



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANET NAPOLITANO
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
January 9, 2009

Members Present: Laura de Blank, Gloria Gabler, Ruth Lee, Kahryn Nix, Diane Brassea, Jose Herrera (in at 10:40 a.m.)

Members absent: Robert Evans, Doug Mitchell

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on January 9, 2009, at 9:10 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Ms. Nix moved, seconded by Dr. Gabler, to approve the general meeting minutes from December 5, 2008, as submitted. The motion passed unanimously. Ms. Brassea abstained from the vote.

4. Consent Agenda: review, consideration and action

Members requested that items A, G and J be pulled from the consent agenda and considered separately.

A. 2006-0034, Jean Bernal, LISAC-10372 suspended

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

Ms. Lee requested clarification regarding the language in the proposed order.

Following review and discussion by members, Ms. Nix moved, seconded by Dr. Gabler, to accept the signed consent agreement as recommended by the Substance Abuse Credentialing Committee. The motion passed unanimously. See attached roll call.

B. 2008-0065, Nadine Bowen-Wilson, LISAC-10299

Review, consideration and action regarding the proposed signed consent agreement for the surrender of the professional's license.

C. 2006-0163, Martha Cook, LCSW-2541

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

D. 2007-0033, George Davies, LPC-0121

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

E. 2006-0151, Gail Eaton, LCSW-11342

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

F. 2008-0031, Jeffrey Jensen, LCSW-12442

Review, consideration and action regarding the proposed signed Interim Consent Agreement.

G. 2006-0002, Lisa Kaufman, LISAC-10633

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

Following review and discussion by members, Ms. Nix moved, seconded by Dr. Gabler, to dismiss the complaint as recommended by the Substance Abuse Credentialing Committee. The motion passed unanimously.

H. 2007-0021, Colleen Lane, LISAC-10624

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

I. 2006-0084, Steve Sadler, LISAC-1540 (suspended)

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

J. 2003-0083, Brenda Sheets, LISAC-1529 suspended

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

Mr. Wolver appeared on behalf of the professional.

Following review and discussion by members, Dr. Gabler moved, seconded by Ms. Nix, to dismiss the complaint as recommended by the Substance Abuse Credentialing Committee. The motion carried with Ms. Brassea opposed.

K. 2007-0008 and 2007-0013, Renee Stofko, LCSW-10145

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

L. 2007-0158, Joalene Whitmer, LPC-11851

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

M. 2007-0009, Rebecca Williamson, LPC-12060 suspended

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to release the professional from the Interim Consent Agreement and to accept the proposed signed consent agreement.

N. 2005-0067, Susan Winder, LCSW-0222

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

Ms. Lee moved, seconded by Ms. Brassea, to approve the consent agenda items B-F, H, I and K-N. The motion passed unanimously. See attached roll call.

5. Administrative Hearings 11:00 AM

None

6. Formal Interviews

A. 2007-0167, Mary Ann Turner, LCSW-10951

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

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the Board.

Dr. Perez and DeDe Basil appeared on behalf of the professional.

Following review and discussion by members, Ms. Lee moved, seconded by Mr. Herrera, to accept the signed non-disciplinary consent agreement. The motion passed unanimously.

B. 2008-0064, Lisa Moody, LISAC-10353

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

The complainant was sworn in and testified.

The professional was sworn in and testified.

Following review and discussion by members, Ms. Brassea moved, seconded by Mr. Herrera, to adopt findings of fact 1 through 6 from the proposed consent agreement as findings of fact 1 through 6. The motion passed unanimously.

Following further discussion, Ms. Brassea moved, seconded by Mr. Herrera, to adopt conclusions of law 1 through 4 from the proposed consent agreement as conclusions of law 1 through 4. The motion passed unanimously.

Following further discussion, Ms. Brassea moved, seconded by Mr. Herrera, to adopt the order in the proposed consent agreement as the Board's order. The motion passed unanimously.

The Board took a break at 10:30 a.m., reconvening its public meeting at 10:38 a.m.

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

A. 2006-0148, Eric Cross, LISAC-1339 suspended

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, Ms. Nix moved, seconded by Mr. Herrera, to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

B. 2006-0021, Maria Kinsella, LISAC-1590

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

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Nix moved, seconded by Ms. Brassea, to re-offer the proposed ICA and, if not signed, to remand this matter to formal hearing. The motion passed unanimously. See attached roll call.

C. 2009-0045, Donald Langford, LPC-1598 suspended

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

The professional and his attorney, John Sears, appeared in person and addressed the Board.

Following discussion by members, Ms. Brassea moved, seconded by Ms. Lee, to uphold the Substance Abuse Credentialing Committee's recommendation to deny the professional's request for release from the Interim Consent Agreement. The motion carried with Dr. Gabler and Ms. Nix opposed. See attached roll call.

D. 2006-0008, Dylan Machado, LMSW-10758 suspended

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

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Nix moved, seconded by Mr. Herrera, to remand this matter to formal hearing. The motion passed unanimously. See attached roll call.

The Board took a break at 1:02 p.m., reconvening its public meeting at 1:12 p.m.

E. 2007-0076, Teresa O'Brien, LAC-12220 (suspended)

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, Ms. Nix moved, seconded by Ms. Brassea, to remand this matter to formal hearing. The motion passed unanimously. See attached roll call.

F. 2006-0156, 2006-0116 and 2005-0113, Brenda Sheets, LISAC-1529 suspended
Ms. Rinaudo summarized the results of the Board's investigations.

The professional's attorney, Michael Wolver, appeared and addressed the Board.

2005-0113

Following review and discussion by members:

Ms. Lee moved, seconded by Dr. Gabler, to include A.R.S. §3251(12)(d), any false, fraudulent or deceptive statement as an additional charge in the Notice of Hearing. The motion passed unanimously.

Ms. Lee moved, seconded by Ms. de Blank, to include A.R.S. §32-3251(10)(j) and A.R.S. §32-3251(12)(l), any conduct or practice that impairs the ability of the certified behavioral health professional/licensee to safely and competently practice, as additional charges in the Notice of Hearing. The motion passed unanimously.

Ms. Lee moved, seconded by Ms. Brassea, to go into executive session to receive legal advice pursuant to A.R.S. §32-431.03(A)(3). The motion passed unanimously. The Board went into executive session at 9:55 a.m., reconvening its public meeting at 10:05 a.m.

2006-0116

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Brassea, to include A.R.S. §32-3251(10)(j), any conduct, practice or condition that impairs the ability of the certified behavioral health professional to safely and competently practice, as an additional charge in the Notice of Hearing. The motion passed unanimously.

2006-0156

Following discussion there are no recommended changes to the findings.

Ms. Lee moved, seconded by Ms. Brassea, to include the allegations and facts set forth in the investigative reports, to consolidate Complaints 2006-0116, 2006-0156 and 2005-0113, and to remand the matter to formal hearing. The motion passed unanimously.

G. 2007-0022, Sharon Wasmund, LMSW-2940

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, Ms. Nix moved, seconded by Ms. Brassea, to dismiss the complaint as recommended by the Social Work Credentialing Committee. The motion passed unanimously.

H. NJ08-0010, Elaine Rankin

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

Following review and discussion, members requested additional information regarding the services Ms. Rankin provides and that staff issue a subpoena to Ms. Rankin for all records in her possession regarding the complainant. The motion passed unanimously.

I. NJ08-0022, Paula Petrovic

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

Following review and discussion by members, Ms. Nix moved, seconded by Ms. Lee, to request staff to issue a subpoena to Ms. Petrovic for all records in her possession regarding the minor child identified in the complaint. The motion passed unanimously.

J. NJ09-0011, Michael James

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

Following review and discussion by members, Dr. Gabler moved, seconded by, Ms. de Blank, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

8. Applications for licensure: review, consideration and action

A. Michelle Buhman-Livermore

Ms. Rinaudo indicated that per A.A.C. R4-6-306(H), the Board must review the applicant's criminal history and prior discipline by another state regulatory entity before the applicant's temporary license can be approved.

Following review and discussion by members, Ms. Nix moved, seconded by Dr. Gabler, to approve the application for a temporary license. The motion passed unanimously.

Social Work

Dr. Gabler moved, seconded by Ms. Nix, to approve 4 applicants as Licensed Clinical Social Workers, 2 applicants as Reciprocal Licensed Clinical Social Workers and 8 applicants as Licensed Master Social Workers. The motion passed unanimously.

Dr. Gabler moved, seconded by Ms. Lee, to deny 8 applicants based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Ms. Brassea, to approve 10 applicants as Licensed Associate Counselors, 10 applicants as Licensed Professional Counselors and 3 applicants as Reciprocal Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 4 applicants based on failure to meet minimum requirements in education and/or supervised work experience and 1 applicant based on failure to pass the required exam. The motion passed unanimously.

Substance Abuse

Ms. de Blank moved, seconded by Ms. Brassea, to approve 1 applicant as a Licensed Independent Substance Abuse Counselor and 2 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

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

Marriage and Family Therapy

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

Ms. de Blank moved, seconded by Ms. Brassea, to deny 2 applicants based on failure to 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. Review of A.R.S. §32-3206

Tabled

D. Define 40 hours for consent agreements

Ms. Lee expressed concern regarding standard language used in proposed consent agreements requiring 1 hour of clinical supervision for every 40 hours worked. She requested that staff advise the credentialing committees that a mechanism for ensuring compliance with this requirement must be included in the consent agreement if this standard is included. Otherwise, the proposed consent agreement should require a set number of monthly clinical supervision sessions.

E. Discussion regarding early release provisions

Ms. Lee expressed concern that the option for early release in proposed consent agreements appears contradictory to the standard language requiring that a professional be placed on probation for a “minimum” number of months.

Ms. Nix moved, seconded by Dr. Gabler, to reagendaize this matter for further discussion in six months. The motion carried with Mr. Herrera and Ms. Brassea opposed.

F. Discussion regarding items in consent agreements

Members agreed to delete this agenda item at this time.

G. Discussion regarding Board review of consent agreements before signature

Ms. Lee expressed concern regarding the current process of submitting a proposed consent agreement to a professional for possible signature before Board review. Following discussion, members agreed to continue this process.

10. Report from the Treasurer

A. Monthly Financial Report

Dr. Gabler moved, seconded by Mr. Herrera, to accept the monthly financial report as presented. The motion passed unanimously.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

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 February 6, 2009, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Ms. Lee moved, seconded by Ms. Nix, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:50 p.m.

Gloria Gabler
Secretary/Treasurer

Date