



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, November 17, 2011

Members present: Kirk Bowden, David Campbell, Cynthia Pio-Padilla, Gerald Szymanski

Staff present: Debra Rinaudo, Executive Director, Marc Harris, A.A.G., Mary Wilson, Elma Brambila

1. **Call to Order**

The meeting was called to order on November 17, 2011, at 9:10 a.m. with Dr. Bowden presiding.

2. **Roll Call**

See above.

3. **Review and Approval of Minutes**

Ms. Pio-Padilla moved, seconded by Mr. Szymanski, to approve the general meeting minutes from the October 20, 2011, meeting as submitted. The motion passed unanimously.

Ms. Pio-Padilla moved, seconded by Mr. Szymanski, to approve the 9:14 a.m. executive session minutes from the October 20, 2011, meeting as submitted. The motion passed unanimously.

Ms. Pio-Padilla moved, seconded by Mr. Szymanski, to approve the 10:15 a.m. executive session minutes from the October 20, 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.

A. 2012-0028, Heather Addington, LPC-12954

Ms. Rinaudo summarized information regarding the professional's request for an extension to obtain a substance abuse evaluation.

The professional appeared in person and addressed the committee.

Following review and discussion by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, 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, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to accept a consent agreement that stipulates the following:

- The professional shall receive clinical supervision twice a month for 24 months
- Focus of the clinical supervision shall be judgement, ethical conduct and substance abuse issues
- Completion of a pre-approved 3-semester credit hour graduate level course in addictions within 12 months
- Practice restriction to a facility licensed by the Office of Behavioral Health Licensure for 24 months
- No early release

The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to rescind the committee's August 18, 2011, motion to require the professional to complete a substance abuse evaluation. The motion passed unanimously.

B. Josephina Camacho-Garcia, LAMFT applicant

Ms. Rinaudo 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 Ms. Pio-Padilla, to open a complaint, find the professional does not qualify for licensure per A.R.S. §32-3275(5) and (6) as it relates to A.R.S. §32-3208(B), an applicant who has been charged with a misdemeanor that may affect patient safety shall notify the Board within 10 days, and A.R.S. §32-251(12)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice, and to recommend to the Board to deny the application based on unprofessional conduct. The motion passed unanimously.

C. 2011-0135, Jennifer Bjerke, LPC-13051

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

The professional appeared in person and addressed the committee.

Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to find the following violations:

- A.R.S. §32-3251(12)(k), any conduct that constitutes a danger to the health, welfare or safety of a client
- 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)(t), disclosing a professional confidence or privileged communication
- A.R.S. §32-3251(12)(n), violating any provision of the Board's licensure stature, as it relates to A.R.S. §32-3286(A), a person not licensed pursuant to this chapter shall not engage in the practice of behavioral health
- 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, consent for treatment
 - A.A.C. R4-6-1102, treatment plan
 - A.A.C. R4-6-1103, client record

The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to find a violation of A.R.S. §32-3251(12)(y), engaging in a dual relationship. The motion carried with Mr. Szymanski opposed.

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

- The professional's license shall be revoked
- The revocation shall be stayed as long as the professional is compliant with all terms of the consent agreement
- Completion of a pre-approved 3-semester credit hour graduate level course in behavioral health ethics within 12 months
- Completion of a pre-approved 3-semester credit hour graduate level course in addictions within 12 months
- Completion of 8-clock hours of pre-approved continuing education in current behavioral health documentation requirements
- Practice restriction to a facility licensed by the Office of Behavioral Health Licensure for 24 months
- 24 months of weekly clinical supervision focusing on dual relationships, assessments, current documentation standards, client confidentiality, ethical issues and jurisprudence
- Practice termination plan

The motion passed unanimously.

D. 2012-0029. Cory Shaw, LPC-10892

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

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

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to rescind the committee's August 18, 2011, motion to find a violation of A.R.S. 32-3251(12)(l), active habitual intemperance in the use of alcohol.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to accept a consent agreement that stipulates completion of a 3-semester credit hour graduate level course in addictions within 12 months. The motion passed unanimously.

The committee took a break at 11:28 a.m., reconvening its public meeting at 11:36 a.m.

E. Rebecca Southwick, LCSW-11000

Ms. Pio-Padilla disclosed that she works at Terros, but she does not know the professional and is unaware of anything that would prevent her from making an unbiased decision in this matter.

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

The professional appeared and addressed the committee.

Dr. Bowden moved, seconded by Mr. Campbell, to go into executive session to discuss information exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the committee went into executive session at 11:45 a.m., reconvening its public meeting at 12:03 p.m.

The professional addressed the committee regarding employment issues.

Dr. Bowden moved, seconded by Mr. Szymanski, to go into executive session to discuss information exempt from public inspection pursuant to A.R.S. §38-431.03(A)(2). The motion passed unanimously and the committee went into executive session at 12:10 p.m., reconvening its public meeting at 12:26 p.m.

Following review and discussion by members, Dr. Bowden moved, seconded by Mr. Campbell, to open a complaint and 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(10)(b), use of fraud or deceit in establishing qualifications under certification standards
- A.R.S. §32-3251(12)(c)(i), any oral or written misrepresentation of a fact by a licensee to secure the issuance or the renewal of a license
- A.R.S. §32-3251(12)(b), use of fraud or deceit in connection with rendering services or establishing qualifications

The motion passed unanimously.

Following further discussion by members, Dr. Bowden moved, seconded by Mr. Campbell, to recommend to the Board to accept an interim consent agreement prohibiting the professional from practicing under her license or from providing any type of psychotherapy in an exempt setting.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, that if the interim consent agreement is not signed, to invite the professional to participate in a formal interview and, if not accepted, to remand the matter to formal hearing. 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. Status report regarding new Board and committee member appointments

Ms. Rinaudo reported regarding problems with timely member appointments.

C. Discussion regarding application review process requirements

No report

D. Adoption of a policy regarding whether to accept attestation from a university that an updated syllabus was in place at the time the applicant completed the course

Dr. Bowden explained that colleges are using on-line syllabi for courses taken on-line and some in-class courses. Many of these syllabi do not include a course date. Members agreed to accept undated syllabi if they are accompanied by a letter from the university attesting that the syllabus was used for the course under consideration by the committee .

E. Review of Auditor General's performance audit of the Board

Brian Miele of the Auditor General's Office provided information on the Sunset Review process for all state agencies and the current performance audit of the Board that is part of that process.

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

Dr. Bowden moved, seconded by Mr. Campbell, to approve the consent agenda as reviewed by Ms. Pio-Padilla, granting a 60-day extension to Orlando Harding and inactive status to Barry Masden. 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. Jeana Wrigley

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to deny the appeal based on the reasons previously stated. The motion passed unanimously.

B. Letha Diaz

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 Ms. Pio-Padilla, to deny the appeal based on the applicant's failure to establish her clinical supervisor was qualified and that her education meets requirements, and to reserve any decision regarding whether the applicant's work experience meets requirements. The motion passed unanimously.

C. Julia Eisenbart

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

D. Catharine Mangels

Members reviewed information submitted in support of the appeal.

The applicant was properly noticed, but did not appear.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to deny the appeal based on a continued curriculum deficiency of 3-semester credit hours. The motion passed unanimously.

E. Lisa Marie Jones

Members reviewed information submitted in support of the appeal.

The applicant appeared in person and addressed the committee.

Following discussion by members, Dr. Bowden moved, seconded by Ms. Pio-Padilla, to accept EPS671 from the masters degree and to deny the appeal based on continued curriculum deficiencies. The motion passed unanimously.

The committee reviewed files from 12:45 p.m. through 2:32 p.m.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to approve Leslie Kay as a Licensed Substance Abuse Technician upon receipt of the required license issuance fee. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to approve Elizabeth Felix, Yolanda Beltran and Diana Martorana as Licensed Associate Substance Abuse Counselors upon receipt of the required license issuance fee. The motion passed unanimously.

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to recommend to the Board to deny Anna Book and John Clarizio based on their failure to meet minimum licensure requirements. 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 December 15, 2011, at 9:00 a.m. at 3443 North Central, Room 908.

17. Adjournment

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:34 p.m.

Cynthia Pio-Padilla
Secretary/Treasurer

Date