



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
October 4, 2012

Members Present: Kirk Bowden, Gloria Gabler, Steve Lankton, Jayne McElfresh, Bruce Murchison
Members Absent: Deborah Pettitt, Mary Coonrod
Staff Present: Patricia Reynolds, Deputy Director, 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 October 4, 2012, at 9:05 a.m. with Dr. Bowden presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Mr. Lankton moved, seconded by Ms. McElfresh, to approve the general meeting minutes from the September 6, 2012, meeting as submitted. The motion passed unanimously. Mr. Murchison abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2009-0104, G. Lynn Bonner, LPC-1028

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

B. 2012-0137, Vicktoria Patzer, LAMFT-10328

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to issue a letter of concern.

C. 2009-0063, Jane Trautmann, LAC-11706

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

Following review and discussion by members, Mr. Murchison moved, seconded by Mr. Lankton, to accept the consent agenda as presented. The motion passed unanimously.

The Board took a break at 9:53 a.m., reconvening its public meeting at 10:02 a.m.

5. Administrative Hearings

A. Geraldine Alexis, LPC applicant

Christopher Munns, Solicitor General's Office, was available by phone to provide independent legal advice to the Board.

Dr. Gabler attested that she reviewed the materials and transcript for this meeting and was prepared to hear the matter.

Ms. Alexis made an opening statement.

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

Following review and discussion by members, Ms. McElfresh moved, seconded by Mr. Lankton, to deny the petition for review or rehearing based on the applicant's failure to establish that her rights were materially affected pursuant to A.A.C. R4-6-1002(A). The motion passed unanimously.

B. 2009-0100 and 2011-0081, Nancy McCoy, LPC-0240

Christopher Munns, Solicitor General's Office, was available by phone to provide independent legal advice to the Board.

Ms. McCoy was properly noticed, but did not appear.

Mr. Harris, A.A.G., appeared on behalf of the State and made an opening statement indicating that a formal hearing is scheduled for Office of Administrative Hearings and after continued negotiations the professional has signed the consent agreement with the addition of a paragraph stating that the professional does not agree but understands the Board has evidence to prove the findings of fact. Mr. Harris requested that the Board accept the signed consent agreement.

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

6. Formal Interviews

None

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

A. 2013-0030, Dorothy Granberry, LASAC-13151

Dr. Bowden recused himself from all matters involving the professional.

Ms. Reynolds summarized information regarding the investigation.

The professional was available telephonically.

Following review and discussion, Ms. McElfresh moved, seconded by Mr. Lankton, to accept the signed interim consent agreement. The motion passed unanimously. Dr. Bowden was recused from the vote.

B. 2012-0119, Anthony Parrish, LISAC-1381

Ms. Reynolds summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

Following review and discussion, Ms. McElfresh moved, seconded by Mr. Murchison, to reoffer the 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 passed unanimously. See attached roll call vote.

C. 2011-0086, Susan Sargent, LISAC-0433

Ms. Reynolds summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

Ms. Reynolds informed the Board that the professional submitted a letter last night requesting a 60-day continuance.

Following review and discussion, Mr. Lankton moved, seconded by Ms. McElfresh, to find that protection of the public requires emergency action and to summarily suspend the professional's license. The motion passed unanimously. See attached roll call vote.

D. 2012-0118, Carl Schwartz, LPC-0355

Ms. Reynolds summarized information regarding the complaint.

Mr. Harris addressed the Board regarding the stipulations in the consent agreement and suggested the Board may want to modify the stayed suspension to a civil penalty because the only term is continuing education.

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

Following review and discussion, Mr. Murchison moved, seconded by Dr. Gabler, to reoffer the consent agreement modified to include a civil penalty to replace the stayed suspension 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. *NJ12-0004, Paul Fischer*

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

The professional was properly noticed, but did not appear.

Following review and discussion, Ms. McElfresh moved, seconded by Mr. Lankton, to refer this matter to the appropriate law enforcement authorities, including the professional's probation officer. The motion passed unanimously.

Following discussion, Mr. Lankton moved, seconded by Ms. McElfresh, to issue a cease and desist order regarding 1) the unlicensed practice of psychotherapy 2) deceptive advertising by the professional and 3) use of credential identifiers that he does not hold. The motion passed unanimously.

Mr. Murchison moved, seconded by Mr. Lankton, to dismiss the complaint as non-jurisdictional. The motion passed unanimously.

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

No report

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

Social Work

Mr. Lankton moved, seconded by Mr. Murchison, to approve 7 applicants as Licensed Clinical Social Workers, 19 applicants as Licensed Master Social Workers, and one applicant as a Reciprocal Licensed Clinical Social Worker. The motion passed unanimously.

Mr. Lankton moved, seconded by Mr. Murchison, to deny 9 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

Dr. Gabler moved, seconded by Mr. Murchison, to approve 8 applicants as Licensed Associate Counselors, 2 applicants as Licensed Professional Counselors and one applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Murchison, to deny one application based on failure to take and/or pass the required exam and one application based on a finding of unprofessional conduct. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Murchison, to approve 2 applicants as Licensed Associate Substance Abuse Counselors and one applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Murchison, to deny 3 applications based on failure to meet minimum requirements and one 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. Murchison, to approve 2 applicants as Licensed Associate Marriage and Family Therapists and one applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Murchison, to deny 2 applications based on failure to meet minimum requirements. 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 reports.

Following review, Dr. Gabler moved, seconded by Mr. Murchison, 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. *Update regarding Stakeholder meetings*
Ms. Reynolds reported regarding the stakeholder meetings.

D. *Adoption of process for credentialing committee dismissals of complaints pursuant to ARS §32-3281(D)(1)*
Ms. Reynolds provided information regarding the proposed policy for complaint dismissals by credentialing committees.

Following review and discussion, Mr. Lankton moved, seconded by Ms. McElfresh, to accept the draft policy. The motion passed unanimously.

13. Committee reports

No report

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 meetings are scheduled for Friday, October 19, 2012, and Thursday, November 1, 2012, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

Mr. Murchison moved, seconded by Mr. Lankton, to accept the draft 2013 meeting calendar. The motion passed unanimously.

18. Adjournment

Ms. McElfresh moved, seconded by Mr. Lankton, to adjourn. The motion passed unanimously and the meeting was adjourned at 10:35 a.m.

Gloria Gabler
Secretary/Treasurer

Date