



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](http://www.az.gov)  
Website: [www.azbbhe.us](http://www.azbbhe.us)  
E-mail address: [information@azbbhe.us](mailto:information@azbbhe.us)

JANICE K. BREWER  
Governor

DEBRA RINAUDO  
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
October 6, 2011

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, Lynanne Chapman, Board Investigator, Mary Wilson

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on October 6, 2011, at 9:07 a.m. with Ms. de Blank presiding.

**2. Roll Call**

See above.

**3. Minutes: review, consideration and action**

Ms. Krishna moved, seconded by Mr. Mitchell, to approve the general meeting minutes from the September 1, 2011, meeting as submitted. The motion passed unanimously.

**4. Consent Agenda: review, consideration and action**

*A. Julie R. Browning, LMSW-2669*

Review, consideration and action regarding opening a complaint and accepting the proposed signed consent agreement.

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

Ms. Krishna moved, seconded by Mr. Mitchell, to open a complaint and accept the signed consent agreement. The motion passed unanimously. See attached roll call vote.

*B. 2010-0110, Jeffrey Cockayne, LPC-13077*

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

*C. 2009-0118, Cheryl Meloche, LCSW-10945 and LSAC-1451*

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

*D. 2011-0131, Douglas Mitchell, LMSW-12919*

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint and provide the investigative report to the complainant's licensing Board in Texas.

*E. 2011-0119, Hal Nevitt, LCSW-3406 and LISAC-0837*

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

Members discussed the reasons the Substance Abuse Credentialing Committee recommended dismissal of the complaint.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to dismiss the complaint. The motion carried with Ms. de Blank opposed.

*F. 2011-0132, Kennie J. Sloan, LCSW-10844*

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint and provide the investigative report to the complainant's licensing Board in Texas.

Following review and discussion by members, Ms. Krishna moved, seconded by Mr. Murchison, to accept the consent agenda items B, C, D and F as presented. The motion passed unanimously. Mr. Mitchell was recused from the vote.

*The Board took a break at 10:12 a.m., reconvening its public meeting at 10:24 a .m.*

**5. Administrative Hearings**

*A. 2010-0100, Robert Collette, LMSW-12469 (revoked)*

Ms. de Blank reviewed the procedure to hear 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.

Mr. Collette was present and addressed the Board.

Following discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to deny the request for review or rehearing. The motion carried with Mr. Murchison opposed.

*B. 2007-0122 and 2010-0116, Malcom Pavey, LISAC-1220*

The formal hearing was vacated after Board acceptance of a signed consent agreement. See agenda item 7(B).

*C. 2011-0028, Steve Sadler, LISAC-1540 (suspended)*

Dr. Bowden disclosed that Mr. Sadler was one of his student years ago, but there is nothing in that relationship that would prevent him from making an unbiased decision in this matter.

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. Sadler was properly noticed, but did not appear.

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

Lynanne Chapman, Board Investigator, was sworn and testified on behalf of the state.

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

Mr. Harris made a closing argument.

Following review and discussion, Ms. Krishna moved, seconded by Dr. Bowden, to accept the factual allegations and charges from the notice of hearing as findings of fact and conclusions of law. The motion passed unanimously.

Ms. Krishna moved, seconded by Dr. Bowden, 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. 2011-0093, Janet McFarland, LAC-12775*

Mr. Harris reviewed problems with the conclusion of law previously adopted by the Board and requested that the Board consider a more appropriate charge for inclusion in the notice of charges.

The professional's attorney, David Derickson, appeared in person and addressed the Board.

The professional appeared telephonically.

Following review and discussion, Mr. Mitchell moved, seconded by Ms. Krishna, to rescind the Board's previous decision to charge a violation of A.R.S. §32-3251(12)(a) and to instead charge a violation of A.R.S. §32-3251(12)(l). The motion passed unanimously. See attached roll call vote.

*B. 2007-0122 and 2010-0116, Malcom Pavey, LISAC-1220*

Ms. Rinaudo summarized the procedural history of the complaint.

Mr. Harris reviewed the probation terms in the proposed consent agreement.

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

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

*C. NJ11-0004, Lisa Terry*

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

Ms. Rinaudo summarized information regarding the non-jurisdictional complaint.

The professional appeared in person and was available for questions.

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

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

*A. Update regarding John Lare motion to dismiss*

Mr. Harris provided an update regarding this matter.

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

Mr. Harris provided an update regarding this matter.

**9. Applications for licensure: review, consideration and action**

*Social Work*

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 2 applicants as Reciprocal Licensed Clinical Social Workers, 1 applicant as a Licensed Clinical Social Worker and 32 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to deny 8 applications based on failure to take and/or pass the required exam and 3 applications based on failure to meet minimum requirements. The motion passed unanimously.

*Counseling*

Ms. de Blank moved, seconded by Dr. Bowden, to approve 13 applicants as Licensed Associate Counselors, 5 applicants as Licensed Professional Counselors and 1 applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Ms. de Blank moved, seconded by Dr. Bowden, to deny 3 applications based on failure to meet minimum requirements. The motion passed unanimously.

*Marriage and Family Therapy*

Dr. Gabler moved, seconded by Ms. de Blank, to approve 1 applicant as a Licensed Associate Marriage and Family Therapist and 1 applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

*Substance Abuse*

Dr. Bowden moved, seconded by Mr. Mitchell, to approve 4 applicants as Licensed Associate Substance Abuse Counselors and 3 applicants as Licensed Substance Abuse Technicians. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to deny 3 applications based on not meeting minimum requirements and 1 application based on a finding of unprofessional conduct. 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 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

*C. Substance Abuse Credentialing Committee's recommendation to refer possible misrepresentation*

Ms. Rinaudo provided information regarding the SACC'S concern with regard to an RN who completed Board verification forms under penalty of perjury where it appears the RN allowed a supervisee to complete the supervised work experience and direct client contact hours without any independent verification that the number of hours as represented was accurate.

Following discussion by members, Mr. Mitchell moved, seconded by Ms. de Blank, to refer the matter to the Board of Nursing. The motion passed unanimously.

*D. Sunset Review Audit*

Ms. Rinaudo and Mr. Harris provided information regarding the upcoming performance audit.

*E. Action to rescind the Board's February 3, 2011, substantive policy statement*

Ms. Rinaudo provided information regarding the need to rescind the Board's 02/03/11 substantive policy statement as a result of the Board's 09/01/11 decision with regard to A.A.C. R4-6-212(J) compliance issues.

Following discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to rescind the Board's 02/03/11 substantive policy statement. The motion passed unanimously.

*F. Review of language to be included in a letter to licensees regarding clinical supervisor training*

Ms. Rinaudo reviewed a draft letter that will be sent to all licensees and with each new license issued with regard to clinical supervision training and other supervision issues. Ms. Rinaudo invited members to provide feedback with regard to the draft.

**13. Committee Reports**

None

**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 regular meeting is scheduled for Thursday, November 3, 2011, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

**18. Adjournment**

Dr. Bowden moved, seconded by Mr. Mitchell, to adjourn. The motion passed unanimously and the meeting was adjourned at 11:32 a.m.

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Gloria Gabler  
Secretary/Treasurer

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Date