



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
3443 NORTH CENTRAL AVENUE, SUITE 1700
PHOENIX, AZ 85012
PHONE: 602.542.1882 FAX: 602-364-0890
Website: www.az.gov
Website: www.azbbhe.us
E-mail address: information@azbbhe.us

JANICE K. BREWER
Governor

DEBRA RINAUDO
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
March 5, 2010

Members Present: Kahryn Nix, Kirk Bowden, Doug Mitchell, Diane Brassea, Ruth Lee, Gloria Gabler, Sunita Krishna
Members Absent: Laura de Blank
Staff Present: Debra Rinaudo, 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 March 5, 2010, at 9:00 a.m. with Dr. Gabler 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 February 5, 2010, meeting as amended. The motion passed unanimously. Ms. Nix abstained from the vote.

Ms. Krishna moved, seconded by Dr. Bowden, to approve the executive session minutes from the February 5, 2010, meeting as submitted. The motion passed unanimously. Ms. Nix abstained from the vote.

4. Consent Agenda: review, consideration and action

Ms. Lee requested that item G be pulled from the consent agenda and considered separately.

A. 2007-0119, Jennifer Balistreri, LMSW-12207

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

B. 2009-0105, Jolynne Buehring, LCSW-2636

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

C. 2009-0094, Kathryn Cooper, LAC-12766

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

D. 2009-0136, Mary Erhart, LISAC-0874

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

E. 2005-0102 and 2009-0131, Christy Graham, LCSW-2721

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

F. 2010-0029, Mary Kent, LPC-1165

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

G. 2010-0006, Brady Clevenger Miller, LMSW-12515

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

Ms. Lee discussed the serious nature of the findings and violations. Mr. Mitchell explained the Social Work Credentialing Committee's rationale for the discipline in the proposed consent agreement.

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

H. 2009-0059, Gary Miller, LMSW-12279

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

I. 2006-0083, Susan Rassas, LISAC-1393 and LPC-2288

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

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to accept consent agenda items A – F and H – I. The motion passed unanimously. See attached roll call vote.

5. Administrative Hearings 8:00 AM

A. 2009-0132, Earlene Dear, LCSW-0195

The hearing is vacated. See agenda item 7(A).

6. Formal Interviews

None

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

A. 2009-0132, 2008-0055, 2008-0017 and 2005-0127, Earlene Dear, LCSW-0195

Mr. Harris summarized negotiations leading to the proposed consent agreement.

The professional was properly noticed, but did not appear.

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

Following further discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to vacate the formal hearing. The motion passed unanimously.

B. 2009-0057, Nara Dedrick, LISAC-10786

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

The professional appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to re-offer the 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. 2009-0055, Lucie LaBorde, LPC-1134

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

The professional appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to re-offer the 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.

F. 2009-0056, Elizabeth Rodgers, LCSW-2519

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

The professional appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to re-offer the 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.

D. 2010-0043, Barbara Martinez, R-LCSW applicant

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

The applicant appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Gabler, to dismiss the complaint. The motion passed unanimously.

E. 2010-0065, Bridgette Naughton, LISAC-1538

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, Dr. Bowden moved, seconded by Ms. Krishna, to consolidate the 2 pending complaints and remand the matter to formal hearing. The motion passed unanimously.

F. 2009-0056, Elizabeth Rodgers, LCSW-2519

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

The professional appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to re-offer the 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.

G. NJ07-0019 and NJ10-0010, Jane Fendelman

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

The professional appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Lee, to find a violation of A.R.S. §32-3286(A). The motion passed unanimously.

Following further discussion, Ms. Nix moved, seconded by Dr. Bowden, to direct the A.A.G. to seek an injunction against the professional prohibiting her from engaging in the unlicensed practice of psychotherapy. The motion carried with Mr. Mitchell and Dr. Gabler opposed.

The Board took a break at 10:55 a.m., reconvening its public meeting at 11:12 a.m.

8. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Dr. Bowden, to approve 6 applicants as Licensed Clinical Social Workers and 13 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to deny 4 applicants based on failure to pass the required exam and 3 applicants based on failure to meet minimum requirements. The motion passed unanimously.

Counseling

Dr. Gabler moved, seconded by Mr. Mitchell, to approve 17 applicants as Licensed Associate Counselors and 7 applicants as Licensed Professional Counselors. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Mitchell, to deny 2 applicants based on failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

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

Substance Abuse

Dr. Bowden moved, seconded by Mr. Mitchell, to approve 2 applicants as Licensed Independent Substance Abuse Counselors and 3 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to deny 1 applicant based on failure to pass the required exam. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to deny 1 applicant based on failure to meet minimum requirements and a finding of unprofessional conduct. The motion passed unanimously.

9. Report from Chair

A. Chair report

No report.

B. Development of process for parking lot items

Members reviewed the process for scheduling and/or maintaining agenda items that have been indefinitely tabled.

Following discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to begin the following process:

1. The scheduling of pending matters for a future Board agenda will be a standing agenda item
2. Any Board member can request that an item be added to the pending matters list
3. Any Board member can request a vote that a pending matter be agendaized for a future Board agenda
4. The item will be placed on the next Board agenda if approved by the Board

The motion passed unanimously.

Following further discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to revise the 2007 policy, PPD 01.11, to reflect this decision. The motion passed unanimously.

Ms. Lee moved, seconded by Dr. Gabler, to use the phrase 'future agenda items' rather than 'parking lot'. The motion passed unanimously.

C. Early release provisions in consent agreements

Members discussed the use of early release in consent agreements.

Following discussion, Dr. Bowden moved, seconded by Ms. Lee, to direct the credentialing committees to include a clear and concise explanation of why the ability to request early release is available in a specific consent agreement. The motion passed unanimously.

10. Report from the Treasurer

A. Monthly Financial Report

Members reviewed the monthly financial report.

Following review, Dr. Gabler moved, seconded by Dr. Bowden, to accept the 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 April 2, 2010, at 8:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Dr. Bowden moved, seconded by Mr. Mitchell, to adjourn. The motion passed unanimously and the meeting was adjourned at 11:58 p.m.

Gloria Gabler
Secretary/Treasurer

Date