regarding investigative materials

Tabled

E. Adoption of a resolution regarding proposed fee increase

Josefina Ahumada addressed the Board on behalf of the Arizona Behavioral Health Professionals' Coalition. She presented several possible options to increase Board revenues.

Members reviewed a draft resolution regarding Board projections for the need for a limited fee increase for several years.

Following review and discussion, Dr. Davis moved, seconded by Ms. Brassea, to adopt the draft resolution paragraphs 1 – 7 and paragraph 8 amended as follows:

- Paragraph 3: insert the clause “through a concerted effort between the professional organizations, the coalition and the Board” between ‘enacted’ and ‘in 2003’
- Paragraph 8: line 3 ‘annual’ becomes ‘application or’
- Paragraph 8: line 4 ‘\$200’ becomes ‘\$400’

The motion passed unanimously.

Members will continue to review the draft and forward any additional suggested changes to the Board's Executive Director.

10. Report from Treasurer

A. Monthly financial report

Tabled

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Discussion regarding member attendance

Tabled

C. Draft legislation for 2008 legislative session

Tabled

D. Review of Sunset Hearing report

Tabled

12. Committee reports

None

13. National and regional trends and news regarding the profession(s)

None

14. Future agenda items

Allowance of on-line courses to comply with disciplinary consent agreements

All items tabled from this agenda

15. Call for public comment

None

16. Establishment of future meeting dates

The next meeting is scheduled for February 1, 2008, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

A meeting is scheduled for February 29, 2008, to conduct formal hearings.

17. Adjournment

Ms. Lee moved, seconded by Ms. Brassea, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:35 p.m.

Julian Pickens
Secretary/Treasurer

Date