



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

SUBSTANCE ABUSE CREDENTIALING COMMITTEE MEETING MINUTES
Thursday, August 16, 2012

Members present: Kirk Bowden, Cynthia Pio-Padilla, Nikole Hintz-Lyon, David Rick Campbell, Gerald Szymanski

Staff present: Patricia Reynolds, Deputy Director, Marc Harris, A.A.G., Tobi Zavala, Compliance Monitor, Michelle Clinkenbeard, Board Investigator, Elma Brambila, Mary Wilson

1. **Call to Order**

The meeting was called to order on August 16, 2012, at 9:00 a.m. with Dr. Bowden presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Ms. Pio-Padilla moved, seconded by Ms. Hintz-Lyon, to approve the general meeting minutes from the June 21, 2012, meeting as submitted. The motion passed unanimously. Mr. Szymanski and Mr. Campbell abstained from the vote.

Mr. Campbell moved, seconded by Ms. Pio-Padilla, to approve the general meeting minutes from the July 19, 2012, meeting as submitted. The motion passed unanimously. Ms. Hintz-Lyon abstained from the vote.

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. *2006-0153 and 2007-0036, John Butler, LISAC-0793*

Ms. Reynolds summarized information regarding the professional's non-compliance with his pending consent agreement.

The applicant and his attorney, Paul Crane, appeared in person and addressed the committee.

Dr. Bowden moved, seconded by Mr. Campbell, to go into executive session to receive legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion passed unanimously and the committee went into executive session at 10:00 a.m., reconvening its public meeting at 10:06 a.m.

Following review and discussion by members, Ms. Pio-Padilla moved, seconded by Mr. Campbell, to open a complaint, recommend to the Board to find a violation of A.R.S. §32-3251(12)(n), failure to comply with a consent agreement, offer the professional a consent agreement for the voluntary surrender of the professional's license and, if not signed, to remand the matter to formal hearing. The motion passed unanimously.

B. *Kathleen Davis, LAC-12522*

Ms. Reynolds summarized the results of the background investigation.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Pio-Padilla 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)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice
- A.R.S. §32-3251(12)(o), failing to furnish information within a specified time to the Board or its investigators if legally requested by the Board
- A.R.S. §32-3251(12)(ii), violating any federal or state law rule or regulation applicable to the practice of behavioral health, as it relates to A.R.S. §32-3208, mandatory reporting of criminal charges

The motion passed unanimously.

Following further discussion, Mr. Hintz-Lyon moved, seconded by Ms. Pio-Padilla, to recommend to the Board to accept a consent agreement for the voluntary surrender of the professional's license and, if not signed, to remand the matter to formal hearing. The motion passed unanimously.

C. 2012-0116, Rachel Gelbin, LPC-0821

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

The complainant was properly noticed, but did not appear.

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

Following review and discussion by members, Mr. Szymanski moved, seconded by Ms. Hintz-Lyon, to find that the complaint is without merit pursuant to A.R.S. §32-3281(D)(1), and remove it from the professional's complaint history pursuant to A.R.S. §32-3281(E). The motion passed unanimously.

D. Jon Longoria. LSAT applicant

Ms. Reynolds summarized the results of the background investigation.

The applicant appeared in person and addressed the committee.

Following further discussion, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to open a complaint and recommend to the Board to dismiss the complaint with a letter of concern addressing the importance of maintaining a personal care program during recovery. 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. Update regarding Sunset Review audit

No report.

The committee took a break at 10:40 a.m., reconvening its public meeting at 10:50 a.m.

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

No report.

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

No report.

9. Supervisor exemption requests: review, consideration and action

A. *Anna Vilay (Duane Hackbarth, LADC-MN)*

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

Following review and discussion, Ms. Hintz-Lyon moved, seconded by Ms. Pio-Padilla, to approve the request for a supervisor exemption for hours acquired from Duane Hackbarth, LADC-MN. 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

Ms. Hintz-Lyon moved, seconded by Mr. Campbell, to approve the consent agenda as reviewed by Ms. Pio-Padilla, granting a 60-day extension to Stacie Copsy and inactive status to Jeffrey Aronson and Linda Cook. The motion passed unanimously.

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

None

13. Applications for licensure: review, consideration and action

Appeals

A. *Catherine Mangels*

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Following review and discussion by members, Ms. Pio-Padilla moved, seconded by Ms. Hintz-Lyon, to accept SWG617 as meeting the counseling related coursework requirement. The motion passed unanimously.

B. *Kimberly Happ*

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Following review, members agreed that the applicant meets requirements for a reciprocal license.

The committee reviewed files from 11: 05 a.m. through 11:38 a.m.

Ms. Pio-Padilla moved, seconded by Dr. Bowden, to recommend to the Board to license John Longoria as a Licensed Substance Abuse Technician upon receipt of a passing score on the required exam, receipt of the required license issuance fee and the Board's dismissal of the complaint with a letter of concern. The motion passed unanimously.

Ms. Pio-Padilla moved, seconded by Dr. Bowden, to recommend to the Board to license Kimberly Happ as a Reciprocal Licensed Substance Abuse Technician upon receipt of the required license issuance fee. The motion passed unanimously.

Ms. Pio-Padilla moved, seconded by Dr. Bowden, to approve Catharine Mangels and Anthony Bratko as Licensed Associate Substance Abuse Counselors upon receipt of a passing score on the required exam and the required license issuance fee. The motion passed unanimously.

Ms. Pio-Padilla moved, seconded by Dr. Bowden, to recommend to the Board to deny the following 3 applicants based on their failure to meet minimum licensure requirements:

Anna Vilay Walter Schick
Brenda Brightful

The motion passed unanimously.

14. Future agenda items

Discussion of the curriculum issue discussed during the July Board meeting

15. Call for public comment

No one was present to respond to the call for public comment.

16. Establishment of future meeting date(s)

The next meeting is scheduled for September 20, 2012, at 9:00 a.m. at 3443 North Central, Room 908.

17. Adjournment

Ms. Pio-Padilla moved, seconded by Ms. Hintz-Lyon, to adjourn. The motion passed unanimously and the meeting was adjourned at 11:40 a.m.

Cynthia Pio-Padilla
Secretary/Treasurer

Date