



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
January 8, 2010

Members Present: Laura de Blank, Kirk Bowden, Doug Mitchell, Diane Brassea, Ruth Lee
Members Absent: Gloria Gabler, Kahryn Nix, Sunita Krishna
Staff Present: Patricia Reynolds, 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 8, 2010, at 9:05 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the general meeting minutes from December 4, 2009, meeting as submitted. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the general meeting minutes from December 11, 2009, meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

Members requested that item C be pulled from the consent agenda and considered separately.

A. 2008-0005, Steven Brinton, LCSW-1699

Review, consideration and action regarding the proposed signed consent agreement.

B. 2009-0044, Sharon Cottor, LCSW-0012

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

C. 2009-0028 and 2010-0012, Paul Harris, LSAT-12030

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

Ms. Lee expressed concern that a consent agreement was accepted in October 2008, the professional has not complied with any stipulation of that agreement and the new consent agreement appeared the same.

The professional appeared in person and addressed the Board.

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

D. 2010-0017, Lauren Lauder, LISAC-10567

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

E. 2008-0075, Candace Shelton, LISAC-1683

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to release the professional from the consent agreement.

F. 2010-0028 and 2010-0024, Gwendolyn Swan, LISAC-0743

Review, consideration and action regarding the Substance Abuse 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 consent agenda items A, B and D – F. The motion passed unanimously. See attached roll call vote.

5. Administrative Hearings 1:00 PM

A. 2009-0082, William Jefferson, LMFT-0065 and LPC-0229

Ms. de Blank reviewed the procedure for conducting a formal administrative hearing.

Mr. Munns, Solicitor General's Office, appeared as the Board's legal advisor.

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

Mr. Jefferson appeared and stated that he is confused regarding the formal hearing process, but acknowledged that he did receive the Notice of Hearing and Complaint.

Mr. Harris made an opening statement.

Mr. Jefferson made an opening statement.

Patricia Reynolds, Deputy Director and Chief Investigator of the Board, was sworn in and testified.

Mr. Harris, A.A.G., offered State's Exhibits 1 – 10, 12 – 27 and 29 – 36 into evidence.

Ms. de Blank entered State's Exhibits 1 – 10, 12 – 27 and 29 – 36 into evidence.

Mr. Jefferson began his cross-examination of Ms. Reynolds.

The Board took a break from 3:40 p.m., reconvening at 3:47 p.m.

Mr. Harris questioned Ms. Reynolds on redirect.

Due to time constraints, the matter was continued to 8:00 a.m. on February 5, 2009, when Mr. Jefferson will present his case.

6. Formal Interviews

None

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

A. 2010-0026, Linda Bennardo, LPC-12144

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

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. de Blank moved, seconded by Dr. Bowden, invite the professional to participate in a formal interview and, if not accepted, to remand the matter to formal hearing. The motion passed unanimously.

B. 2009-0043, 2009-0121 and 2010-0019, Alfred Dodini, LCSW-11040 and LAMFT-10257

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

The complainant from Complaint No. 2009-0043 appeared in person and addressed the Board.

The complainant from Complaint No. 2010-0019 appeared in person and addressed the Board.

The professional and his attorney, Stephen Myers, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Nix, to offer the professional a revised consent agreement with a stayed revocation and 2-year suspension of the professional's licenses and to remand the matter to the Social Work Credentialing Committee for consideration regarding required terms during the suspension and following period of probation. The motion carried with Ms. Lee and Ms. de Blank opposed.

C. 2009-0022 and 2010-0030, Nanette Mongelluzzo, LPC-11867

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

The complainant appeared in person and addressed the Board.

The professional and her attorney, Charles Arnold, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to accept the proposed signed consent agreement. The motion was withdrawn.

Following further discussion, Ms. Lee moved, seconded by Ms. Brassea, to re-offer the consent agreement modified as follows:

- The license will be placed on probation for 12 months with no early release
- The professional shall complete a 3-semester credit hour graduate level course in behavioral health ethics
- The professional shall complete 3-clock hours of continuing education addressing current clinical documentation requirements
- The professional shall complete 6-clock hours of continuing education addressing high conflict divorce cases
- The professional shall receive clinical supervision from a pre-approved independently licensed clinical supervisor
- Clinical supervision shall occur bi-weekly and shall focus on scope of practice regarding written statements and high conflict custody cases, ethics, boundaries and clinical documentation

And, if not signed, to invite the professional to participate in a formal interview and, if not accepted, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

D. 2005-0142 and 2007-0049, Rayne Norton, LMSW-11723 suspended

Mr. Harris, A.A.G., provided an update regarding continuing litigation in this matter.

E. 2010-0057, Kelly Tinley, LMSW-12688

Ms. Reynolds summarized the information received that resulted in the interim consent agreement.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to accept the proposed signed interim consent agreement. The motion passed unanimously. See attached roll call vote.

F. 2009-0079, Russ Warner, LISAC-1077

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

The professional and his attorney, Ronna Fickbolm, were available telephonically.

The complainant addressed the Board telephonically.

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

The Board took a break at 12:35 p.m., reconvening its public meeting at 1:13 p.m.

8. Applications for licensure: review, consideration and action

MFTCC December 2009 denials

Ms. de Blank moved, seconded by Ms. Brassea, to rescind this Board's December 4, 2009, motion to deny marriage and family therapy license applications. The motion passed unanimously.

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 5 applicants as Licensed Clinical Social Workers and 16 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. de Blank, to deny 8 applicants based on failure to pass the required exam and 1 applicant based on failure to meet minimum requirements. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Ms. Brassea, to approve 10 applicants as Licensed Associate Counselors, 6 applicants as Licensed Professional Counselors and 1 applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Mitchell, to deny 5 applicants based on failure to meet minimum requirements and 1 applicant based on failure to pass the required exam. The motion passed unanimously.

Marriage and Family Therapy

Ms. de Blank 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 6 applicants based on failure to pass the required exam and 1 applicant based on failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Ms. Brassea, to approve 1 applicant as a Licensed Independent Substance Abuse Counselor, 4 applicants as Licensed Associate Substance Abuse Counselors and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Brassea, to deny 1 applicant based on failure to meet minimum requirements. The motion passed unanimously.

9. Report from Chair

A. Chair report

No report.

10. Report from the Treasurer

A. Monthly Financial Report

Tabled

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 5, 2010, at 8:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Mr. Mitchell moved, seconded by Dr. Bowden, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:00 p.m.

Gloria Gabler
Secretary/Treasurer

Date