



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
November 6, 2009

Members Present: Laura de Blank, Kirk Bowden, Doug Mitchell, Diane Brassea, Kahryn Nix, Ruth Lee, Gloria Gabler

Staff Present: Patricia Reynolds, Marc Harris, A.A.G., Kami Thur, Lynanne Chapman, Marcus Harvey, Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on November 6, 2009, at 9:00 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Bowden moved, seconded by Ms. Brassea, to approve the general meeting minutes from the October 9, 2009, meeting as submitted. The motion passed unanimously. Dr. Gabler abstained from the vote.

Dr. Bowden moved, seconded by Ms. Brassea, to approve the 9:26 a.m. executive session minutes from the October 9, 2009, meeting as submitted. The motion passed unanimously. Dr. Gabler abstained from the vote.

Dr. Bowden moved, seconded by Ms. Brassea, to approve the 10:12 a.m. executive session minutes from the October 9, 2009, meeting as submitted. The motion passed unanimously. Dr. Gabler abstained from the vote.

4. Consent Agenda: review, consideration and action

Members requested that items B, C, I and K be pulled from the consent agenda and considered separately.

A. 2007-0017 and 2009-0054, Dianne Andrick, LPC-1689 and LISAC-0372

Review, consideration and action to accept the proposed modified consent agreement.

B. 2008-0105, Euvada Beaton, LSAT-12021

Review, consideration and action to accept the proposed modified signed consent agreement.

Ms. Lee questioned the language in the consent agreement that stipulates "respondent shall practice substance abuse. . ." Members agreed it should be "practice substance abuse counseling".

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

C. 2009-0047, Charles Combs, LPC-1004

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

Dr. Gabler questioned whether the sanctions were appropriate.

The professional addressed the Board telephonically.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Brassea, to re-offer the consent agreement modified to remove the stipulation for completion of 3-clock hours of continuing education in documentation and to add completion of a 3-semester credit hour graduate level course in ethics 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. 2006-0031, Sandra Coorough, LCSW-0335

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

E. 2009-0003, Dorothy Granberry, LAC-12811 and LASAC-13151

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

F. 2010-0042, Kimberly Keane, LPC-1971

Review, consideration and action to accept the proposed signed interim consent agreement not to practice.

G. 2007-0023, Susan Livingston, LCSW-11160 suspended

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

H. Beverly McDonald, LPC-2506 and LISAC-0925

Review, consideration and action to open a complaint and accept the proposed signed interim consent agreement not to practice.

I. 2009-0127, Douglas Mitchell, LCSW-10956

Mr. Mitchell and Ms. de Blank recused from the matter.

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

The complainant and her attorney, Wayne Cox, addressed the Board telephonically.

Mr. Mitchell answered questions from Board members.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Lee, to dismiss the complaint as recommended by the Counseling Credentialing Committee. The motion passed unanimously. Mr. Mitchell and Ms. de Blank were recused from the vote.

7F. Dawn Malone, LISAC-11808 expired

Mr. Mitchell recused himself from all matters involving Ms. Malone.

Mr. Harvey summarized the results of the Board's investigation.

The professional addressed the Board telephonically.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Brassea, to issue a cease and desist order. The motion passed unanimously. See attached roll call vote.

Following further discussion by members, Dr. Bowden moved, seconded by Ms. Brassea, to direct Board staff to send a letter to the Motor Vehicle Division informing them that providing substance abuse related assessments is an activity requiring a behavioral health license. The motion passed unanimously. Mr. Mitchell was recused from the vote.

J. 2008-0119, Linda Sherwood, LPC-0357

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

K. 2003-0071, 2003-0081 and 2006-0109, Barbara Waldman, LCSW-3559

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

Ms. Lee had questions regarding the stayed assessment of investigative fees language.

Following review and discussion by members, Ms. Lee moved, seconded by Dr. Bowden, to accept the modified signed consent agreement as recommended by the Social Work Credentialing Committee. The motion passed unanimously. See attached roll call vote.

Dr. Bowden moved, seconded by Dr. Gabler, to approve the consent agenda items A, D – H and J as presented. The motion passed unanimously. See attached roll call.

7C. 2009-0049, Jane Davis, LPC-0818

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Scott Shuman, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to accept the findings of fact and conclusions of law from the proposed consent agreement. The motion passed unanimously.

Following further discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to re-offer the consent agreement modified to remove the stipulation for completion of 6-clock hours of continuing education in ethics and to add completion of a 3-semester credit hour graduate level course in behavioral health ethics 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.

7E. 2009-0119, Aaron Grigg, LCSW-12377

Mr. Harvey summarized the results of the Board's investigation.

The professional and his attorney, Matthew Muehlebach, 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 with the order modified as follows:

- The professional's license is suspended and the suspension is stayed pending compliance with required terms
- The professional's license is placed on probation for 24 months
- The professional shall attend weekly 12-step meetings with monthly reports, from his sponsor to the Board addressing attendance and participation
- The professional shall receive clinical supervision twice monthly for six months, monthly for the next 12 months and then at a frequency recommended by his clinical supervisor
- The clinical supervision shall focus on professional behavior, clinical responsibility and the elimination of all use of pornography at work
- The clinical supervisor shall be an independently licensed behavioral health professional pre-approved by the committee chair
- The professional shall receive individual or group therapy weekly for 12 months and then at the frequency recommended by the therapist
- The therapist shall be pre-approved by the committee chair
- Prior to request for release from the consent agreement, the professional shall submit the results of a final psycho-sexual evaluation for review and approval by the Board
- Assessment of investigative costs, to be stayed if the professional is compliant with consent agreement requirements

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 carried with Ms. Nix opposed. See attached roll call vote.

The Board took a break at 10:54 a.m., reconvening its public meeting at 11:08 a.m.

5. Administrative Hearings 11:00 AM

None

6. Formal Interviews 11:00 AM

A. 2008-0082, Eve Mayer, LCSW-0211

Ms. Lee recused herself from this matter.

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Charles Hover, appeared in person.

The professional was sworn in and testified.

Dr. Gabler moved, seconded by Dr. Bowden, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously. The Board went into executive session at 1:00 p.m., reconvening its public meeting at 1:15 p.m.

Attorney Harry Keidan addressed the Board on behalf of the professional regarding current documentation practices in Arizona.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to adopt the findings of fact and conclusions of law from the proposed consent agreement as findings of fact and conclusions of law. The motion carried with Ms. Nix opposed. Ms. Lee was recused from the vote.

Following further discussion by members, Ms. de Blank moved, seconded by Dr. Bowden, to adopt the Order from the proposed consent agreement modified to allow the professional to submit continuing education that she has completed since the complaint was opened for approval. The motion carried with Ms. Nix opposed. See attached roll call vote. Ms. Lee was recused from the vote.

Ms. Nix expressed concern that investigators sometimes include language in their reports reflecting personal opinions rather than just a recitation of the relevant facts.

The Board took a break at 2:20 p.m., reconvening its public meeting at 2:30 p.m.

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

7J. NJ09-0019, Mary K. Myers

Mr. Harvey 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, Mr. Mitchell moved, seconded by Ms. Nix, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

7D. 2010-0046, Michelle Easson, LAC applicant

Mr. Harvey summarized the results of the Board's investigation.

The professional appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to table the matter to allow staff to continue negotiations regarding the professional's requested changes to the proposed consent agreement. The motion failed.

Members discussed potential changes to the consent agreement with the professional.

Following further discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to table the matter to allow staff to continue negotiations regarding the professional's requested changes to the proposed consent agreement. The motion passed unanimously.

7A. 2009-0051, 2005-0105 and 2007-0133, Michael Caputa, LCSW-1701

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

The complainant was properly noticed, but did not appear.

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 consent agreement. The motion passed unanimously. See attached roll call vote.

7B. 2009-0067, James Corrington, LCSW-0463

Mr. Harris summarized changes to the proposed consent agreement.

The complainant was properly noticed, but did not appear.

The professional and his attorney were properly noticed, but did not appear.

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

7G. 2010-0034, Larry Pam, LISAC-10311 revoked

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

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Dr. Gabler, to dismiss the matter as non-jurisdictional. The motion passed unanimously.

7H. Larry Pam, LISAC-10311 revoked

Mr. Harris informed members that he has obtained the injunction as they directed prohibiting Mr. Pam from providing further substance abuse services in Arizona.

7I. NJ09-0013, Claudia Coleman

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Dr. Bowden, to dismiss the complaint as non-jurisdictional and issue a cease and desist order. The motion passed unanimously.

7K. NJ10-0002, Chantay White

Ms. Reynolds 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. Brassea, to table the matter for further investigation. The motion passed unanimously.

Following further discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to direct staff to determine whether the professional is practicing under a fraudulent license and, if so, to issue a cease and desist order and, if not, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

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

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Nix moved, seconded by Dr. Bowden, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

8. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 8 applicants as Licensed Clinical Social Workers and 17 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. Brassea, to deny 1 applicant based on failure to pass the required exam and 1 applicant based on a finding of unprofessional conduct and failure to meet minimum requirements in education. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Ms. Brassea, to approve 12 applicants as Licensed Associate Counselors and 14 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 4 applicants based on failure to meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Ms. de Blank, to deny 1 applicant based on failure to pass the required exam and 1 applicant based on failure to meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Ms. Brassea, to approve 1 applicant as a Licensed Independent Substance Abuse Counselor, 2 applicants as Licensed Associate Substance Abuse Counselors and 2 applicants as Licensed Substance Abuse Technicians. The motion passed unanimously.

Dr. Bowden moved, seconded by Dr. Gabler, to deny 1 applicant based on failure to meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

9. Report from Chair

A. Chair report

No report.

B. Discussion regarding revision of member attendance policy

Members reviewed the draft attendance policy that was discussed at the October 2, 2009, meeting.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to adopt the attendance policy as presented. The motion passed unanimously.

10. Report from the Treasurer

A. Monthly Financial Report

Dr. Gabler reviewed the monthly financial report.

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the monthly financial report. The motion passed unanimously.

11. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Request for statutory change regarding court appointed behavioral health professionals

Ms. Reynolds reviewed a letter from a professional requesting that the Board seek a statutory change similar to the Board of Psychologist Examiners' statutory authority regarding the process of disposing of complaints against professionals who provide services pursuant to a court appointment.

Mr. Harris indicated that the Board may want to table further consideration of this issue pending legislative review of the Board of Psychologist Examiners proposed legislation.

12. Committee Reports

A. Appointment of members to Personnel Subcommittee

Ms. Lee, Ms. Nix and Ms. de Blank are the current members of the Personnel Subcommittee.

Following discussion, Ms. de Blank moved, seconded by Dr. Bowden, to appoint Mr. Mitchell to the Personnel Subcommittee. The motion passed unanimously.

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 meetings are scheduled for November 13, 2009, at 1:00 p.m. and December 4, 2009, at 9:00 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 3:50 p.m.

Gloria Gabler
Secretary/Treasurer

Date