



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, December 20, 2012

Members present: Cynthia Pio-Padilla, Gerald Szymanski, Nikole Hintz-Lyon, David Rick Campbell (out at 1:30 p.m.)

Members absent: Kirk Bowden

Staff present: Patricia Reynolds, Enforcement Manager, Marc Harris, A.A.G. (in at 10:15 a.m.), Lynanne Chapman, Board Investigator, Michelle Clinkenbeard, Board Investigator, Elma Brambila, Mary Wilson

1. **Call to Order**

The meeting was called to order on December 20, 2012, at 9:10 a.m. with Ms. Pio-Padilla presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

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

Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to approve the executive session minutes from the November 21, 2012, meeting as submitted. The motion passed unanimously. Mr. Campbell 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. 2010-0068, Shawna Bowen, LISAC-10656

Ms. Reynolds summarized the results of 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, Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to recommend to the Board to find the following violations:

- 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. R4-6-1101(2), licensee shall document in writing the required elements of informed consent for treatment
 - A.A.C. R4-6-1102(1), licensee shall work jointly with each client to develop individualized treatment plan
 - A.A.C. R4-6-1102(2), licensee shall review and update treatment plan
 - A.A.C. R4-6-1103(A)(5), licensee shall ensure that client record is current and accurate

- A.A.C. R4-6-1103(B)(9), licensee shall ensure that client record contains documentation of all contact
- A.A.C. R4-6-1103(H)(2), licensee shall ensure that progress notes include duration of service
- A.A.C. R4-6-1105(B), licensee shall ensure there is documentation of sharing of information
- A.A.C. R4-6-1105(C)(6), written authorization includes date of expiration not to exceed 12 months
- A.R.S. §32-3251(12)(n), failing to comply with or violating any Board statute or rule as it relates to:
 - A.R.S. §32-3286(A), except as prescribed in A.R.S. §32-3271 a person not licensed pursuant to this chapter shall not engage in the practice of behavioral health
 - A.R.S. §32-3251(10), practice of substance abuse counseling
- 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)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health as it relates to:
 - A.R.S. §13-3620, failure to report to CPS
- A.R.S. §32-3251(12)(l), impaired practice

The motion passed unanimously.

Following further discussion, Ms. Pio-Padilla moved, _____, to find a violation of 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. §36-517.02. The motion failed for lack of a second.

Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to recommend to the Board to accept a consent agreement that stipulates the following:

- 24 months probation
- Practice restriction to agency licensed by Office of Behavioral Health Licensure
- Shall complete a pre-approved graduate level 3-semester credit hour behavioral ethics course
- Shall complete 6-clock hours of pre-approved continuing education in documentation such as NASW staying out of trouble
- Education completed within 1st 12 months
- Clinical supervision 1 per 40 individual in person independently licensed
- Ethics, documentation, scope of practice, duty to warn

The motion passed unanimously.

B. Donald Diebold, LISAC-11485

Ms. Reynolds summarized information regarding the investigation.

The professional appeared in person and addressed the committee.

Following further discussion, Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to open a complaint and 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
- A.R.S. §32-3251(12)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health, at it relates to:
 - A.R.S. §32-3208(A), requires reporting a charge to the Board within 10 days
 - A.R.S. §32-3208(D), failure to comply with notification requirements commits an act of unprofessional conduct

The motion passed unanimously.

Following further discussion, Ms. Hintz-Lyon moved, seconded by Mr. Campbell, to consolidate this complaint with complaint number 2012-0050 and recommend to the Board to offer 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. 2011-0065, Donald Diebold, LISAC-11485

Ms. Reynolds summarized the results of the investigation.

The professional appeared in person and addressed the committee.

Following review and discussion by members, Mr. Szymanski moved, seconded by Mr. Campbell, 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. 2012-0050, Donald Diebold, LISAC-11485

Ms. Reynolds summarized the results of the investigation.

The professional appeared in person and addressed the committee.

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

- A.R.S. §32-3251(12)(d), any false, fraudulent or deceptive statement connected with the practice of behavioral health, including false advertising as it relates to:
 - A.R.S. §32-3251(10), practice of substance abuse counseling
- A.R.S. §32-3251(12)(dd), failing to comply with the laws where the client resides when providing e-therapy

The motion passed unanimously.

Mr. Szymanski moved, seconded by Ms. Hintz-Lyon, to agendaize the matter of the other licensees listed on askthetherapist.com for the appropriate credentialing committees to open complaints if it is found that they are also providing services out-of-state in violation of ARS 32-3251(dd). The motion passed unanimously.

The committee took a break at 10:27 a.m., reconvening its public meeting at 10:35 a.m.

E. Richard Hoversten, LASAC applicant

Ms. Reynolds summarized the results of the background investigation.

The applicant appeared in person and addressed the committee.

John Cey addressed the committee regarding the applicant's participation in AA.

Following discussion, members agreed that no further action is necessary regarding the background.

F. Harry Ivy, LASAC applicant

Ms. Reynolds summarized the results of the background investigation.

The applicant appeared in person and addressed the committee.

Following discussion by members, Mr. Szymanski moved, seconded by Ms. Hintz-Lyon, to open a complaint and find the following violations:

- A.R.S. §32-3251(12)(c)(i), any oral or written misrepresentation of a fact by an applicant or licensee to secure or attempt to secure a license or renewal of a license
- A.R.S. §32-3251(12)(n), failing to comply with or violating any rule adopted pursuant to this chapter as it relates to:
 - A.A.C. R4-6-205, change of address

- A.R.S. §32-3251(12)(b), use of fraud or deceit in connection with rendering services as a licensee
- 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 carried unanimously.

Following further discussion, Mr. Szymanski moved, seconded by Mr. Campbell, to recommend to the Board to license the applicant pursuant to a consent agreement that stipulates the following:

- The license shall be placed on probation for 24 months
- Complete a 3-semester credit hour pre-approved graduate level behavioral health ethics course
- Complete a pre-approved course for 6-hours of continuing education in documentation such as NASW staying out of trouble or its equivalent
- The professional shall receive individual clinical supervision from a pre-approved masters level LISAC 1 hour per week for 24 months
- The focus of clinical supervision is honesty and the issues in the investigative report
- Education to be completed within 12 months

The motion carried with Ms. Hintz-Lyon opposed.

G. Jon Longoria, LSAT-12057

Ms. Reynolds summarized information regarding the matter and the proposed interim consent agreement.

The professional appeared in person and addressed the committee.

Following review and discussion, Mr. Szymanski moved, seconded by Mr. Campbell, to open a complaint and recommend to the Board to accept the signed interim consent agreement pursuant to A.R.S. §32-3281. The motion passed unanimously.

The committee took a break at 12:10 p.m., reconvening its public meeting at 12:20 p.m.

H. 2010-0101, Joseph Vigneux, LISAC-10338

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

The complainant addressed the committee telephonically.

The professional addressed the committee telephonically.

Following discussion by members, Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, 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 carried unanimously.

Following further discussion, Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to recommend to the Board to offer 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.

I. 2011-0027, Joseph Vigneux, LISAC-10338

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

The complainant was properly noticed, but did not appear.

The professional addressed the committee telephonically.

Following discussion by members, Ms. Hintz-Lyon moved, seconded by Ms. Pio=Padilla, to recommend to the Board to dismiss the complaint. The motion carried 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. *Training regarding consent agreement development and making motions in disciplinary matters*

Members received info regarding making motions etc etc etc

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**

None

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**

Jennifer Egeberg, LASAC applicant

Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to rescind this committee's November 15, 2012, motion to recommend to the Board to approve the license upon receipt of the license issuance fee. The motion passed unanimously.

Appeals

A. *Angela Brightful*

Members reviewed the appeal.

The applicant appeared in person and addressed the committee.

Following review and discussion by members, Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to recommend to the Board to deny the appeal based on the reasons previously stated. The motion passed unanimously.

B. *Sandra Baran*

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. Hintz-Lyon moved, seconded by Mr. Szymanski, to recommend to the Board to deny the appeal based on the reasons previously stated. The motion passed unanimously.

C. Xiaoli Wang

Members reviewed the appeal.

The applicant was properly noticed, but did not appear.

Following review and discussion by members, Ms. Hintz-Lyon moved, seconded by Ms. Pio-Padilla, to recommend to the Board to deny the appeal based on the reasons previously stated. The motion passed unanimously.

D. Mona Darwich

Members reviewed information submitted in support of the appeal.

The applicant appeared in person and addressed the committee.

Following review and discussion, members agreed the applicant meets minimum requirements.

E. Pamela White

Members reviewed information submitted in support of the appeal.

The applicant appeared in person and addressed the committee.

Following review and discussion, members agreed the applicant meets minimum requirements.

F. Samuel Wolde

Members reviewed information submitted in support of the appeal.

The applicant appeared telephonically and addressed the committee.

Following review and discussion, members agreed the applicant meets minimum requirements.

The committee reviewed files from 4:20 p.m. through 5:25 p.m.

Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to recommend to the Board to license Harry Ivy as a Licensed Associate Substance Abuse Counselor upon receipt of the license issuance fee and the Board's acceptance of the proposed consent agreement. The motion passed unanimously.

Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to recommend to the Board license Pamela White as a Licensed Substance Abuse Technician upon receipt of a passing score on the required exam and receipt of the required license issuance fee. The motion passed unanimously.

Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to recommend to the Board license Rene Hull as a Licensed Substance Abuse Technician upon receipt of the required license issuance fee. The motion passed unanimously.

Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to approve Mona Darwich and Ashley Barnett 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.

Ms. Hintz-Lyon moved, seconded by Mr. Szymanski, to recommend to the Board to approve Richard Hoversten and Samuel Wolde as Licensed Associate Substance Abuse Counselors upon receipt of the required license issuance fee. The motion passed unanimously.

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

Jennifer Egeberg	Christal Oliver
Louann Vertrees	Kristy Dennis

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 January 17, 2013, at 9:00 a.m. at 3443 North Central, Room 908.

17. Adjournment

Mr. Szymanski moved, seconded by Ms. Hintz-Lyon, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:27 p.m.

Cynthia Pio-Padilla
Secretary/Treasurer

Date