



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
September 4, 2009

Members Present: Laura de Blank, Kirk Bowden, Gloria Gabler, Doug Mitchell, Diane Brassea
Members on phone: Kahryn Nix (11 a.m. for Brinton)
Members absent: Ruth Lee
Staff Present: Patricia Reynolds, Marc Harris, A.A.G., Kami Thur, Lynanne Chapman, 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 September 4, 2009, at 9:03 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 August 7, 2009, as submitted. The motion passed unanimously. Ms. Brassea abstained from the vote.

4. Consent Agenda: review, consideration and action

Members requested that items E and P be pulled from the consent agenda and considered separately.

A. 2005-0044, 2005-0106, 2006-0075 and 2006-0101, Terry Brown, LPC-1030

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

B. 2009-0113, Russell Farnsworth, LAC applicant

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

C. 2005-0102 and 2009-0131, Christy Graham, LCSW-2721

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

D. 2008-0091, Jacqueline Hartman, LCSW-2613

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

E. 2009-0050, Randi Herman, LPC-2209

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

The professional and her attorney, Faren Akins, appeared and addressed the Board.

Mr. Akins requested that the matter be remanded back to the Counseling Credentialing Committee to consider dismissal and removal from the professional's record.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Gabler, to dismiss the complaint as recommended by the Counseling Credentialing Committee. The motion passed unanimously.

F. 2009-0041, Sandy Jardine, LPC-0556

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

G. 2008-0088, Ursula Mann, LCSW-10404

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

H. 2008-0059, Deanne S. Miller, LCSW-3933

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

I. 2009-0040, Wendy Miller, LISAC-10195

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint and refer the matter to the Office of Behavioral Health Licensure for determination regarding administration of medication procedures.

J. 2004-0015, Rodney Nelson, LMFT-0027

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

K. 2009-0023, Martha Nordin, LPC-0344 and LISAC-0706

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

L. ND10-0001, Lori Plotkowski, LPC-10563

Review, consideration and action to accept the signed non-disciplinary consent agreement.

M. 2007-0160, Michael Raimondi, LISAC-1158

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

N. 2009-0083, Leanne Schroeder, LAC-11691

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

O. 2007-0066, Nancy Taylor, LPC-10994

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

P. 2009-0053, Michelle Thornton, LISAC-1656

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

Ms. Brassea and Dr. Gabler expressed concern regarding the case and the supervision/therapy being provided.

Following review and discussion by members, Dr. Bowden moved, seconded by Dr. Gabler, to dismiss the complaint as recommended by the Substance Abuse Credentialing Committee. The motion passed unanimously.

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

The Board took a break at 11:04 a.m., reconvening its public meeting at 11:10 a.m.

5. Administrative Hearings 11:00 AM

A. 2010-0002, Benjamin Tyau, LAC-12294

The professional was properly noticed, but did not appear.

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.

Ms. Thur, Board Investigator, was sworn in and testified.

Ms. de Blank admitted State's Exhibits 1 – 24 into evidence.

Mr. Harris made a closing argument requesting that the Board enter an Order of revocation of the license based on the totality of the professional's conduct while licensed.

Following review and discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to adopt the preliminary findings of fact and conclusions of law as permanent findings of fact and conclusions of law. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to affirm the Board's prior finding that the preliminary findings of fact constituted a public emergency that warranted the summary suspension of Mr. Tyau's license. The motion passed unanimously.

Following discussion by members, Dr. Bowden moved, seconded by Dr. Gabler, to issue an Order revoking the professional's license to practice and to assess the investigative and formal hearing costs. The motion passed unanimously. See attached roll call vote.

B. 2008-0005, Steven Brinton, LCSW-1699

Board member Kahryn Nix appeared telephonically.

The professional's attorney, Charlie Hover, appeared on his behalf and addressed the Board.

Ms. de Blank 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 11:19 a.m., reconvening its public meeting at 11:27 a.m.

Mr. Mitchell moved, seconded by Dr. Gabler, to grant the request for a limited review to clarify the practice restriction and process for termination of clients. The motion carried with Ms. Nix opposed. See attached roll call vote.

Ms. de Blank moved, seconded by Mr. Mitchell, to find that the penalty the Board imposed is not excessive. The motion carried with Ms. Nix opposed. See attached roll call vote.

Dr. Gabler moved, seconded by Ms. Brassea, to accept the previously adopted practice restrictions with the following modifications:

- The 24 month clinical supervision requirement will begin upon employment at facility licensed by the Office of Behavioral Health Licensure
- The professional shall notify the Board in writing within 5 days of securing such employment
- The professional has 30 days upon securing such employment to submit a supervisor and supervision plan for pre-approval
- The professional shall terminate his private practice within 45 days
- The professional shall provide written notice to the Board when he has complied with the requirement to transition all his private practice clients

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

6. Formal Interviews 11:00 AM

A. 2003-0056, Norma Reed, LISAC-10136

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

Ms. Reed was sworn in and testified.

Ms. de Blank moved, seconded by Dr. Gabler, to dismiss the complaint with a letter of concern addressing the following concerns: 1) the professional failed to release treatment records to Father upon Father's request for his children's treatment records; 2) the professional provided a written communication to Mother that included education and/or treatment recommendations for Father even though you never met with Father; and 3) the professional failed to exercise appropriate care to ensure accurate representation of her professional education and credentials to limit her practice to her statutory scope of practice. The motion carried with Ms. Brassea and Mr. Bowden opposed. See attached roll call vote.

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

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

Tabled

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

Tabled

C. 2009-0066, *Laurie Duarte, LISAC-1492*

Tabled

D. 2009-0059, *Gary Miller, LMSW-12279*

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

The complainant was properly noticed, but did not appear.

The professional and his attorney, James Shields, appeared in person and addressed the Board.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Mitchell, to direct staff to obtain additional information from the agency that has verified that the professional was terminated and that he was aware that he was terminated, and to refer the matter back to the Social Work Credentialing Committee for additional review. The motion passed unanimously.

E. 2008-0114, *Mary Molinek, LPC-1541*

Tabled

F. 2005-0142 and 2007-0049, *Rayne Norton, LMSW-11723*

Ms. Reynolds summarized the results of the Board's investigation regarding the professional's non-compliance with the terms of her consent agreement.

The professional and her attorney, H. M. Walthall, appeared on her behalf.

Mr. Walthall requested that Board consideration of this matter be continued until the Superior Court publishes its ruling on the professional's pending appeal.

Dr. Bowden moved, seconded by Mr. Mitchell, 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 9:42 a.m., reconvening its public meeting at 10:00 a.m.

Members agreed that a continuance is not appropriate.

Following review and discussion by members, Dr. Gabler moved, seconded by Dr. Bowden, to open a new complaint against the professional based on her non-compliance with a pending Board Order. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Dr. Gabler, to direct Mr. Harris to ask the Court to lift the current stay of the suspension of Ms. Norton's license. The motion passed unanimously.

Members discussed information presented in Dr. Benson's evaluation.

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 10:32 a.m., reconvening its public meeting at 10:39 a.m.

Following further discussion, Dr. Bowden moved, seconded by Ms. Brassea, to request that Dr. Benson provide additional information addressing possible occupational or therapeutic recommendations for the professional. The motion passed unanimously.

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

Tabled

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

Tabled

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

Tabled

J. NJ09-0021, Amy Gillespie

Tabled

K. NJ09-0018, Julie Yarrow

Tabled

L. NJ10-0001, LeeRona Reid

Tabled

M. NJ09-0019, Mary Kay Myers

Tabled

8. Applications for licensure: review, consideration and action

A. Norma Reed, LPC applicant

Ms. de Blank moved, seconded by Mr. Mitchell, to rescind this Board's August 7, 2009, motion to deny the application based on the applicant's failure to establish that she meets minimum requirements and a finding of unprofessional conduct. The motion passed unanimously.

Social Work

Mr. Mitchell moved, seconded by Ms. de Blank, to approve 1 applicant as a Licensed Clinical Social Worker and 16 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Mitchell moved, seconded by Ms. de Blank, to deny 4 applicants based on failure to pass the required exam. The motion passed unanimously.

Counseling

Ms. de Blank moved, seconded by Mr. Mitchell, to approve 17 applicants as Licensed Associate Counselors, 15 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 6 applicants based on failure to meet minimum requirements in supervised work experience and/or education. The motion passed unanimously.

Substance Abuse

Dr. Bowden moved, seconded by Mr. Mitchell, to approve 3 applicants as Licensed Associate Substance Abuse Counselors, 1 applicant as a Licensed Independent Substance Abuse Counselor and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

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

Marriage and Family Therapy

Dr. Gabler moved, seconded by Mr. Mitchell, to approve 2 applicants as Licensed Associate Marriage and Family Therapists and 1 applicant as a Licensed Marriage and Family Therapist. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Mitchell, to deny 3 applicants based on failure to meet minimum requirements in supervised work experience and/or education. The motion passed unanimously.

9. Report from Chair

A. Chair report

No report.

B. Member reports

No report.

10. Report from the Treasurer

A. Monthly Financial Report

Dr. Gabler 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

Tabled

12. Committee Reports

A. Appointment of members to PSC and schedule meeting

Tabled

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 meeting is scheduled for October 2, 2009, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

17. Adjournment

Dr. Bowden moved, seconded by Ms. de Blank, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:48 p.m.

Gloria Gabler
Secretary/Treasurer

Date