



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 6, 2012

Members Present: Kirk Bowden, Gloria Gabler, Steve Lankton, Jayne McElfresh, Mary Coonrod, Deborah Pettitt (out at 9:25 a.m.)

Members Absent: Bruce Murchison

Staff Present: Debra Rinaudo, Executive 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 September 6, 2012, at 9:05 a.m. with Dr. Bowden presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Dr. Gabler moved, seconded by Mr. Lankton, to approve the general meeting minutes from the August 2, 2012, meeting as submitted. The motion passed unanimously. Ms. Coonrod abstained from the vote.

4. Consent Agenda: review, consideration and action

A. 2007-0166, Stephanie Crawford, LPC-10292

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

B. 2009-0049, Jane Davis, LPC-0818

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

C. 2011-0098, Clyde Feldman, LPC-0421 and LMFT-10055

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

D. 2011-0051, Shannon Gamache, LMSW-12836

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

E. 2010-0009, Sylvia Garcia, LISAC-10024 (suspended)

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

F. 2011-0109, Heath Kilgore, LPC-10562

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

G. 2010-0120, P. Lauren Levy, LPC-2126

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

H. 2013-0023, Jon Longoria, LSAT applicant

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

I. 2012-0138, Darren Miller, LMSW-12959

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

J. 2012-0047, Donna Noriega, LCSW-10959

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

K. 2012-0149, Kristen Ray, LAC-13433

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

Dr. Gabler requested an explanation regarding the stipulation to attend 24 meetings of MADD. Dr. Bowden explained that the committee was aware that the meetings are monthly and she can request early release after 12 months and attendance at 12 meetings.

The professional addressed the Board telephonically.

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

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

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

Following review and discussion by members, Mr. Lankton moved, seconded by Dr. Gabler, to accept the consent agenda items A – J and L as presented. The motion passed unanimously.

The Board took a break at 9:55 a.m., reconvening its public meeting at 10:05 a.m.

5. Administrative Hearings

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

A. David Franzen, LAC-13023 and LPC applicant

Dr. Bowden disclosed that he has met Mr. Cummings but there is nothing in that relationship that prevents him from making an unbiased decision in this matter.

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

Mr. Franzen's attorney, David Morrison, made an opening statement.

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

Debra Rinaudo, Executive Director, was sworn and questioned by Mr. Morrison.

Mr. Harris, A.A.G., cross-examined Ms. Rinaudo.

Mr. Morrison questioned Ms. Rinaudo on redirect.

Mr. Cummings, Mr. Franzen's supervisor, appeared telephonically and was sworn and testified on behalf of the applicant.

Mr. Morrison asked Mr. Cummings questions on re-direct.

Mr. Franzen was sworn in and testified.

Respondent's Exhibits 1 – 11 were accepted into evidence.

The Board took a break at 11:57 a.m., reconvening its public meeting at 12:05 p.m.

Dr. Laura Waterman was sworn and testified as the State's expert witness.

State's Exhibits 1 – 11 were accepted into evidence.

Mr. Morrison made a closing statement.

Mr. Harris made a closing statement.

Mr. Lankton moved, seconded by Ms. Coonrod, to affirm the denial of the license based on the professional's failure to establish he meets A.A.C. R4-6-212(F)(7), based on the supervisor's testimony that he did not review documentation even if he did have access. The motion carried with Ms. McElfresh and Dr. Gabler opposed. See attached roll call vote.

Mr. Lankton moved, seconded by Ms. Coonrod, to affirm the denial of the license based on the professional's failure to establish he meets A.A.C. R4-6-212(F)(3), based on a finding that the professional did not verify that clients received information that he was under clinical supervision. The motion carried with Ms. McElfresh and Dr. Gabler opposed. See attached roll call vote.

M. 2012-0126, Teresa Hancock, LMSW applicant

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

Ms. Hancock appeared and made an opening statement.

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

State's Exhibits 1 – 10 were accepted into evidence.

Ms. Hancock made a closing statement.

Mr. Harris made a closing statement.

Ms. McElfresh moved, seconded by Mr. Lankton, to affirm the denial of the license based on a factual finding of violations of A.R.S. §32-3251(12)(l), A.R.S. §32-3251(12)(f) and A.R.S. §32-3251(12)(i). The motion passed unanimously. See attached roll call vote.

N. 2010-0130, Sandra Terry, LPC-1045

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

The professional was properly noticed, but did not appear.

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

Debra Rinaudo, Executive Director, was sworn and testified.

State's Exhibits 1 – 4 were accepted into evidence.

Mr. Harris made a closing statement.

Ms. McElfresh moved to dismiss the complaint with a letter of concern. The motion failed for lack of a second.

Dr. Gabler moved, seconded by Ms. Coonrod, to accept the factual allegations and charges from the notice of hearing as findings of fact and conclusions of law. The motion carried with Ms. McElfresh opposed.

Mr. Lankton moved, seconded by Ms. Coonrod, to issue an order of censure. The motion carried with Ms. McElfresh opposed.

6. Formal Interviews

None

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

A. 2011-0014, Lyn Christophersen, LISAC-0751

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

Ms. Rinaudo summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

Following review and discussion, Mr. Lankton moved, seconded by Dr. Gabler, to remand the matter to formal hearing. The motion passed unanimously. Dr. Bowden was recused from the vote.

B. 2012-0033, Laurel Cozzuli, LAC-12223 (suspended)

Ms. Rinaudo summarized information regarding the complaint.

The professional appeared in person and addressed the Board.

Following review and discussion, Dr. Gabler moved, seconded by Ms. McElfresh, to accept the consent agreement modified to include a paragraph stating that the professional chose not to renew her license as she does not feel it is a good fit for her and, if not signed, to remand the matter to formal hearing. The motion passed unanimously. See attached roll call vote.

C. 2012-0137, Vicktoria Patzer, LAMFT-10328 and LMFT applicant

Ms. Rinaudo summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

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

D. 2012-0123, Scott Smith, LISAC-1224

Ms. Rinaudo summarized information regarding the complaint.

The professional was properly noticed, but did not appear.

Following review and discussion, Mr. Lankton moved, seconded by Ms. McElfresh, 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.

No report

9. Applications for licensure: review, consideration and action

Lindsay Redman, LPC applicant

Ms. McElfresh moved, seconded by Mr. Lankton, to rescind this Board's August 2, 2012, motion to deny licensure based on failure to meet minimum requirements. The motion passed unanimously.

Social Work

Mr. Lankton moved, seconded by Dr. Gabler, to approve 6 applicants as Licensed Clinical Social Workers, 17 applicants as Licensed Master Social Workers, one applicant as a Reciprocal Licensed Clinical Social Worker and one applicant as a Licensed Bachelor Social Worker. The motion passed unanimously.

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

Counseling

Dr. Gabler moved, seconded by Ms. McElfresh, to approve 26 applicants as Licensed Associate Counselors, 10 applicants as Licensed Professional Counselors and one applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Dr. Gabler moved, seconded by Mr. Lankton, to deny 3 applications based on failure to meet minimum requirements, 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. Lankton, to approve 2 applicants as Licensed Associate Substance Abuse Counselors, one applicant as a Licensed Substance Abuse Technician and one applicant as a Reciprocal Licensed Substance Abuse Technician. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Lankton, to deny one application based on failure to meet minimum requirements and one application based on a finding of unprofessional conduct. The motion passed unanimously.

Marriage and Family Therapy

Dr. Gabler moved, seconded by Mr. Lankton, to deny one application 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. Lankton, 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. Review of the final report of the performance audit

Ms. Rinaudo offered copies of the final report and noted there were no surprises.

D. Update regarding Stakeholder meetings

Ms. Rinaudo reported regarding the stakeholder meetings.

E. Ongoing negative communications regarding the Board's Executive Director, Board staff and the Board

Ms. Rinaudo reported regarding various negative communications being circulated and provided copies to members.

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 regular meeting is scheduled for Thursday, October 4, 2012, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

18. Adjournment

Mr. Lankton moved, seconded by Ms. McElfresh, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:22 p.m.

Gloria Gabler
Secretary/Treasurer

Date