



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 15, 2012

Members present: Kirk Bowden, Gerald Szymanski (out at 1:20 p.m.), Nikole Hintz-Lyon
Members absent: David Rick Campbell
Staff present: Patricia Reynolds, Enforcement Manager, Marc Harris, A.A.G., Michelle Clinkenbeard,
Board Investigator, Elma Brambila, Mary Wilson

1. **Call to Order**

The meeting was called to order on November 15, 2012, at 9:06 a.m. with Dr. Bowden 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 October 18, 2012, meeting as submitted. The motion passed unanimously. Ms. Pio-Padilla 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. *2011-0064, Bevan Gottlieb, LISAC-10822*

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

The complainant is anonymous.

The professional appeared and addressed the committee.

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

B. *Wendy Kutz, LCSW-2236*

Ms. Pio-Padilla recused herself from all matters involving the professional.

Ms. Reynolds summarized information regarding the background investigation.

The professional and her attorney, Larry Cohen, appeared in person and addressed the committee.

Dr. Bowden moved, seconded by Ms. Hintz-Lyon, 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 9:36 a.m., reconvening its public meeting at 9:45 a.m.

Following further discussion, Ms. Hintz-Lyon moved, seconded by Mr. Syzmanski, to open a complaint against the professional and recommend the following to the Board:

- To accept an Interim Consent Agreement not to practice
- If the ICA is not signed, to remand the matter to formal hearing for the revocation of the professional's license
- If the matter is remanded to formal hearing, the findings will be consistent with those in the investigative report.

The motion passed unanimously.

The committee left for a fire drill at 9:50 a.m., reconvening its public meeting at 10:15 a.m.

C. Marilyn Shepherd, LCSW-2055

Ms. Reynolds summarized the results of the background investigation.

The professional and her attorney, David Engleman, appeared in person and addressed the committee.

Following discussion by members, Ms. Hintz-Lyon 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 following reporting laws. The motion passed unanimously.

D. Marissa Spletter, LMSW 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. Pio-Padilla, to open a complaint, 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 and to accept a consent agreement with the following stipulations:

- After passing the exam, upon issuance the applicant's license will be placed on probation for 24 months
- The license shall be revoked
- The revocation shall be stayed as long as the professional is compliant with the stipulations of the consent agreement
- The professional shall receive weekly individual clinical supervision focusing on honesty and alcohol dependence issues
- Clinical supervisor will be a masters level LISAC or equivalent pre-approved by committee chair and will submit quarterly reports
- The professional shall immediately attend weekly AA meetings for 24 months and submit attendance sheets
- The professional shall have an AA sponsor within 2 months and the sponsor will submit quarterly reports
- The professional shall take part in weekly ETG random bodily fluid tests

The motion carried unanimously.

The committee took a break at 11:26 a.m., reconvening its public meeting at 11:36 a.m.

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. Discussion regarding medical practitioners for consent agreements

Dr. Bowden reviewed information regarding a request for a Naturopathic physician to prescribe and be the medication monitor for a consent agreement.

Dr. Bowden explained that he researched the topic and discovered that they can prescribe medications. He suggested that the committee may want to specify a psychiatrist with experience in psychiatric medications or a psychiatric nurse practitioner in the consent agreements in the future. In all future consent agreements, members agreed they will consider the situation and be careful to specify the type of practitioner.

D. Adoption of a policy regarding whether to accept attestation from a university that an updated syllabus was in place when an applicant took a course

Members agreed that if the university submits a letter attesting to the fact that a syllabus was in place when an applicant took a course that will be acceptable. The letter cannot be authored by a professor or anyone other than the registrar's office or dean of the college.

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

Appeals

A. Walter Schick

Members reviewed information submitted in support of the appeal.

The applicant appeared in person and addressed the committee.

Following review and discussion by members, Ms. Hintz-Lyon moved, seconded by Ms. Pio-Padilla, to accept SERP594 for 6-semester hours of counseling related coursework and recommend to the Board to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

B. Anna Vilay

Members reviewed information submitted in support of the appeal.

The applicant could not appear telephonically.

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

C. Gimi Garcia

Members reviewed information submitted in support of the appeal.

The applicant appeared in person and addressed the committee.

Following review and discussion, Ms. Pio-Padilla moved, seconded by Ms. Hintz-Lyon, to recommend to the Board to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

D. Sharareh Najafi

Members reviewed information submitted in support of the appeal.

The applicant was not available at the number telephone provided.

Following review and discussion, Dr. Bowden moved, seconded by Mr. Szymanski, to accept PSY 8312 for 5 quarter credit hours and to recommend to the Board to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

E. Katherine Bloom

Members reviewed information submitted in support of the appeal.

The applicant could not appear telephonically.

Following review and discussion, Dr. Bowden moved, seconded by Ms. Hintz-Lyon, to recommend to the Board to deny the appeal based on continuing curriculum deficiencies. The motion passed unanimously.

F. Teresa Fresquez

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 Ms. Pio-Padilla, to recommend to the Board to deny the appeal based on the reasons previously stated. The motion passed unanimously.

The committee reviewed files from 1:20 p.m. through 2:00 p.m.

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

Dr. Bowden moved, seconded by Ms. Pio-Padilla, to approve Jennifer Egeberg as a Licensed Associate Substance Abuse Counselor 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 Georgia Fourlas as a Licensed Independent Substance Abuse Counselor upon receipt of the required license issuance fee. 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 20, 2012, 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 2:01 p.m.

Cynthia Pio-Padilla
Secretary/Treasurer

Date