



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 3, 2013

Members Present: Kirk Bowden, Gloria Gabler, Steve Lankton, Deborah Pettitt, Mary Coonrod, Jayne McElfresh, Bruce Murchison

Staff Present: Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Tobi Zavala, Board Staff, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on January 3, 2013, at 9:01 a.m. with Dr. Bowden presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Lankton moved, seconded by Ms. Pettitt, to approve the general meeting minutes from the December 6, 2012, meeting as submitted. The motion passed unanimously. Mr. Murchison abstained from the vote.

Ms. McElfresh moved, seconded by Mr. Lankton, to approve the 9:51 a.m., executive session minutes from the December 6, 2012, meeting as submitted. The motion passed unanimously. Mr. Murchison abstained from the vote.

Ms. McElfresh moved, seconded by Dr. Gabler, to approve the 1:41 p.m., executive session minutes from the December 6, 2012, meeting as submitted. The motion passed unanimously. Mr. Murchison abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2013-0010, Rita Butler, LPC-10528

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

B. 2011-0064, Bevan Gottlieb, LISAC-10822

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

C. 2011-0130, Marie Hanna, LSAT-12019

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

D. 2012-0043, Jenise Johnson, LAC-13823

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

E. 2013-0054, Jon Longoria, LSAT-12057

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

F. 2010-0118, Karen Mavrikos, LAC-13597

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

G. 2012-0118 and 2013-0024, Carl Schwartz, LPC-0355

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

H. 2013-0024, Carl Schwartz, LPC-0355

Review, consideration and possible action regarding referring the matter to the appropriate law enforcement agency.

I. 2013-0043, Marilyn Shepherd, LCSW-2055

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

J. 2013-0042, Richard Starbuck, LAMFT applicant

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

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

The Board took a break at 10:00 a.m., reconvening its public meeting at 10:15 a.m.

5. Administrative Hearings

A. 2012-0103, Lisa Bozik, RLPC applicant

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

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

Ms. Bozik and her attorney, Tom Rogers, appeared in person requesting a continuance.

Mr. Harris made a responding statement.

Following review and discussion by members, Dr. Gabler moved, seconded by Ms. McElfresh, to grant the request for a continuance. The motion passed unanimously.

B. David Franzen, LAC-13023 and LPC applicant

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

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

David Morrison, the professional's attorney, appeared in person and made a statement. Mr. Morrison is requesting rehearing based on A.A.C. R4-6-1002(A)(5), as it relates to A.A.C. R4-6-212(F)(3) and (F)(7).

Mr. Harris indicated that the decision was not contrary to law as the standards are the same for all applicants and requested that the Board deny the request for rehearing.

Mr. Murchison and Ms. Pettitt attested that they have reviewed the transcript from the formal hearing. Ms. Pettitt stated that she is not clear on the details of the case and therefore will abstain from the discussion and vote.

Following discussion by members, Mr. Lankton moved, seconded by Ms. Coonrod, to deny the request for review or rehearing. The motion carried with Dr. Gabler and Ms. McElfresh opposed. Ms. Pettitt abstained from the vote. See attached roll call vote.

6. Formal Interviews

None

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

A. *2013-0013, Heath Kilgore, LPC-10562*

Mr. Harris summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

Following review and discussion, Dr. Gabler moved, seconded by Mr. Murchison, to reoffer the consent agreement and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

B. *2011-0025, Chelsie Reed, LPC-12936*

Mr. Harris summarized information regarding the complaint.

The professional's attorney, Larry Cohen, addressed the committee telephonically.

Ms. Reed appeared in person.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Pettitt, to reoffer the consent agreement modified to include language in paragraph 7: if the professional works 25 hours or less she will have 2 hours clinical supervision per month, if she works 26 – 35 hours she will have 3 hours of clinical supervision per month and over 36 hours she will have weekly clinical supervision. The motion passed unanimously. See attached roll call vote.

Following further discussion, Mr. Lankton moved, seconded by Dr. Gabler, if the proposed modified consent agreement is not signed to remand the matter to formal hearing. The motion passed unanimously.

C. *2011-0108 and 2013-0014, Debra Shewey, LAC-13010 and LPC applicant*

Mr. Harris summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

Following review and discussion, Dr. Gabler moved, seconded by Mr. Lankton, to reoffer the consent agreement and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

D. *2013-0016, Bruce Somers, RLMFT and LMFT applicant*

Mr. Harris summarized information regarding the complaint.

The professional's attorney, Larry Cohen, appeared telephonically and addressed the committee.

Following review and discussion, Ms. McElfresh moved, seconded by Mr. Murchison, to accept the signed consent agreement. The motion passed unanimously. See attached roll call vote.

E. *2012-0127, Gary Straus, LCSW-3663*

Mr. Harris summarized information regarding the complaint.

The professional addressed the Board telephonically.

Following review and discussion, Mr. Lankton moved, seconded by Ms. Coonrod, to modify the credentialing committee's recommendation and to offer an interim consent agreement not to practice until medically cleared. The motion passed unanimously. See attached roll call vote.

Following further discussion, Dr. Gabler moved, seconded by Mr. Lankton, to remand the matter to formal hearing if the interim consent agreement is not signed. The motion passed unanimously.

F. 2011-0054, Herbert Warner, RLPC-15047 (suspended)
Mr. Harris summarized information regarding the complaint.

The complainant addressed the Board telephonically.

The professional was properly noticed, but did not appear.

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

G. 2013-0037, Alexandra Yassi, LAMFT applicant
Mr. Harris summarized information regarding the complaint.

The professional appeared in person and addressed the committee.

Following review and discussion, Dr. Gabler moved, seconded by Mr. Lankton, to re-offer the consent agreement modified to replace the stipulation for the clinical supervisor to be a LISAC with an LMFT, to change the focus of the clinical supervision to include general marriage and family therapy matters so the substance abuse issues are not the primary focus, and to allow the professional to submit work experience acquired while under the consent agreement for consideration toward an independent license. The motion passed unanimously. See attached roll call vote.

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

None

9. Applications for licensure: review, consideration and action

Social Work

Mr. Lankton moved, seconded by Dr. Gabler, to approve 3 applicants as Licensed Clinical Social Workers, 21 applicants as Licensed Master Social Workers, one applicant as a Licensed Bachelor Social Worker and one applicant as a Reciprocal Licensed Clinical Social Worker. The motion passed unanimously.

Mr. Lankton moved, seconded by Ms. McElfresh, to deny 3 applications based on failure to take and/or pass the required exam. The motion passed unanimously.

Counseling

Ms. Pettitt moved, seconded by Mr. Lankton, to approve 21 applicants as Licensed Associate Counselors, 8 applicants as Licensed Professional Counselors, one applicant as a Reciprocal Licensed Associate Counselor and one applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Ms. Pettitt moved, seconded by Ms. McElfresh, to deny 4 applications based on not meeting minimum requirements. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Lankton, to approve one applicant as a Licensed Associate Substance Abuse Counselor and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Coonrod, to deny one application based on failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

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

10. Report from Chair

A. Chair report

No report

11. Report from the Treasurer

A. Monthly Financial Report

Members reviewed the monthly financial report.

Following review, Dr. Gabler moved, seconded by Mr. Murchison, 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. Discussion regarding supervised work experience hours under consent agreements

Mr. Harris provided information regarding the need for language in consent agreements addressing whether supervised work experience hours when acquired while the professional in under the stipulations of a consent agreement can be used toward an independent license.

Members agreed there should be two paragraphs, one if they can use the supervised work experience toward an independent license and one if they can't. The committees will recommend which paragraph should be used in individual consent agreements based on the facts of each case.

Mr. Lankton moved, seconded by Ms. Coonrod, to direct board staff to develop standard language and bring it back to the Board for review. The motion passed unanimously.

13. Committee reports

No report

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

None

15. Future agenda items

None

16. Call for public comment

No one asked to speak in response to the call for public comment.

17. Establishment of future meeting dates

The next meeting is scheduled for Thursday, February 7, 2013, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Mr. Lankton moved, seconded by Ms. McElfresh, to adjourn. The motion passed unanimously and the meeting was adjourned at 11:32 p.m.

Gloria Gabler
Secretary/Treasurer

Date