



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, July 21, 2011

Members present: David Campbell, Gerald Szymanski
Members by phone: Kirk Bowden
Members absent: Cynthia Pio-Padilla
Staff present: Patricia Reynolds, Deputy Director, Marc Harris, A.A.G., Mary Wilson, Elma Brambila

1. **Call to Order**

The meeting was called to order on July 21, 2011, at 9:07 a.m. with Mr. Campbell presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Dr. Bowden moved, seconded by Mr. Szymanski, to approve the general meeting minutes from the June 16, 2011, 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.

Mr. Campbell reviewed the process for conducting informal meetings.

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

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

The professional appeared in person and addressed the committee.

Dr. Bowden, seconded by Mr. Szymanski, to recommend to the Board to find a violation of A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice. The motion passed unanimously.

Following further discussion by members, Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to accept a consent agreement that stipulates the following:

- The professional's license shall be suspended for 24 months
- The suspension shall be stayed as long as the professional is compliant with the consent agreement
- The professional's license shall be placed on probation
- The professional shall receive weekly individual or group counseling from a pre-approved LISAC for 24 months
- The professional shall attend AA meetings at least 3 times weekly for 24 months
- The professional shall obtain a sponsor within the 1st 3 months of probation and the sponsor will submit quarterly reports regarding participation and attendance
- The professional shall submit AA attendance sheets until the sponsor's first report is provided

The motion passed unanimously.

B. 2011-0063 and 2011-0119, Hal Nevitt, LISAC-0837 and LCSW-3406

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

The complainant appeared in person and addressed the committee.

The professional and his attorney, Fred Cummings, appeared in person and addressed the committee.

2011-0063

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Szymanski, to recommend to the Board to find a violation of A.R.S. §32-3251(12)(t), disclosing a professional confidence or privileged communication except as required by law or permitted by a valid release. The motion passed unanimously.

Following further discussion, Dr. Bowden moved, seconded by Mr. Szymanski, to recommend to the Board to accept a consent agreement that stipulates the following:

- The professional's license shall be placed on probation
- Completion of a pre-approved 3-semester credit hour graduate level course in behavioral health ethics within 12 months

The motion passed unanimously.

2011-0119

Dr. Bowden moved, seconded by Mr. Szymanski, 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 10:30 a.m., reconvening its public meeting at 10:42 a.m.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Szymanski, to recommend to the Board to dismiss the complaint. The motion passed unanimously.

C. 2011-0107, Jan Owens, LISAC-1288

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

The complainant's attorney, Michael Smith, appeared in person and addressed the committee.

The professional and her attorney, Robert Chelle, appeared in person and addressed the committee.

Dr. Bowden moved, seconded by Mr. Szymanski, to recommend to the Board to find a violation of A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession, based on the professional's inappropriate communications with a client. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to find a violation of A. R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession, based on the professional's unprofessional behavior at an agency. The motion carried with Mr. Szymanski opposed.

Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to find a violation of A.R.S. §32-3251(12)(p), failing to conform to minimum practice standards as developed by the Board, as it relates to A.A.C. R4-6-1102(5), treatment plan, and A.A.C. R4-6-1103(A)(5) and (B)(9), client record. The motion passed unanimously.

Following further discussion by members, Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to accept a consent agreement that stipulates the following:

- The professional's license will be placed on probation
- The professional shall complete 8 hours of pre-approved continuing education regarding current behavioral health clinical documentation requirements within 12 months
- The professional shall complete a pre-approved 3-semester credit hour graduate level course in behavioral health ethics within 12 months

- The professional shall have twice a month clinical supervision from a pre-approved independently licensed behavioral health professional
- The clinical supervisor shall submit quarterly reports for review
- Early release is available after 12 months upon recommendation of the clinical supervisor
- The focus of clinical supervision shall address professional will be communications with co-workers and clients, clinical documentation requirements, after hours communication with clients, treatment planning, and professional ethics

The motion passed unanimously.

Mr. Szymanski moved, seconded by Mr. Campbell, to recommend to the Board to open a complaint against the licensed professional who failed to report Ms. Owens unprofessional conduct to the Board. The motion passed unanimously.

The committee took a break at 12:15 p.m., reconvening its public meeting at 12:25 p.m.

D. 2011-0151, Tamera Van Berkel, LAC applicant

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

The applicant appeared in person and addressed the committee.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Campbell, 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
- A.R.S. §32-3251(12)(o), failing to furnish information within a specified time to investigators if legally requested by the Board
- A.R.S. §32-3251(12)(t), disclosing a professional confidence or privileged communication except as required by law or permitted by a valid release
- A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession

The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to deny the application based on a finding of unprofessional conduct pursuant to A.R.S. §32-3275 and A.R.S. §32-3276 . The motion carried with Mr. Szymanski opposed.

E. Dino Haley, LMSW applicant

Ms. Reynolds summarized the results of the background investigation.

The applicant appeared in person and addressed the committee.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Campbell, to open a complaint and recommend to the Board to dismiss the complaint with a letter of concern addressing the professional's dishonesty with his former employers. The motion passed unanimously.

F. Carlos Inostroza, LMSW-11028

Ms. Reynolds summarized the results of the background investigation.

The applicant appeared in person and addressed the committee.

Following review and discussion, Mr. Campbell moved, seconded by Dr. Bowden, to open a complaint and recommend to the Board to find a violation of A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice. The motion passed unanimously.

Following further discussion by members, Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to accept a consent agreement that stipulates the following:

- The professional's license shall be suspended 24 months
- The suspension shall be stayed as long as the professional is compliant with the consent agreement
- The professional shall receive weekly individual or group counseling from a pre-approved LISAC for 24 months
- The professional will attend AA meetings at least 3 times weekly for 24 months
- The professional will obtain a sponsor within the first 3 months of probation and the sponsor will submit quarterly reports regarding participation and attendance
- The professional shall submit AA attendance sheets until the sponsor's first report is provided

The motion passed unanimously.

G. Janet Wegenast, LASAC applicant

Ms. Reynolds summarized the results of the background investigation.

The applicant could not be reached at the telephone number she provided.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to find violations of A.R.S. §32-3251(12)(c)(i), any oral or written misrepresentation of a fact by an applicant to secure a license and A.R.S. §32-3251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice and to deny the application based on a finding of unprofessional conduct pursuant to A.R.S. §32-3275 and A.R.S. §32-3276. The motion passed unanimously.

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

A. Annual election of officers

Tabled

6. Report from the Executive Director and/or staff

A. General Agency Operations

No report

B. Review and discussion of the content of clinical supervisor continuing education courses

Members reviewed various continuing education coursework that was submitted for review.

Jill Fabian

Mr. Campbell moved, seconded by Dr. Bowden, to deny the following:

- Analyzing Performance and Corrective Action Plans
- Attitudes at Work
- Coaching and Mentoring in the Workplace
- Conflict Management
- Effective Teams
- Law and Ethics in Behavioral Health
- Managing Employee Performance
- Sexual Harassment
- CARF training

and to accept the 37th Annual Southwestern School Clinical Supervision Training for 12 hours and Fundamentals of Clinical Supervision for 2.5 hours on April 14, 2011.

C. Application review process requirements

No report.

D. Discussion regarding impact of limited Board resources

Tabled

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

None

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

No report.

9. Supervisor exemption requests: review, consideration and action.

None

10. Applications for renewal: review, consideration and action

None

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

Mr. Szymanski moved, seconded by Dr. Bowden, to approve the consent agenda as reviewed by Mr. Campbell granting 60-day extensions to Julia Eisenbart and Paula Harper and inactive status to Rena 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. Elizabeth Gallion

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Campbell, to deny the appeal based on continued curriculum deficiencies. The motion passed unanimously.

B. Beverly Wohlert

Members reviewed information submitted in support of the appeal.

The applicant appeared in person and addressed the committee.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Campbell, to accept SERP594 I and II for 6 semester credit hours and to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

C. Catherine Rangels

Members reviewed information submitted in support of the appeal.

The applicant appeared in person and addressed the committee.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Campbell, to accept SWG510 and SWG611 for 6 semester credit hours and to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

The committee reviewed files from 2:10 p.m. through 4:43 p.m.

Dr. Bowden moved, seconded by Mr. Campbell, to approve Nestor Retana as a Licensed Associate Substance Abuse Counselor upon receipt of a passing score on the required exam and the license issuance fee. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to approve Julie Godel as a Licensed Associate Substance Abuse Counselor upon receipt of the required license issuance fee. The motion passed unanimously.

Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to deny the following 4 applicants based on their failure to meet minimum licensure requirements:

Jeana Wrigley	Elza Boycheva
Kevin O'Grady	Heather Romero

The motion passed unanimously.

14. Future agenda items

None

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 August 26, 2011, at 9:00 a.m. at 3443 North Central, Room 908.

17. Adjournment

Dr. Bowden moved, seconded by Mr. Syzmanski, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:10 p.m.

Kirk Bowden
Secretary/Treasurer

Date