



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANICE K. BREWER
Governor

DEBRA RINAUDO
Executive Director

SUBSTANCE ABUSE CREDENTIALING COMMITTEE MEETING MINUTES
Thursday, August 15, 2013

Members present: Gerald Szymanski, Kirk Bowden, Nikole Hintz-Lyon
Members absent: Cynthia Pio-Padilla
Staff present: Debra Rinaudo, Executive Director, Michelle Clinkenbeard, Deputy Director, Marc Harris, A.A.G., Elma Brambila, Mary Wilson

1. **Call to Order**

The meeting was called to order on August 15, 2013, at 9:10 a.m. with Mr. Szymanski presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to approve the general meeting minutes from the June 20, 2013, meeting as submitted. The motion passed unanimously. Mr. Szymanski abstained from the vote.

Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to approve the general meeting minutes from the July 18, 2013, meeting as submitted. The motion passed unanimously.

4. **Review, consideration and action of complaints and other disciplinary matters**

Pending complaints represent unproven allegations. On investigation, many complaints are found to be without merit or not of sufficient seriousness to merit disciplinary action against the licensee and are dismissed. Action by the committee on all disciplinary matters is a recommendation only. All final decisions are made by the Board.

A. *Natalee Charlton, RLCSW applicant*

Ms. Rinaudo summarized information regarding the background investigation.

The applicant appeared in person and addressed the committee.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to recommend to the Board to find the following violations:

- A.R.S. §32-3251(12)(b), use of fraud or deceit in establishing qualifications and in connection with rendering services
- A.R.S. §32-3251(12)(c)(ii), any oral or written misrepresentation of a fact by an applicant in statements provided during an investigation or disciplinary proceeding

The motion passed unanimously.

Ms. Hintz-Lyon moved, seconded by Dr. Bowden, to open a complaint. The motion passed unanimously.

Following further review and discussion, Ms. Hintz-Lyon moved, seconded by Dr. Bowden, to recommend to the Board to deny the application based on a finding of unprofessional conduct. The motion passed unanimously.

B. Mary Demetrovich, LMSW applicant

Ms. Rinaudo summarized information regarding the background investigation.

The applicant addressed the committee telephonically.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to open a complaint and recommend to the Board to find the following violations:

- A.R.S. §32-3251(12)(f), habitual intemperance in the use of alcohol or active substance abuse
- A.R.S. §32-3251(12)(g), using a controlled substance that is not prescribed for a course of treatment
- A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice
- A.R.S. §32-3251(12)(c)(i), any oral or written misrepresentation of a fact by an applicant or a licensee to secure or attempt to secure the issuance or renewal of a license
- A.R.S. §32-3251(12)(ii), violating any federal or state law, rule or regulation as it relates to
 - A.R.S. §32-3208, mandatory reporting of criminal charges

The motion passed unanimously.

Following further review and discussion, Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to recommend to the Board to deny the license based on a finding of unprofessional conduct. The motion passed unanimously.

C. John Jaksich, LAC applicant

Ms. Rinaudo summarized information regarding the background investigation.

The applicant appeared in person and addressed the committee.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to open a complaint and to recommend to the Board to find a violation of A.R.S. §32-3251(12)(k), active, habitual intemperance in the use of alcohol and to deny the application based on a finding of unprofessional conduct. The motion passed unanimously.

D. 2013-0017, Karen Johnston, LISAC-10827 and LPC-12335

Ms. Rinaudo summarized information regarding the Board's investigation.

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the committee.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to recommend to the Board to dismiss the complaint. The motion passed unanimously.

E. 2012-0004, Nicole Newman, LASAC-13160

Ms. Rinaudo summarized information regarding the Board's investigation.

The complainants were properly noticed, but did not appear.

The professional and her attorney, Matt Cates, appeared in person and addressed the committee.

Following review and discussion by members, Ms. Hintz-Lyon moved, seconded by Dr. Bowden, to recommend to the Board to dismiss the complaint and issue a letter of concern addressing the importance of safety of client being the priority and the importance of knowing and understanding all laws regarding your work. The motion passed unanimously.

F. 2013-0048, Diane Whisler, LCSW-10963 (suspended)

Ms. Rinaudo summarized information regarding the professional's request for release from the interim consent agreement.

The professional appeared in person and addressed the committee.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to recommend to the Board to release the professional from the interim consent agreement and to defer action pursuant to A.R.S. §32-3281(S) and to accept a consent agreement that stipulates the following:

- The professional shall attend a minimum of 3 AA meetings weekly for 24 months
- The professional shall have weekly random bodily fluid testing for 24 months
- The professional shall follow treatment recommendations of medical provider and submit reports for 24 months
- The professional shall receive weekly therapy for 24 months
- Practice restriction to work under direct supervision or to have a practice monitor who is a masters or higher level LISAC who appears weekly on a random basis and completes an interview and a chart review
- The practice monitor will submit quarterly reports unless there is an immediate issue

The motion passed unanimously.

5. Report from the Chair and items for review, consideration, and possible action

No report

6. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Discussion regarding application review process requirements

No report.

C. Review and action regarding process changes needed as a result of SB1374

Ms. Rinaudo provided information regarding changes needed as a result of the passage of SB1374.

Ms. Rinaudo explained that there are different effective dates for the various parts of the bill. Most of the changes do not take effect until 2015.

7. Board, committee and subcommittee reports (discuss and possible action)

No report.

8. National and regional trends and news regarding the profession(s)

None

9. Supervisor exemption requests: review, consideration and action

A. Marie Hanna (Amanda Hart, LPC)

Members reviewed information submitted in support of the request for a supervisor exemption.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to deny the request for a supervisor exemption for hours provided by Amanda Hart, LPC, based on failure to establish the supervisor's experience in substance abuse counseling. The motion passed unanimously.

10. Applications for renewal: review, consideration and action

None

11. Consent agenda: review, consideration and action regarding requests for extensions and inactive status

None

12. Applications for inactive extension requests: review, consideration and action

None

13. Applications for licensure: review, consideration and action

Daniel Walter, RLASAC applicant

Ms. Hintz-Lyon moved, seconded by Dr. Bowden, to rescind this committee's May 16, 2013, motion to recommend to the Board to deny the application. The motion passed unanimously.

Appeals

A. *Julianne Cartwright (LISAC)*

Members received information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to deny the appeal based on the reasons previously stated. The motion passed unanimously.

The committee reviewed files from 12:25 p.m. through 1:35 p.m.

Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to recommend to the Board license Daniel Walter as a Reciprocal Licensed Associate Substance Abuse Counselor upon receipt of the required license issuance fee. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to approve Pamela Tice and Melissa Giblin as Licensed Associate Substance Abuse Counselors upon receipt of a passing score on the required exam and the license issuance fee. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to recommend to the Board to deny the following 4 applications based on their failure to meet minimum licensure requirements:

Marie Hanna	Janet Rosenberg
Charles Turner	Miguel Chinchillas

The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to recommend to the Board to deny Christopher Stein's application based on his failure to meet minimum licensure requirements and to reserve the right to review the background if he meets qualifications in the future. The motion passed unanimously.

14. Future agenda items

1. Information regarding state and federal laws that require people to report impaired professionals
2. Discuss meeting schedule at the November meeting

15. Call for public comment

No one asked to speak in response to the call for public comment.

16. Establishment of future meeting date(s)

The next meeting is scheduled for September 19, 2013, at 9:00 a.m. at 3443 North Central, Room 908.

17. Adjournment

Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:40 p.m.

Secretary/Treasurer

Date