



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 1, 2011

Members Present: Gloria Gabler, Kirk Bowden, Douglas Mitchell, Sunita Krishna, Bruce Murchison
Member by phone: Laura de Blank
Staff Present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Kami Thur, Investigator, Mary Wilson, Elma Brambila

1. Call to Order

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on September 1, 2011, at 9:04 a.m. with Dr. Gabler 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 August 1, 2011, meeting as submitted. The motion passed unanimously.

Mr. Mitchell moved, seconded by Dr. Bowden, to approve the executive session minutes from the August 1, 2011, meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

A. *Janet Carpentier, LISAC-10475*

Ms. Rinaudo reviewed the following:

- Information obtained during the Board's investigation.
- The SACC's recommendation to accept the signed Interim Consent Agreement
- The professional's to be allowed to continue to practice under her license.

The professional appeared in person and addressed the Board.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Mitchell, to open a complaint based on issues identified in the investigative report. The motion passed unanimously.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Krishna, to accept the signed interim consent agreement. The motion passed unanimously.

B. *2012-0013, Dino Haley, LMSW applicant*

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

C. *2010-0108, Walter Long, LAC-13331*

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

D. 2010-0089, Lauren Megrew, LMSW-12919

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

E. 2010-0066, Jerry Slaton, LAC-12153

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

F. 2011-0031, Diana Vigil, LPC-0805

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

G. 2010-0088, Stephen Weiss, LCSW-12136

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

Following review and discussion by members, Mr. Mitchell moved, seconded by Ms. Krishna, to accept the consent agenda items B through G as presented. The motion passed unanimously.

The Board took a break at 10:15 a.m., reconvening its public meeting at 10:27 a.m.

5. **Administrative Hearings**

A. 2011-0087, Stephen McIntyre, LSAT applicant

Dr. Gabler indicated that she has limited knowledge regarding one of the State's witness, Ms. Johnston, but there is nothing regarding that knowledge to prevent her from acting impartially in this matter.

Dr. Gabler reviewed procedures for conducting a formal administrative hearing.

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

Mr. McIntyre appeared in person.

Mr. Harris, A.A.G., appeared on behalf of the State.

Mr. McIntyre requested that the formal hearing be postponed to allow him to obtain legal representation. Dr. Gabler denied the request.

Mr. Harris and Mr. McIntyre made opening statements.

Robert Yager was sworn and testified on behalf of Mr. McIntyre.

Mr. Harris cross-examined Mr. Yager.

The Board took a break at 11:34 a.m., reconvening its public meeting at 11:45 a.m.

Ms. Thur, Investigator, was sworn and testified on behalf of the State.

Mr. McIntyre cross-examined Ms. Thur.

Karen Johnston, was sworn and testified on behalf of the State.

Mr. McIntyre cross-examined Ms. Johnston.

Dr. Gabler accepted State's Exhibits 1 -17, excluding Exhibits 2 and 4, into evidence.

Mr. Harris and Mr. McIntyre made closing arguments.

Mr. Mitchell moved, seconded by Dr. Bowden, to affirm the denial of the application based on the findings and charges contained in the Notice of Hearing. The motion passed unanimously. See attached roll call vote.

The Board took a break at 2:03 p.m., reconvening its public meeting at 2:15 p.m.

6. Formal Interviews

None

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

A. 2010-0096, Tracy Epstein, LPC-10646

Ms. Rinaudo summarized information regarding the complaint.

The complainant was properly noticed, but did not appear.

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

Following review and discussion, Mr. Mitchell moved, seconded by Ms. Krishna, to dismiss the complaint with a letter of concern. The motion passed unanimously.

B. 2009-0061, John de Pianelli, LISAC-11697

Ms. Rinaudo summarized information regarding the complaint.

The complainant appeared in person and addressed the Board.

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

Following review and discussion, Dr. Bowden moved, seconded by Mr. Murchison, to accept a consent agreement that stipulates the following:

- The professional's license shall be revoked
- The revocation shall be stayed as long as the professional is compliant with the terms of the consent agreement
- The professional shall complete a pre-approved 3-semester credit hour graduate level ethics course within 12 months
- The professional shall only practice at an agency licensed by the Office of Behavioral Health Licensure for 24 months
- The professional shall receive weekly supervision by a pre-approved independently licensed behavioral health professional for 24 months
- The supervision shall focus on professional boundaries in the workplace
- The professional shall attend individual or group anger management therapy twice monthly

and, if not signed, to remand the matter to formal hearing. The motion passed unanimously.

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

Ms. Rinaudo summarized information in the investigative report and the SACC's recommendation to accept a consent agreement.

The professional appeared in person and addressed the Board.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Murchison, to re-offer the consent agreement and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

D. 2009-0012, Marin Hillyard, LISAC-1408

Ms. Rinaudo summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

Following review and discussion, Ms. Krishna moved, seconded by Dr. Bowden, to remand the matter to formal hearing. The motion passed unanimously.

E. 2012-0014, Carlos Inostroza, LMSW-11028

Ms. Rinaudo summarized the revised consent agreement for the voluntary surrender of the professional's license.

The professional was properly noticed, but did not appear.

Mr. Mitchell moved, seconded by Dr. Bowden, to open a complaint. The motion passed unanimously.

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

F. 2010-0093, Katherine Linden, LMSW-11810

Ms. Rinaudo summarized information in the investigative report.

The complainant appeared in person and addressed the Board.

The professional appeared in person and addressed the Board.

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

G. 2010-0095, Gloria Schmidt, LPC-0262

Ms. Rinaudo summarized the CCC's recommendation to dismiss the complaint with a letter of concern.

The complainant was properly noticed, but did not appear.

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

Following review and discussion, Mr. Mitchell moved, seconded by Dr. Bowden, to dismiss the complaint with a letter of concern. The motion passed unanimously.

H. 2010-0084, Linda Thompson, LMFT-0481

Ms. Rinaudo summarized information in the investigative report.

The professional appeared in person and addressed the Board.

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

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

A. Discussion regarding attempts by licensees/applicants to communicate with members outside of meetings.

Mr. Harris reviewed recent incidents where professionals have attempted to directly contact committee and/or Board members outside of public meetings. Mr. Harris reviewed options should this occur and reminded members that they can always refer individuals to Board staff or Mr. Harris for assistance.

9. Applications for licensure: review, consideration and action

Social Work

Mr. Mitchell moved, seconded by Dr. Bowden, to approve 2 applicants as Reciprocal Licensed Clinical Social Workers, 5 applicants as Licensed Clinical Social Workers and 23 applicants as Licensed Master Social Workers. The motion passed unanimously.

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

Counseling

Dr. Gabler moved, seconded by Dr. Bowden, to approve 19 applicants as Licensed Associate Counselors and 5 applicants as Licensed Professional Counselors. The motion passed unanimously.

Dr. Gabler moved, seconded by Dr. Bowden, to deny 4 applications based on failure to meet minimum requirements and 2 applications based on failure to take and/or pass the required exam. The motion passed unanimously.

Marriage and Family Therapy

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

Dr. Gabler moved, seconded by Dr. Bowden, to deny 2 applications based on failure to take and/or pass the required exam and 4 applications based on not meeting minimum requirements. The motion passed unanimously.

Substance Abuse

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

Dr. Gabler moved, seconded by Mr. Mitchell, to deny 3 applications based on not meeting 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 Board's monthly and 13th month financial reports.

Following review, Dr. Gabler moved, seconded by Dr. Bowden, to accept the monthly financial report as presented. The motion passed unanimously.

Following review, Dr. Gabler moved, seconded by Mr. Mitchell, to accept the 13th month financial report as presented. The motion passed unanimously.

12. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. BBHE FY2013 budget request

Ms. Rinaudo provided information regarding the Board's FY 2013 budget submission.

C. Policy regarding deficient clinical records

Tabled

C. Lack of resources growing complaints backlog

Ms. Rinaudo provided information regarding the complaints backlog.

D. Approval of policy regarding opening complaints for consent agreement non-compliance

Ms. Rinaudo provided information regarding the multiple problems the Board encounters when a committee determines that a professional is not compliant with a consent agreement where the committees finds the professional violated A.R.S. §32-3251(12)(n), but does not open a new complaint.

Following discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to accept the draft policy as presented with an amendment changing "shall" to "may" with regard to committees opening a new complaint when non-compliance is found. The motion passed unanimously.

E. Revision of 2007 policy regarding processing of substance abuse/dependency issues

Ms. Rinaudo provided information regarding the Board's 2007 decision to accept the SACC's recommendation regarding procedures to be used for processing substance abuse/dependency issues involving applicants and licensees.

Following discussion by members, Mr. Mitchell moved, seconded by Dr. Bowden, to rescind the Board's 2007 decision and to direct staff to schedule all substance abuse/dependency issues involving applicants and licensees for review by the Substance Abuse Credentialing Committee for individual consideration. The motion passed unanimously.

G. Development of SPS regarding interpretation of A.A.C. R4-6-212(J)

Ms. Rinaudo reviewed the following:

- A.A.C. R4-6-212(J) became effective 07/01/06.
- From 07/01/06 until 03/11, the Board accepted, without independent confirmation by the Board, a clinical supervisor's representation that the supervisor was in compliance with A.A.C. R4-6-212(J).
- The Board began reviewing a clinical supervisor's representation that the supervisor was in compliance with A.A.C. R4-6-212(J) in 03/11.
- As a result of these reviews, a number of clinical supervisors were found to have failed to comply with A.A.C. R4-6-212(J) and clinical supervision hours they provided to supervisees were not accepted.
- Prior to 03/11, the Board had accepted clinical supervision provided by some of these supervisors based on their representation that they were in compliance with A.A.C. R4-6-212(J).
- The Board received a number of complaints regarding its decision to begin reviewing a clinical supervisor's representation that the supervisor was in compliance with A.A.C. R4-6-212(J) in 03/11 by independently confirming supervisor training compliance without prior notice to the regulated community.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Mitchell, as follows:

- Beginning immediately, the Board will accept a clinical supervisor's representation that the supervisor was in compliance with A.A.C. R4-6-212(J) as long as:
 - The supervisor represents that after 07/01/04 and before providing clinical supervision to a supervisee seeking independent licensure, the supervisor completed a minimum of 12 hours of clinical supervision training.
 - The timing of the subsequent 6-hour clinical supervision trainings completed by the supervisor fall within a reasonable interpretation of the timetable requirements set forth in A.A.C. R4-6-212(J).
- The Board will reconsider all applications that were denied since 03/11 based on a determination that a clinical supervisor failed to comply with A.A.C. R4-6-212(J) as a result of an independent review of the supervisor's training by the Board.

The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Mitchell, to direct staff to develop a substantive policy statement advising the regulated community of the following:

- The Board's interpretation of the clinical supervision training standards set forth in A.A.C. R4-6-212(J).
- The Board will not begin enforcing these standards until 03/01/12.

The motion passed unanimously.

The Board directed staff to prepare a mailing for all licensees advising them of the Board's decision and the clinical supervisor training standards to be enforced after 03/01/12.

13. Committee Reports

None

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

None

15. Future agenda items

A.A.G. update regarding Jamie Pullin and John Lare Superior Court actions

16. Call for public comment

Keith Cross commented that, in addition to providing all licensees with written notice regarding the Board's decision regarding clinical supervisor training requirements, the Board should also send this information to all

of the educational institutions in Arizona that issue degrees accepted by the Board.

17. Establishment of future meeting dates

The next regular meeting is scheduled for Thursday, October 6, 2011, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Dr. Gabler moved, seconded by Dr. Bowden, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:20 p.m.

Gloria Gabler
Secretary/Treasurer

Date