



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
December 14, 2018

Members Present: Kimberly Bailey, Bradley Barnett, Chip Coffey, Cedric Davis, Gary Goodwin, Meaghan Kramer (in at 11:08 a.m.), Heidi Quinlan (out at 4:08 p.m.), Gerald Szymanski

Members Absent: Jerri Shields, Mary Coonrod

Staff Present: Tobi Zavala, Executive Director; Marc Harris, A.A.G.; Donna Dalton, Deputy Director; Joey Ordonez, Assistant Director;

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on December 14, 2018 at 9:02 a.m. with Mr. Coffey presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. *November 2, 2018, general meeting minutes*
Tabled due to lack of quorum of members to vote.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

1. *2019-0015, Helene Lichtman, LPC-15997*

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

The complainant appeared and addressed the Board.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Mr. Goodwin moved, seconded by Dr. Davis, to dismiss the complaint. The motion passed unanimously.

2. *2019-0039, Terri Vasquez, LCSW-11013 and LISAC-10749*

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

The complainant appeared and addressed the Board.

The professional's attorney, Stephan McCaffery, appeared telephonically and addressed the Board.

Following review and discussion by members, Mr. Coffey moved, seconded by Dr. Davis, to dismiss the complaint and remove it from the professional's complaint history. The motion passed unanimously.

B. Cases recommended for dismissal with a letter of concern
N/A

- C. Cases recommended for release from consent agreements
1. 2018-0072, Rosemarie Abernethy, LISAC-11355
 2. 2017-0039, Susan McCord, LCSW-15447 (active-restricted)
 3. 2018-0016, Cathy Sanchez, LPC-16649

Following discussion, Dr. Davis moved, seconded by Ms. Bailey, to approve the consent agenda item 4(C). The motion passed unanimously.

D. Cases recommended for opening a complaint and acceptance of a proposed signed non-disciplinary consent agreement.
N/A

E. Cases recommended for opening a complaint and dismissing with a letter of concern.
N/A

5. Administrative Hearings
N/A

6. Formal Interviews
N/A

The Board took a break at 10:55 a.m., reconvening its public meeting at 11:08 a.m.

7. Complaints and other disciplinary matters: review, consideration and action

A. 2019-0002, Barbara Collier, LPC-12794

Mr. Ordonez summarized the results of the Board's investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Jessica Miller, appeared and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Barnett, to find the following violations:

- A.R.S. § 32-3251(16)(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
 - A.A.C. R4-6-1104, Financial and Billing Records
- A.R.S. § 32-3251(16)(s), terminating behavioral health services to a client without making an appropriate referral for continuation of care for the client if continuing behavioral health services are indicated

The motion passed unanimously.

Following further discussion, Dr. Davis moved, seconded by Mr. Goodwin, to offer a consent agreement that stipulates the following:

- The professional's license shall be placed on probation for 12 months
- The professional shall complete 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent

- The professional shall complete a pre-approved 3 semester credit hour graduate level course in behavioral health ethics
- The professional shall have an audit of her practice within 60 days, and submit an audit plan for approval
- If necessary, the professional shall obtain a practice monitor to carry out the audit plan with quarterly reports submitted to the Board
- Early release available at the recommendation of the auditor or practice monitor

and if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X		X
NAY										
Absent				X			X		X	

B. 2018-0009, 2018-0018, and 2019-0033, Elizabeth De Vries, LPC-2371

Ms. Zavala summarized the results of psychological evaluation and the additional information.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Ms. Kramer, to offer a consent agreement that stipulates the following:

- The professional's license shall be placed on probation for 24 months
- Stayed suspension
- The professional shall complete 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall complete 3 clock hours of pre-approved continuing education in burnout and compassion fatigue
- The professional shall receive therapy once weekly for three months with a pre-approved behavioral health professional. The frequency for the remaining time will be at the recommendation of the therapist, but not less than twice monthly.
- Therapy shall focus on the issues identified in the Board's report
- The professional shall receive clinical supervision weekly from a pre-approved independently licensed behavioral health professional
- Clinical supervision shall focus on compassion fatigue, ethics, self care, confidentiality and documentation
- Early release available after 12 months at the recommendation of the clinical supervisor and therapist

and if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X	X	X		X
NAY										
Absent				X					X	

C. 2015-0013, Gail Eaton, LCSW-11342

Tabled

D. Deborah Fredricksen, LMSW applicant

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

The applicant appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Mr. Barnett, to open a complaint. The motion passed unanimously. Mr. Szymanski recused.

Following further discussion, Ms. Quinlan moved, seconded by Mr. Barnett, to approve applicant's LMSW application subject to passage of the LMSW exam, and dismiss the complaint with a letter of concern addressing the importance of adhering to a recovery and relapse prevention plan. The motion passed unanimously. Mr. Szymanski recused.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X	X	X		
NAY										
Absent				X					X	recused

The Board took a break at 12:19 p.m., reconvening its public meeting at 12:58 p.m.

E. 2019-0036, Benjamin Harding, LCSW-15629 (active-restricted)

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

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Kramer moved, seconded by Dr. Davis, to find the following violations:

- A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession
- A.R.S. § 32-3251(16)(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 Requirements
- A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting to violate or assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant to this chapter, any lawful order of the board, or any formal order, consent agreement, term of probation or stipulated agreement issued under this chapter.

The motion passed unanimously.

Following further discussion, Ms. Quinlan moved, seconded by Ms. Kramer, to consolidate complaint numbers 2019-0039 and 2017-0094. The motion passed unanimously.

Following further discussion, Ms. Kramer moved, seconded by Mr. Goodwin, to offer a consent agreement that stipulates the following in addition to the terms of the original agreement:

- The professional's license shall be placed on probation for 24 months
- Stayed suspension
- No early release
- The professional shall submit a civil penalty of \$500 within six months

and if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X	X	X		X
NAY										
Absent				X					X	

F. Cordelia Holbert, LCSW applicant

Mr. Ordonez summarized the results of the Board’s investigation.

The applicant and her attorney, Kevin Burns, appeared and addressed the Board.

Following review and discussion by members, Ms. Bailey moved, seconded by Mr. Barnett, to open a complaint and find the following violations:

- A.R.S. § 32-3251(16)(b), using fraud or deceit in connection with rendering services as a licensee or in establishing qualifications pursuant to this chapter
- A.R.S. § 32-3251(16)(c)(i), making any oral or written misrepresentation of a fact to secure or attempt to secure the issuance or renewal of a license
- A.R.S. § 32-3251(16)(c)(ii), making any oral or written misrepresentation of a fact in any statements provided during an investigation or disciplinary proceeding by the board
- A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting to violate or assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant to this chapter, any lawful order of the board, or any formal order, consent agreement, term of probation or stipulated agreement issued under this chapter

The motion passed unanimously.

Following further discussion, Ms. Bailey moved, seconded by Mr. Barnett, to find an additional violation of:

- A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health as it relates to A.R.S. § 32-3286, Unlawful use of title; violation; classification; civil penalty; exception. Practice

The motion passed unanimously.

Following review and discussion by members and based upon the aforementioned violations and the Board’s finding that the conduct that resulted in the revocation of the applicant’s previous license had not been corrected, monitored or resolved, Ms. Bailey moved, seconded by Mr. Barnett to deny her application pursuant to A.R.S. § 32-3275(A)(6) and A.R.S. § 32-3275(A)(7) as it relates to A.R.S. § 32-3275(B) . The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X		X		X
NAY										
Absent				X			X		X	

G. 2019-0027, Lee Ann Hull, LASAC-15119

Mr. Ordonez summarized the results of the Board’s investigation.

The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

Following review and discussion by members, Mr. Barnett moved, seconded by Ms. Bailey, to find the following violations:

- A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession

- A.R.S. § 32-3251(16)(b), using fraud or deceit in connection with rendering services as a licensee or in establishing qualifications pursuant to this chapter

The motion carried with Mr. Goodwin opposed.

Following further discussion, Mr. Barnett moved, seconded by Ms. Coonrod, to offer a consent agreement that stipulates the following:

- The professional’s license shall be placed on probation for 24 months
- The professional shall receive clinical supervision weekly from a pre-approved dually licensed behavioral health professional holding a LISAC and additional independent level license
- Clinical supervision shall focus on professional boundaries, ethics, self care, caseload management and documentation
- Early release available after 12 months at the recommendation of the clinical supervisor
- The professional shall complete 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent

and if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X	X	X		X
NAY										
Absent				X					X	

Mr. Szymanski moved, seconded by Ms. Quinlan to go into executive session pursuant to A.R.S. § 38-431.03(A)(3) to obtain legal advice. The motion passed unanimously and the Board went into executive session at 12:08 pm, reconvening its public meeting at 12:17 pm.

The Board took a break at 2:49 p.m., reconvening its public meeting at 2:58 p.m.

H. 2019-0028, Joshua Lewis, LAC-15290 (suspended)

Ms. Zavala summarized the results of the Board’s investigation.

The complainant was properly noticed, but failed to appear.

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Mr. Barnett moved, seconded by Ms. Quinlan, to dismiss the complaint without prejudice. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X	X	X		X
NAY										
Absent				X					X	

I. 2019-0030, Kristina Mont, LPC-15267

Mr. Ordonez summarized the results of the Board’s investigation.

The complainant was properly noticed, but failed to appear.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Mr. Goodwin moved, seconded by Ms. Shields, to dismiss the complaint with a letter of concern addressing the importance of being mindful of her emotions and maintaining personal boundaries. The motion passed unanimously.

J. 2019-0043, Christine Pellegrino, LAC-17139

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

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Mr. Barnett moved, seconded by Ms. Bailey, to accept the proposed signed interim consent agreement. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X	X	X		X
NAY										
Absent				X					X	

K. 2019-0003, Heidi Quinlan, LPC-13084, and LISAC-11071

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

The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Bailey moved, seconded by Mr. Barnett, to dismiss the complaint. The motion passed unanimously. Ms. Quinlan recused.

L. Henry Silva, LMSW applicant

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

The applicant could not be reached telephonically at the number provided.

Following review and discussion by members, Mr. Szymanski moved, seconded by Ms. Bailey, to open a complaint for further investigation and issue an order for a comprehensive psychiatric evaluation to be completed within 60 days by a pre-approved licensed psychiatrist who has substance abuse and mental health experience pursuant to A.R.S 32-3281(E). The motion passed unanimously.

M. 2017-0066, Byron Watson, LAC-15804 (suspended)

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

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Ms. Bailey moved, seconded by Mr. Barnett, to find the following violation:

- A.R.S. § 32-3251(16)(l), engaging in 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.

N. 2019-0026, Byron Watson, LAC-15804 (suspended)

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

The complainant was properly noticed, but failed to appear.

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Ms. Bailey moved, seconded by Ms. Quinlan, to find the following violations:

- A.R.S. § 32-3251(16)(v), engaging in any sexual conduct between a licensee and a client or former client
- A.R.S. § 32-3251(16)(o), failing to furnish information within a specified time to the board or its investigators or representatives if legally requested by the board

The motion passed unanimously.

Following review and discussion by members, Ms. Bailey moved, seconded by Dr. Davis, to remand the matter to a formal hearing for the revocation of the professional's license. The motion passed unanimously.

	Kimberly Bailey	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X		X	X	X	X		X
NAY										
Absent				X					X	

O. 2017-0066 and 2019-0026, Byron Watson, LAC-15804, (suspended)

Following further discussion, Ms. Bailey moved, seconded by Dr. Davis, to consolidate complaint numbers 2017-0066 and 2019-0026. The motion passed unanimously.

Following further discussion, Mr. Coffey moved, seconded by Ms. Quinlan, to refer the case to law enforcement. The motion passed unanimously.

8. Assistant Attorney General's Report: Marc Harris, A.A.G.

N/A

9. Temporary licenses: review, consideration and action

N/A

10. Applications for licensure and educational programs: review, consideration and action

A. Review, consideration, and possible action regarding applications for licensure

Counseling

Ms. Quinlan moved, seconded by Dr. Davis, to approve 34 applicants as Licensed Associate Counselors, 1 applicant as a Licensed Associate Counselor by endorsement, 25 applicants as Licensed Professional Counselors, and 21 applicants as Licensed Professional Counselors by endorsement. The motion passed unanimously.

Ms. Quinlan moved, seconded by Dr. Davis, to deny 1 application based on failure to pass the required examination, 2 applications based on failure to take the required examination, and 2 applications based on a finding of unprofessional conduct and a failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Mr. Barnett moved, seconded by Dr. Davis, to approve 3 applicants as Licensed Associate Marriage and Family Therapists, 5 applicants as Licensed Marriage and Family Therapists, and 8 applicants as Licensed Marriage and Family Therapists by endorsement. The motion passed unanimously. Ms. Bailey recused.

Social Work

Dr. Davis moved, seconded by Ms. Quinlan, to approve 44 applicants as Licensed Master Social Workers, 9 applicants as Licensed Clinical Social Workers, and 10 applicants as Licensed Clinical Social Workers by endorsement. The motion passed unanimously. Mr. Goodwin recused.

Dr. Davis moved, seconded by Ms. Quinlan, to deny 5 applications based on failure to pass the required

examination, 7 applications based on failure to take the required examination, and 1 application based on a finding of unprofessional conduct and a failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse

Mr. Szymanski moved, seconded by Dr. Davis, to approve 1 applicant as a Licensed Independent Substance Abuse Counselor and 2 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Mr. Szymanski moved, seconded by Dr. Davis, to deny 4 applications based on failure to take the required examination and 2 applications based on failure to meet minimum requirements. The motion passed unanimously.

B. Review, consideration, and possible action regarding applications for educational programs

1. Review, consideration, and possible action regarding modifying the Arizona State University Master of Counseling approved program.

Mr. Barnett moved, seconded by Dr. Davis, to modify the Arizona State University Master of Counseling approved program. The motion passed unanimously.

11. Report from Chair

A. Summary of current events

No Report.

B. Discussion regarding the Board's deliberation process

Members discussed the deliberation process and the importance of adhering to proper procedures.

12. Report from the Treasurer

A. Review, consideration, and possible action regarding October financial report

Following review and discussion by members, Ms. Quinlan moved, seconded by Dr. Davis, to accept the October monthly financial report as presented. The motion passed unanimously.

B. Review, consideration, and possible action regarding November financial report

Following review and discussion by members, Ms. Quinlan moved, seconded by Mr. Barnett, to accept the November monthly financial report as presented. The motion passed unanimously.

13. Report from the Executive Director and/or staff

A. General Agency Operations

No Report

B. Discussion regarding information sent to Board and committee members from Lisa Gold

Ms. Zavala provided an overview of the documents that Ms. Gold submitted directly to some of the Board members. The overview included summarizing Ms. Gold's concerns related to her ability to provide clinical supervision. Ms. Gold and her attorney, Emma Mark, then addressed the Board specifically on how recent rule changes impacted her ability to provide clinical supervision. At Ms. Mark's suggestion, they will contact Board staff to determine whether there are avenues available to Ms. Gold to provide clinical supervision in the future.

C. Review, consideration and possible action regarding security at meetings

Ms. Zavala provided members information on proposed meeting security costs.

Following review and discussion by members, Mr. Szymanski moved, seconded by Mr. Barnett, to secure DPS police to provide meeting security. The motion carried with Dr. Davis opposed.

D. Discussion regarding online CEU vs. in person

Members discussed the pros and cons of online vs. in person CEUs. Members discussed utilizing the in person CEUs in disciplinary consent agreements. Ms. Zavala shared that if in person was required for renewals it would require a rule change.

E. Discussion regarding audio recordings of meetings

Ms. Zavala informed the Board that as of January 1, 2019, recorded audio of Board meetings will be posted to the Board's website. Ms. Zavala stressed the importance of speaking clearly, appropriately and directly into the microphones to provide a quality recording.

F. Discussion regarding ASWB delegate meeting recap

Dr. Davis shared with members that he attended the ASWB delegate meeting in November. He shared highlights of the information that was presented.

G. Discussion regarding governor appointments

Ms. Zavala informed members that she has been in contact with the appointments office since August of 2018 in regards to the academic review committee member appointments that expire as of January 2019.

H. Discussion regarding renewals

Ms. Dalton informed members that staff is in the process of making changes to the online renewal portal to make it less burdensome on licensees.

I. Discussion regarding E-Licensing

Ms. Zavala updated the members regarding E-Licensing. She shared with members that Senator Barto would be willing to run a bill to get the Board's funds deposited back into our account, if necessary.

J. Update regarding rules

Ms. Dalton informed members that the Notice of Final Rulemaking was filed with the Office of the Secretary of State and becomes effective on January 12, 2019. Board staff is developing forms and processes to implement the new rules.

14. Request for extension of inactive status: review, consideration and action

N/A

15. National and regional news regarding the profession(s)

N/A

16. Future agenda items

None

17. Call for public comment

Teresa Ehlers, LAMFT, addressed the Board and inquired about forms and requirements for practicing independently as an associate level licensee.

18. Establishment of future meeting dates

The next regular meeting is scheduled for Friday, January 11, 2019, at 9:00 a.m., at 1740 W. Adams St., Room C.

19. Adjournment

Dr. Davis moved, seconded by Mr. Barnett, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:21 p.m.

Heidi Quinlan
Secretary/Treasurer

Date