



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 6, 2011 - AMENDED

Members Present: Gloria Gabler, Kirk Bowden (out at 3:55 p.m.), Douglas Mitchell, Sunita Krishna, Kahryn Nix

Member by phone: Gloria Gabler (in at 11:15 a.m.)

Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on January 6, 2011, at 9:10 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 the December 2, 2010, meeting as submitted. The motion passed unanimously. Ms. Nix abstained from the vote.

The executive session minutes from the December 2, 2010, meeting were tabled.

4. Consent Agenda: review, consideration and action

A. 2010-0027, Sue Ann Atkerson, LPC-1886

The complainant appeared in person and requested that the Board pull this matter from the consent agenda for individual consideration.

Ms. Rinaudo summarized information regarding the investigation.

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 Counseling Credentialing Committee's recommendation to dismiss the complaint. The motion passed unanimously.

B. 2011-0041, Tiffany Gallego, LMSW-12639 and LCSW applicant

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

C. 2011-0060, Adaiiah Gooden, LASAC applicant

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

D. 2011-0057, Matthew Gordon, LMSW applicant

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

E. 2011-0008, Marina Greco, LPC-2159

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

accept the proposed signed consent agreement.

F. 2007-0037 and 2008-0066, Burdette Leikvoll, LPC-0331 and LISAC-0677

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

G. 2009-0118, Cheryl Meloche, LCSW-10945 and LISAC-1451

The professional appeared in person and requested that the Board pull this matter from the consent agenda for individual consideration.

Ms. Rinaudo summarized the SWCC's recommendation to issue an amended Non-Disciplinary Order providing additional time for the professional to complete the required graduate level ethics course.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to amend the Non-Disciplinary Order to allow completion of the graduate level ethics course by January 6, 2012. The motion failed with Dr. Bowden and Mr. Mitchell in favor. See attached roll call vote.

Following further discussion, Ms. de Blank moved, seconded by Ms. Nix, to amend the Non-Disciplinary Order to order the professional to complete 12 hours of continuing education in behavioral health ethics. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Nix, to rescind the previous motion. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Nix, to amend the Non-Disciplinary Order to order the professional to complete 12 hours of continuing education in behavioral health ethics by July 27, 2011. The motion carried with Dr. Bowden opposed.

H. 2011-0039, Michelle Ruttinger, LCSW-10994

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

I. 2011-0059, Angela Zibert, LAC applicant

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

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Krishna, to accept consent agenda items B – F and I as presented. The motion passed unanimously. See attached roll call vote.

The Board took a break at 10:17 a.m., reconvening its public meeting at 10:24 a.m.

5. Administrative Hearings 10:00 AM

A. 2009-0120, John Lare, LISAC-11820 revoked and LAC-12407 revoked

Ms. Nix recused herself from the matter as she was not present at the formal hearing.

Ms. de Blank reviewed procedures for considering a request for review or rehearing.

Christopher Munns, Solicitor General's Office, appeared on behalf of the Board.

Mr. Lare appeared in person and addressed the Board. His attorney, Melanie Balestra, addressed the Board telephonically.

Mr. Harris, A.A.G., addressed the Board on behalf of the State.

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

B. Carol Signore, LMFT applicant

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

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

Mr. Harris appeared on behalf of the State and made an opening statement.

The professional's attorney, Larry Cohen, did not appear. Ms. Signore appeared in person, was sworn in, and testified on her own behalf. Steven LeGendre was sworn and testified on behalf of the applicant.

Ms. Rinaudo, BBHE Executive Director, was sworn in and testified on behalf of the State.

Ms. de Blank accepted State's Exhibits 1- 14 into evidence.

Ms. Signore made a closing argument.

Mr. Harris made a closing argument.

Following review and discussion by members, Ms. de Blank moved, seconded by Ms. Krishna, to affirm the Marriage and Family Therapy Credentialing Committee's recommendation to deny the application based on the professional's failure to establish that she meets minimum requirements for reciprocal licensure. The motion passed unanimously.

The Board took a break at 12:25 p.m., reconvening its public meeting at 12:35 p.m.

C. 2010-0086, Nancy Taylor, LPC-10994

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

Mr. Harris appeared on behalf of the State.

The professional and her attorney, Donald Smith, appeared in person.

Mr. Harris and Mr. Smith made opening statements.

Ms. Reynolds, Deputy Director, was sworn and testified on behalf of the State. Mr. Smith cross-examined Ms. Reynolds.

Ms. Jernigan was sworn and testified on behalf of the state. Mr. Smith cross-examined Ms. Jernigan.

The Board took a break at 3:20 p.m., reconvening its public meeting at 3:29 p.m.

Ms. de Blank accepted State's Exhibits 1- 25 and 8A into evidence.

"Mother" was sworn and testified on behalf of the professional.

Dr. Byron Norton was sworn and testified telephonically on behalf of the professional.

The Board took a break at 5:27 p.m., reconvening its public meeting at 5:32 p.m.

Mr. Smith and Mr. Harris made closing arguments.

Following review and discussion, Mr. Mitchell moved, seconded by Ms. Nix, dismiss the complaint with a letter of concern addressing the professional's failure to maintain objectivity in a high conflict case, her failure to maintain documentation in accordance with the Board's minimum practice standards, her failure to promptly provide a minor client's records upon request by a parent, and her failure to limit her involvement to areas within her authorized scope of practice. The motion passed unanimously. See attached roll call vote.

6. Formal Interviews

None

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

A. 2010-0092, Kevin Alexander, LPC-10802

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

The professional and his attorney, Faren Akins, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to dismiss the complaint with a letter of concern addressing the professional's failure to maintain documentation in accordance with the Board's minimum practice standards and his failure to thoroughly document the need for a psychosexual assessment of a minor and the goals and objectives of the therapeutic interventions used. The motion passed unanimously. See attached roll call vote.

B. 2010-0100, Robert Collette, LMSW-12469
Tabled

C. Kimberly Keane, LPC-1971 expired
Tabled

8. Assistant Attorney General's Report: Marc Harris, A.A.G.
None

9. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 7 applicants as Licensed Clinical Social Workers, 2 applicants as Reciprocal Licensed Clinical Social Workers and 34 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. de Blank, to deny 4 applications based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Mr. Mitchell, to approve 9 applicants as Licensed Associate Counselors and 4 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Mitchell, to deny 3 applications based on not meeting minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Ms. Nix moved, seconded by Mr. Mitchell, to approve 2 applicants as Licensed Associate Marriage and Family Therapists and 2 applicants as Licensed Marriage and Family Therapists. The motion passed unanimously.

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

Substance Abuse

Ms. Krishna moved, seconded by Mr. Mitchell, to approve 2 applicants as Licensed Associate Substance Abuse Counselors and 2 applicants as Licensed Substance Abuse Technicians. The motion passed unanimously.

Ms. Krishna moved, seconded by Mr. Mitchell, to deny 2 applications based on failure to meet minimum requirements. The motion passed unanimously.

10. Report from Chair

A. Chair report
Tabled

11. Report from the Treasurer

A. Monthly Financial Report
Tabled

12. Report from the Executive Director and/or staff

A. General Agency Operations

Tabled

B. Increasing Board workload issues

Tabled

C. Substantive Policy Statement

Tabled

13. Committee Reports

None

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

None

15. Future agenda items

None

16. Call for public comment

None

17. Establishment of future meeting dates

The next regular meeting is scheduled for Thursday, February 3, 2011, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Mr. Mitchell moved, seconded by Ms. de Blank , to adjourn. The motion passed unanimously and the meeting was adjourned at 6:45 p.m.

Gloria Gabler
Secretary/Treasurer

Date