



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 3, 2011
AMENDED

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

Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office, Patricia Reynolds, Deputy Director, Mary Wilson

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on November 3, 2011, at 9:07 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 October 6, 2011, meeting as submitted. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to approve the general meeting minutes from the October 18, 2011, meeting as submitted. The motion passed unanimously. Mr. Murchison abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2012-0049, *Willis Beasley, LPC-10904 (suspended)*

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

B. 2011-0153, *Curtis Bissonette, LMFT-0467*

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

Dr. Gabler questioned why the agenda reflected that the professional's license was "suspended". Ms. Rinaudo informed members that the status of the professional's license was changed to "suspended" as a matter of law when he did not renew and his license was subject to a pending complaint.

Following review and discussion, Dr. Gabler moved, seconded by Ms. de Blank, to dismiss the complaint as recommended. The motion passed unanimously.

C. 2012-0040, *Deborah Clendon, LBSW-10777*

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

D. 2010-0123, *Lacey Cox, LCSW-0115*

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

E. 2010-0061, John de Pianelli, LISAC-11697

Review, consideration and action regarding acceptance of the proposed signed consent agreement.

F. 2012-0056, Cherilin Diefenbacher-Phariss, LMSW-11277

Review, consideration and action regarding accepting the proposed signed Interim Consent Agreement.

The professional appeared in person and addressed the Board.

Dr. Bowden moved, seconded by Dr. Gabler, to go into executive session to review information exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the Board went into executive session at 12:55 p.m., reconvening its public meeting at 1:08 p.m.

Following discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to accept an amended consent agreement with an additional finding of fact regarding the professional's self-report and, if not signed, to accept the original signed proposed Interim Consent Agreement. The motion passed unanimously. See attached roll call vote.

G. 2011-0127 and 2012-0001, Russell Enright, LPC-12385

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

Consideration of complaint No. 2011-0127 was tabled.

H. 2010-0122, Jill Goldstein, LPC-13386

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

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

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

Dr. Gabler requested that the Board consider the professional's request to modify the proposed Consent Agreement to require monthly therapy because of the costs involved with a higher frequency of treatment.

Dr. Bowden explained that the Substance Abuse Credentialing Committee addressed this issue by allowing the professional to attend group or individual therapy.

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

J. 2009-0137, Veronica Jeffus, LASAC-13181

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

K. 2012-0043, Jenise Johnson, LAC applicant

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to open a complaint and dismiss the complaint upon Board acceptance of a non-disciplinary signed consent agreement and to issue a letter of concern.

L. 2009-0117, Valerie Piacitelli, LMSW-11401

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

M. 2010-0121, Marie Schimmelpenninck, LMFT-0326

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

N. 2010-0083, Susan K. Warren, LPC-1182 and LISAC-0717

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

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

The Board took a break at 10:37 a.m., reconvening its public meeting at 10:45 a.m.

5. Administrative Hearings

A. 2011-0106, Kirstie McLean, LMSW applicant

Ms. de Blank reviewed the procedure for Board review of a request for review or rehearing.

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.

The professional was properly noticed, but did not appear.

Following discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to deny the professional's request for a review or rehearing. The motion passed unanimously.

B. 2009-0007, David Olivarez, LISAC-10277

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

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

Mr. Olivarez was present and addressed the Board.

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

Debra Rinaudo, Executive Director, was sworn and testified on behalf of the State.

Ms. de Blank accepted State's Exhibits 1 – 26 into evidence.

Mr. Harris and Mr. Olivarez made closing arguments.

Following review and discussion, Ms. Krishna moved, seconded by Mr. Mitchell, to accept the factual allegations from the Notice of Hearing as findings of fact. The motion passed unanimously.

Following further discussion, Ms. Krishna moved, seconded by Mr. Mitchell, to accept the charges from the Notice of Hearing as conclusions of law. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Krishna, to issue an order revoking the professional's license. The motion passed unanimously. See attached roll call vote.

6. Formal Interviews

None

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

A. 2011-0149, William Lowe, LISAC-1594 (suspended)

Ms. Rinaudo summarized information regarding the status of the professional's license, which is suspended based on his failure to renew while subject to a pending complaint, and the allegations in the pending complaint regarding the professional's non-compliance with a consent agreement related to Complaint No. 2010-0047.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Krishna, to dismiss the complaint without prejudice. The motion passed unanimously.

The Board took a break at 12:25 p.m., reconvening its public meeting at 12:37 p.m.

B. 2011-0063, Hal Nevitt, LCSW-3406 and LISAC-0837

Ms. Krishna indicated that she has worked with Fred Cummings, the professional's attorney, in the past, but there is nothing in that relationship to keep her from making an unbiased decision in this matter.

Ms. Rinaudo summarized information regarding the complaint.

The complainant appeared in person and addressed the Board.

The professional and his attorney, Mr. Cummings, appeared in person and addressed the Board.

Patricia Reynolds, Board investigator, was present to answer questions for members regarding information presented in the investigative report.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to offer the professional an amended consent agreement requiring the professional complete to in-person ethics course and, if not accepted, 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 Dr. Gabler and Ms. de Blank opposed. See attached roll call vote.

C. 2011-0107, Jan Owens, LISAC-1288

The professional's attorney, Robert Chelle, appeared in person and requested that the proposed consent agreement, which requires that the professional practice only in an OBHL licensed agency while on probation, be modified to allow her to continue to practice at Valley Hospital, which is not OBHL licensed.

Following review and discussion, Ms. de Blank moved, seconded by Dr. Bowden, to offer the professional a modified consent agreement with the following stipulations:

- While on probation, the professional shall only practice at an OBHL licensed facility or Valley Hospital
- The professional shall complete 24 months of clinical supervision.
- The professional shall meet with her Board approved clinical supervisor at least twice weekly for in-person clinical supervision.
- The clinical supervision sessions shall be for a minimum of 1 hour each.
- Clinical supervision reports shall include discussions regarding professional boundaries.
- Early release is not available
- The professional is prohibited from practicing under her license unless she is fully compliant with all consent agreement stipulations.

The motion passed unanimously. See attached roll call vote.

Following further discussion, Ms. Krishna moved, seconded by Dr. Bowden, that if the proposed consent agreement is 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.

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

Ms. Rinaudo summarized information regarding the MFTCC's recommendation.

The professional and her attorney, Larry Cohen, appeared in person and addressed the Board.

Mr. Harris indicated that the professional has requested a settlement conference to address requested changes to the consent agreement.

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Krishna, to take no action. The motion passed unanimously.

E. 2012-0030, Yvonne Rios, LISAC-11795

Ms. Rinaudo provided information regarding the findings of fact included in the proposed consent agreement.

Board staff was unable to reach the professional at the number she provided.

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

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

A. *Update regarding status of Jamie Pullin judicial review action*

Mr. Harris provided information regarding the ongoing litigation.

9. Applications for licensure: review, consideration and action

A. Mr. Mitchell moved, seconded by Dr. Bowden, to rescind the Board's October 6, 2011, motion to license Kelly McMahan as a Licensed Master Social Worker. The motion passed unanimously.

B. Dr. Bowden moved, seconded by Mr. Mitchell, to rescind the Board's May 31, 2011, motion to deny Carol Melim's application for licensure. The motion passed unanimously.

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 2 applicants as Reciprocal Licensed Clinical Social Workers, 6 applicants as Licensed Clinical Social Workers, 17 applicants as Licensed Master Social Workers and 2 applicants as Licensed Bachelor Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to deny 5 applications based on failure to take and/or pass the required exam, 1 application based on failure to meet minimum requirements, and 3 applications based on findings of unprofessional conduct. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Dr. Gabler, to approve 12 applicants as Licensed Associate Counselors and 4 applicants as Licensed Professional Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Bowden, to deny 2 applications based on failure to meet minimum requirements and 1 application based on failure to take and/or pass the required exam. The motion passed unanimously.

Marriage and Family Therapy

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

Dr. Gabler moved, seconded by Mr. Mitchell, to deny 1 applicant based on a finding of unprofessional conduct. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Mitchell, to approve 4 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to deny 1 application based on a finding of unprofessional conduct. The motion passed unanimously.

10. Report from Chair

A. *Chair report*

No report

B. *Review of performance audit of Board by Auditor General's Office*

Rose Tarbell from the Auditor General's Office provided an overview of the Sunset Review Audit process.

11. 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 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.

13. Committee Reports

None

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

None

15. Future agenda items

Information regarding appointment of members

16. Call for public comment

A student addressed the Board regarding his observations of the Board's processes.

17. Establishment of future meeting dates

The next regular meetings are scheduled for Monday, November 21, 2011, and Thursday, December 1, 2011, 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 1: 37 p.m.

Gloria Gabler
Secretary/Treasurer

Date