



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 10, 2012

Members Present: Laura de Blank, Gloria Gabler, Kirk Bowden, Douglas Mitchell, Bruce Murchison

Staff Present: Debra Rinaudo, Executive Director, 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 10, 2012, at 9:10 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Bowden moved, seconded by Mr. Mitchell, to approve the general meeting minutes from the December 1, 2011, meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

A. 2008-0105, Euvada Shernaye Beaton, LSAT-12021

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

B. 2011-0152, Kathryn Cooper, LAC-12766 (suspended)

Review, consideration and action regarding dismissing the complaint without prejudice.

C. 2009-0067, James Corrington, LCSW-0463

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

D. 2012-0081, Cynthia Criss, LPC-10792

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

E. 2010-0070, Paula DeBenedetto, LCSW-1922

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

F. 2012-0012, Philip Doyle, LPC-11724

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

G. 2012-0017, Michael Hoyt, LPC-2084

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

H. 2012-0080, Kathleen McGuire, LPC-10650

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

I. 2010-0084, Linda Thompson, LMFT-0481

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

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

The Board took a break at 10:08 a.m., reconvening its public meeting at 10:20 a.m.

5. Administrative Hearings

A. 2012-0020, Debra Raybon, LAMFT-10255 and LMFT applicant

Ms. Raybon and her attorney, Larry Cohen, appeared in person and addressed the Board with regard to the proposed consent agreement.

Mr. Harris, A.A.G., addressed the Board on behalf of the State with regard to the proposed consent agreement.

Following review and discussion, Ms. de Blank moved, seconded by Mr. Murchison, to vacate the formal hearing and to accept the proposed consent agreement revised as follows:

- Delete the supervision stipulation
- Completion of a 3-semester credit hour pre-approved graduate level course in ethics
- Completion of a 3-semester credit hour pre-approved graduate level course in addictions
- Completion of 6-clock hours of education in family addiction issues
- Therapy for 6 months by a pre-approved therapist, twice a month, focusing on judgment and ethical decision making

The motion passed unanimously. See attached roll call vote.

Mr. Cohen indicated his client would sign the modified consent agreement offered by the Board.

B. 2011-0034, Terri Waibel, LMSW applicant

Ms. Waibel appeared in person and addressed the Board.

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

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

6. Formal Interviews

None

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

A. 2012-0028, Heather Addington, LPC-12954

Ms. Rinaudo summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

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

B. 2011-0123, Millie Hudson-Libby, LPC-1715

Ms. Rinaudo summarized information regarding the complaint.

The professional's attorney, Robert Chelle, appeared in person and addressed the Board.

Following review and discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to offer a revised consent agreement for the voluntary surrender of the professional's license and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

C. 2011-0083 and 2011-0084, Kimberly Rezarch, LCSW applicant and LISAC applicant

Ms. Rinaudo summarized information regarding the matter.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to refer the professional's conduct, which included forging her supervisor's signature, to the local county attorney for prosecution. The motion passed unanimously.

D. 2012-0029, Cory Shaw, LPC-10892

Ms. Rinaudo summarized information regarding the complaint.

The professional and her attorney, Robert Chelle, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. de Blank, to issue a letter of concern regarding the professional's misrepresentations on her renewal application and offer a non-disciplinary consent agreement stipulating completion of a pre-approved 3-semester credit hour graduate level course in addictions and, if not signed, to remand the matter to formal hearing. The motion carried with Dr. Bowden opposed. See attached roll call.

E. 2012-0078, Rebecca Southwick, LCSW-11000

Ms. Rinaudo summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to remand the matter to formal hearing. The motion passed unanimously.

F. 2011-0096, Henry Dayton Turberville, LISAC-10777

Ms. Rinaudo summarized information regarding the complaint.

The professional and his attorney, Kraig Marton, appeared in person and addressed the Board.

Following review and discussion by members, Ms. de Blank moved, seconded by Mr. Mitchell, to re-offer the consent agreement modified as follows:

1. The professional's license shall be suspended for 9 months
2. The suspension shall be stayed as long as the professional is compliant with all terms of the consent agreement
3. The professional shall complete a pre-approved 3-semester credit hour graduate level course in assessment, diagnosis and treatment within 12 months
4. The professional shall complete 6-clock hours of pre-approved continuing education in current behavioral health documentation standards, such as the NASW Staying Out of Trouble course or its equivalent within 12 months
5. The professional shall work with a practice monitor for 24 months as follows:
 - a. The practice monitor shall submit a plan for pre-approval by the Substance Abuse Credentialing Committee Chair
 - b. The practice monitor shall meet with the professional at least every other week
 - c. The practice monitor shall review every application for admission with the professional to determine appropriateness for admission
 - d. The practice monitor shall also ensure the professional is in compliance with all Office of Behavioral Health Licensure requirements
 - e. The practice monitor shall also ensure the professional's supervision of other staff meets Office of Behavioral Health Licensure requirements and is appropriate
6. Early release is available upon the practice monitor's recommendation after 12 months

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.

The Board took a break at 12:21 p.m., reconvening its public meeting at 12:30 p.m.

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

A. Update regarding Robert Collette judicial review action

Mr. Harris provided information regarding the judicial review action filed by Mr. Collette and the State's motion to dismiss.

9. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 1 applicant as a Reciprocal Licensed Clinical Social Worker, 3 applicants as Licensed Clinical Social Workers and 25 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Gabler, to deny 5 applications based on failure to take and/or pass the required exam and 2 applications based on failure to meet minimum requirements. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Dr. Bowden, to approve 23 applicants as Licensed Associate Counselors and 18 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Mitchell, to deny 8 applications based on failure to meet minimum requirements and 1 application based on a finding of unprofessional conduct. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Mr. Mitchell, to approve 1 applicant as a Licensed Marriage and Family Therapist and 1 applicant as a Licensed Associate Marriage and Family Therapist. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Ms. de Blank, to approve 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 Mr. Mitchell, to deny 7 applications based on failure to meet minimum requirements. The motion passed unanimously.

10. Report from Chair

A. Chair report

No report

B. Annual election of officers

Mr. Mitchell moved, seconded by Dr. Bowden, to nominate Ms. de Blank and Dr. Gabler to continue as Chair and Secretary of the Board. The motion passed unanimously.

11. Report from the Treasurer

A. Monthly Financial Report

Members reviewed the monthly financial report.

Following review, Dr. Gabler moved, seconded by Mr. Mitchell, 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. Proposed standard letter for supervisors who fail to report unprofessional conduct by another licensee

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

A licensee commented on her observation of the meeting and thanked the Board for its work on behalf of the professions.

17. Establishment of future meeting dates

The next regular meeting is scheduled for Friday, February 3, 2012, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Mr. Mitchell moved, seconded by Dr. Bowden, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:45 p.m.

Gloria Gabler
Secretary/Treasurer

Date