



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
October 2, 2009 AMENDED

Members Present: Laura de Blank, Kirk Bowden, Doug Mitchell, Diane Brassea, Kahryn Nix, Ruth Lee
Members absent: Gloria Gabler
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Christopher Munns, Solicitor General's Office,
Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on October 2, 2009, at 9:02 a.m. with Ms. de Blank presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the general meeting minutes from September 4, 2009, as submitted. The motion passed unanimously. Ms. Lee and Ms. Nix abstained from the vote.

Dr. Bowden moved, seconded by Mr. Mitchell, to approve the 9:42 a.m. executive session minutes from September 4, 2009, as submitted. The motion passed unanimously. Ms. Lee and Ms. Nix abstained from the vote.

Dr. Bowden moved, seconded by Mr. Mitchell, to approve the 10:32 a.m. executive session minutes from September 4, 2009, as submitted. The motion passed unanimously. Ms. Lee and Ms. Nix abstained from the vote.

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the 11:19 a.m. executive session minutes from September 4, 2009, as submitted. The motion passed unanimously. Ms. Lee abstained from the vote.

Dr. Bowden moved, seconded by Mr. Mitchell, to approve the executive session minutes from August 7, 2009, as submitted. The motion passed unanimously. Ms. Lee and Ms. Brassea abstained from the vote.

4. Consent Agenda: review, consideration and action

Members requested that items B and D be pulled from the consent agenda and considered separately.

A. 2009-0058 and 2009-0080, Kevin Hoops, LPC-11208

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

B. 2007-0067, Albert Ledet, LISAC-11788

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

Ms. Lee had questions regarding the stipulations of the proposed consent agreement.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to accept the proposed consent agreement as recommended by the Counseling Credentialing Committee. The motion passed unanimously. See attached roll call vote.

C. 2008-0087, Julie Marsh, LPC-10288

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

D. 2009-0129, Otoniel Roman, LMSW applicant

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

Ms. Nix had questions regarding the stipulations of the proposed consent agreement.

Following review and discussion by members, Ms. Nix moved, seconded by Mr. Mitchell, to accept the proposed consent agreement as recommended by the Social Work Credentialing Committee. The motion passed unanimously. See attached roll call vote.

E. 2007-0008 and 2007-0013, Renee Stofko, LCSW-10145

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

F. 2007-0071, Melissa Styles, LMSW-12010

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

G. 2009-0026, David Sullivan, LSAT-12012

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

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the consent agenda items A, C and E – G as presented. The motion passed unanimously. See attached roll call.

5. **Administrative Hearings 11:00 AM**

A. 2009-0033, Larry Pam, LISAC-10311

The professional's attorney, Mike Denea, appeared on behalf of the professional.

Christopher Munns, Solicitor General's Office, appeared as the Board's legal advisor.

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

Mr. Denea waived his opening statement

Mr. Harvey, Board Investigator, was sworn in and testified on behalf of the State.

Ms. de Blank admitted State's Exhibits 1 – 12 into evidence.

Mr. Denea did not call any witnesses or offer any exhibits.

Mr. Harris made a closing argument requesting that the Board issue an order revoking the professional's license.

Mr. Denea waived his closing argument.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to adopt the preliminary findings of fact and conclusions of law as permanent findings of fact and conclusions of law and to issue an order assessing the investigative costs against the professional and revoking the professional's license. The motion passed unanimously. See attached roll call vote.

Following further discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to find that the preliminary findings of fact constituted a public emergency that warranted the summary suspension of Mr. Pam's license. The motion passed unanimously. See attached roll call vote.

The Board took a break at 11:50 a.m., reconvening its public meeting at 12:00 p.m.

6. Formal Interviews 11:00 AM

None

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

A. 2009-0068, *DeeDee Bassil, LPC-10770*

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

The complainant appeared in person and addressed the Board.

The professional and her attorney, Michelle Thompson, appeared in person and addressed the Board.

Ms. Lee moved, seconded by Ms. Nix, 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 10:12 a.m., reconvening its public meeting at 10:26 a.m.

Following review and discussion by members, Ms. Brassea moved, seconded by Dr. Bowden, to re-offer the consent agreement as recommended by the Counseling Credentialing Committee 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 10:31 a.m., reconvening its public meeting at 10:40 a.m.

B. 2007-024 and 2010-0011, *James Bissell, LASAC-13078 and LAC-12585*

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. Nix, to re-offer the proposed consent agreement modified as follows:

- 12 months suspension with the suspension stayed if the professional remains in compliance with the terms of the consent agreement
- Order of censure
- The professional will submit the summary report from the clinical supervisor by November 30, 2009, and if not received, the professional shall complete 12 additional months of clinical supervision
- The professional shall register for a 3-semester credit hour graduate level ethics course within 90 days of the effective date of the consent agreement and complete the course no later than January 31, 2010
- The professional shall complete 6 hours of anger management therapy sessions by January 31, 2010

and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

C. 2009-0060, *Karrie Chenevert, LISAC-11558*

Ms. Rinaudo 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, Ms. Nix moved, seconded by Dr. Bowden, to accept the consent agreement as recommended by the Substance Abuse Credentialing Committee. The motion passed unanimously. See attached roll call vote.

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

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

The complainant appeared in person and addressed the Board.

The professional and his attorney, Christine Cassetta, appeared in person and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to re-offer the original consent agreement 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 failed with Dr. Bowden, Ms. de Blank, Ms. Lee and Mr. Mitchell opposed. See attached roll call vote.

Following further discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to re-offer the original proposed consent agreement as recommended by the Social Work Credentialing Committee modified as follows:

- Suspend the professional's license for 12 months and stay the suspension if the professional remains in timely compliance with all terms of the consent agreement
- Remove the possibility for early release
- 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 passed unanimously. See attached roll call vote.

E. 2009-0132, 2008-0033, 2008-0017 and 2005-0127, Earlene Dear, LCSW-0195

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

The professional and her attorney, Michael Vingelli, addressed the Board telephonically.

Following review and discussion by members, Ms. de Blank moved, seconded by Dr. Bowden, to offer the professional a consent agreement that includes the terms of the consent agreement previously adopted by the Board and to allow 6 additional months for the professional to complete the required coursework with stayed investigative costs 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.

F. 2009-0066, Laurie Duarte, LISAC-1492

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

The complainant was properly noticed, but did not appear.

The professional and her attorney, Katherine Lambert, appeared and addressed the Board.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to re-offer the proposed consent agreement as recommended by the Marriage and Family Therapy Credentialing Committee 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.

G. 2009-0012, Marvin Hillyard, LISAC-1408

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

The complainant addressed the Board telephonically.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Nix moved, seconded by Mr. Mitchell, to refer the matter to the Office of Behavioral Health Licensure and to accept the proposed consent agreement as recommended by the Substance Abuse Credentialing Committee. The motion passed unanimously. See attached roll call vote.

H. Kimberly Keane, LPC-1971

Ms. Rinaudo summarized the information received by the Board.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Brassea, to open a complaint, find that the public health, safety or welfare imperatively requires emergency action and summarily suspend the professional's license pursuant to A.R.S. §32-3281(C). The motion passed unanimously.

I. 2008-0114, Mary Molinek, LPC-1541

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, Ms. de Blank moved, seconded by Dr. Bowden, to re-offer the proposed consent agreement as recommended by the Counseling Credentialing Committee and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

J. 2009-0046, Julie Ohlinger, LCSW-10266

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

The complainant appeared in person and addressed the Board.

The professional's attorney, Faren Atkins, appeared and addressed the Board.

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

K. 2008-0094, Kimberly Popkey, LPC-2248

Ms. Rinaudo 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. de Blank, to accept the proposed consent agreement as recommended by the Marriage and Family Therapy Credentialing Committee and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

L. 2009-0035, Roy Rockenbach, LPC-11791

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

The complainant was properly noticed, but did not appear.

The professional addressed the Board telephonically.

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

M. 2005-0113, 2006-0072, 2006-0116 and 2006-0156, Brenda Sheets, LISAC-1529

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

The complainants were properly noticed, but did not appear.

The professional and her attorney, Michael Wolver, appeared in person and addressed the Board.

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

N. 2009-0029, Elissa Thompson, LCSW-10384

Ms. Rinaudo 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 Ms. Nix, to accept the modified signed consent agreement as recommended by the Social Work Credentialing Committee. The motion passed unanimously. See attached roll call vote.

O. 2004-0035, Martha Thompson, LPC-1062

Ms. Rinaudo summarized the additional information received regarding the professional's involuntary termination from University Physician's Hospital (UPH), misrepresentations the professional made on her employment application at UPH, misrepresentations the professional made to the Board regarding the reason she left UPH and performance issues the professional had at UPH.

Following review and discussion, Mr. Mitchell moved, seconded by Ms. de Blank, to add additional charges regarding these matters to the Notice of Hearing and Charges when this matter is scheduled for formal hearing. The motion passed unanimously.

P. NJ09-0021, Amy Gillespie

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

Ms. Gillespie appeared in person and addressed the Board.

Dr. Bowden moved, seconded by Ms. Brassea, 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 9:26 a.m., reconvening its public meeting at 9:37 a.m.

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

Q. NJ09-0018, Julie Yarrow

Dr. Bowden recused himself from all matters involving Ms. Yarrow.

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, Ms. Nix moved, seconded by Mr. Mitchell, to dismiss the complaint as non-jurisdictional. The motion passed unanimously. Dr. Bowden was recused from the vote.

R. NJ10-0001, LeeRona Reid

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, 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 3 applicants as Licensed Clinical Social Workers, 2 applicants as Reciprocal Licensed Clinical Social Workers, 12 applicants as Licensed Master Social Workers and 1 applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. de Blank, to deny 2 applicants based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Ms. Brassea, to approve 9 applicants as Licensed Associate Counselors, 6 applicants as Licensed Professional Counselors and 1 applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 6 applicants based on failure to meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

Marriage and Family Therapy

Dr. Bowden moved, seconded by Mr. Mitchell, to approve 2 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

9. Report from Chair

A. Chair report

No report.

B. Discussion regarding member attendance and quorum issues

Ms. Rinaudo reported regarding continuing problems with meeting quorum at both credentialing committee and board meetings. These problems have resulted in the cancellation of several regularly scheduled meetings this year.

Members discussed the current attendance policy and reached consensus to adopt the following modifications:

- A member will be asked to voluntarily resign from a Credentialing Committee or the Board if the member misses 3 consecutive meetings or more than 4 meetings in a 12 month period
- A member is limited to participating in 2 meetings by telephone within a 12 month period. Any additional attendance via telephone participation will be counted as an absence.
- Members asked to resign will also be asked to continue to serve until they are replaced.

Following discussion by members, Mr. Mitchell moved, seconded by Ms. Nix, to modify the Board's member attendance policy as discussed. The motion passed unanimously.

Ms. Rinaudo will draft a revised policy and bring it back for final Board approval.

C. Discussion regarding announcing disclosures and recusals for the record

Ms. Rinaudo reminded members of the importance of their responsibility to carefully review the minutes to ensure that recusals and abstentions are properly recorded.

10. Report from the Treasurer

A. Monthly Financial Report

Ms. Nix 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. Report regarding FY10-11 budget

Ms. Rinaudo reported regarding the Board's FY10-11 budget.

12. Committee Reports

A. Appointment of members to PSC and schedule meeting

Members discussed the need for continuing the Personnel Subcommittee. There was additional discussion regarding what the subcommittee is responsible for and the time commitment.

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

None

14. Future agenda items

Continued use of early release incentive in consent agreements

15. Call for public comment

None

16. Establishment of future meeting dates

The next regular meetings are scheduled for October 30, 2009, and November 6, 2009, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the draft calendar for 2010. The motion passed unanimously.

17. Adjournment

Mr. Mitchell moved, seconded by Dr. Bowden, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:27 p.m.

Gloria Gabler
Secretary/Treasurer

Date