



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
TELECONFERENCE MEETING MINUTES
June 12, 2020

Members Present telephonically: Kimberly Bailey, Chip Coffey, Mary Coonrod, Cedric Davis, Meaghan Kramer, Heidi Quinlan, Mark Shen, Gerald Szymanski, Antwan Trotter

Members Absent: Robert Charles

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

1. Call to Order

A telephonic meeting of the Arizona Board of Behavioral Health Examiners was called to order on June 12, 2020 at 9:07 a.m. with Mr. Coffey presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. *May 8, 2020, telephonic general meeting minutes*

Dr. Davis moved, seconded by Ms. Kramer, to approve the telephonic general meeting minutes for the May 8, 2020 meeting as submitted. The motion passed unanimously.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

1. 2020-0051, Tyler Bennett, LPC-16910
2. 2019-0140, Jaimie Callison, LAMFT-10471
3. 2020-0117, Shannon Fore, LPC-16320
4. 2020-0034, Todd Parker, LPC-12500
5. 2020-0105, Jessica Plummer, LMSW-13690
6. 2019-0141, Priscilla Whitlock-Coates, LPC-17755
7. 2020-0141, Betty Wittels, LPC-0371

Following discussion, Dr. Davis moved, seconded by Ms. Coonrod, to approve the consent agenda items 4(A)(1, 3, 5 and 7). The motion passed unanimously.

Following discussion, Dr. Davis moved, seconded by Ms. Quinlan, to approve the consent agenda items 4(A)(2 and 6). The motion passed unanimously.

4. 2020-0034, Todd Parker, LPC-12500

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

The complainant appeared telephonically and addressed the Board.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Ms. Bailey, to dismiss the complaint. 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. 2020-0019, Maria Armenta, LPC-18599 (active-restricted)
2. 2017-0009, Kimberly Hesjedal, LMSW-13790 (active-restricted)
3. 2018-0086, Jennifer Johnson, LMSW-15702 (active-restricted)
4. 2017-0092, Kortney Mosher, LAC-15751
5. 2020-0032, Lakshmi Nolletti, LCSW-11126 (active-restricted), LISAC-10865(active-restricted)
6. 2018-0039, 2018-0040, Jill Sena, LPC-18709 (active-restricted)
7. 2019-0108, Roxanna Teeling, LMSW-13860
8. 2019-0001, Patrick Thomas, LMSW-17070

Following discussion, Ms. Coonrod moved, seconded by Ms. Quinlan, 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

F. Cases recommended for acceptance of a proposed signed non-disciplinary consent agreement.

1. 2020-0079, Mariana Tademy, LAC-6212T

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

5. Administrative Hearings

Pursuant to A.R.S. §§ 32-3253(A)(10) and 41-1092.07, the Board will conduct administrative hearings in the following matter(s). During the administrative hearing, the Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

N/A

6. Formal Interviews

N/A

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

A. 2019-0114, Christina Aguilar, LPC-17472

Mr. Harris summarized the proposed, signed modified consent agreement.

The professional and her attorney, Flynn Carey, appeared telephonically and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Quinlan, to accept the proposed, signed modified consent agreement as presented. The motion passed unanimously.

The Board took a break at 1:43 p.m., reconvening its public meeting at 1:55 p.m.

G. 2020-0094, Ricky Engram, LPC-1118

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

The complainant was properly noticed, but failed to appear.

The professional and his attorney, William Mansker, appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Bailey moved, seconded by Mr. Shen, 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)(y), engaging in a dual relationship with a client that could impair the licensee's objectivity or professional judgment or create a risk of harm to the client.
- A.R.S. § 32-3251(16)(k), engaging in any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession or that constitutes a danger to the health, welfare or safety of a client as it relates to the following section of the ACA Code of Ethics:
 - A.6.b – Extending Counseling Boundaries
 - A.6.c – Documenting Boundary Extensions
 - A.6.d – Role Changes in the Professional Relationship

The motion passed unanimously.

Following review and discussion by members, Ms. Bailey moved, seconded by Ms. Coonrod, to order the professional to get a comprehensive psychosexual evaluation with a pre-approved licensed Psychologist. The motion carried with Dr. Davis opposed.

	Kimberly Bailey	Robert Charles	Chip Coffey	Mary Coonrod	Cedric Davis	Meaghan Kramer	Heidi Quinlan	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE	X		X	X		X	X	X	X	X
NAY					X					
Absent		X								

H. Danielle McBrearty, LAC Applicant

Ms. Zavala summarized the background information.

The applicant appeared telephonically and addressed the Board.

Following review and discussion by members, Mr. Szymanski moved, seconded by Ms. Quinlan, to open a complaint and dismiss the complaint with a letter of concern addressing the importance of maintaining sobriety and having a robust relapse prevention plan. The motion passed unanimously.

	Kimberly Bailey	Robert Charles	Chip Coffey	Mary Coonrod	Cedric Davis	Meaghan Kramer	Heidi Quinlan	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE	X		X	X	X	X	X	X	X	X
NAY										
Absent		X								

I. Austin McCall, LMSW-17477

Ms. Zavala summarized the background information.

The professional was properly noticed, but failed to appear.

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

Mr. Shen moved, seconded by Ms. Kramer, to deny 5 applications based on a failure to meet minimum requirements. The motion passed unanimously. Mr. Szymanski recused.

Marriage and Family Therapy

Ms. Bailey moved, seconded by Mr. Trotter, to deny 2 applications based on a failure to meet minimum requirements. The motion passed unanimously. Mr. Szymanski recused.

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

N/A

11. Report from Chair

A. Summary of current events

No Report.

12. Report from the Treasurer

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

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

13. Report from the Executive Director and/or staff

A. General Agency Operations

No report.

B. Review, consideration, and possible action regarding the definition of direct client contact pursuant A.R.S. § 32-3251(3)

Ms. Zavala shared with members that pursuant to A.R.S. § 32-3251 (3) "Direct client contact" means the performance of therapeutic or clinical functions related to the applicant's professional practice level of psychotherapy that includes diagnosis, assessment and treatment and that may include psychoeducation for mental, emotional and behavioral disorders based primarily on verbal or nonverbal communications and intervention with, and in the presence of, one or more clients. Since its inception, the Board has interpreted "in the presence of a client" to mean the client and clinician are physically in the same location.

Pursuant to the Arizona Department of Health Services Executive Order 2020-01 which was executed due to COVID-19, the Board was granted authority to waive rules where deemed necessary to ensure that clients had continuity of care as well as ensuring that applicants weren't burdened by not being able to use those hours. The rule has been temporarily modified to ensure that behavioral health clients were still being served and that applicants could continue to acquire hours for licensure through telehealth.

On May 15th, the state reopened and Board staff has received many concerns regarding this interpretation during and after COVID-19; therefore, Ms. Zavala is requesting that the members relook at this interpretation and consider "in the presence of a client" to include telehealth as long the client can be seen. Ms. Zavala shared that the Board has received a number of supporting letters which were uploaded to the member portal.

Chairperson Coffey provided an opportunity for members of the public to speak. Melissa Baker, AzAMFT past chair; Todd Gordon, Crisis Prep and Recovery; Patricia Dobratz, Vice President of Behavioral Health, Bayless Healthcare; Keith Cross, Counselor Educator, Prescott College and Marriage and Family Therapy Academic Review Committee member; and Brandie Reiner, NASW Executive Director spoke in support of the continuation.

After review and discussion, the members were not inclined to vote; however requested that Board staff review what other states are doing regarding telehealth hours for associate level licensees and bring that back to the Board for further consideration. Additionally, since COVID-19 is still present the hours would be considered during this time.

C. Update on the proposed rulemaking process

Ms. Dalton provided members an update on the Board's proposed rulemaking. She reminded the members that the draft can be viewed on the Board's website, and that it appeared in the May 22nd Arizona Administrative Register published by the Office of the Secretary of State. Additionally, she shared that feedback is being accepted through June 30, 2020, as well as two public hearings will be held. The information will be gathered and presented at a future meeting.

D. Update regarding the Board's submittal of the Five-year Review Report to the Governor's Regulatory Review Council

Ms. Dalton provided members an update on the Board's five-year review report. She shared the report was submitted in late 2019 and approved on March 3rd, 2020.

E. Update to the Board's response to COVID-19

Ms. Zavala shared with the members that there has been no delay in processes due to COVID-19. In addition, Board staff continues to provide communication and resources to licensees such as:

- Information on the website related to COVID-19 and telepractice
- Public outreach through webinars
- Fielding a multitude of inquiries via phone and email

To address safety concerns and comply with recommendations for social distancing, many staff are telecommuting and Board and Committee meetings are being held electronically.

F. Review, consideration, and possible action regarding the annual election of Board Officers (Chairperson and Secretary Treasurer)

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Trotter, to elect Mr. Coffey as Board Chairperson. The motion passed unanimously.

Following review and discussion by members, Ms. Quinlan moved, seconded by Ms. Bailey, to elect Dr. Davis as Board Secretary Treasurer. The motion passed unanimously.

G. Update on Board staff changes

Ms. Zavala reminded the members that Mr. Ordonez's last day with the Board is today. She shared her sincere appreciation for his seven plus years of service to the Board. The members also expressed their appreciation.

Additionally, she reminded the members that Mr. Harris' last day as the Board's Assistant Attorney General would be June 30th, but that today was his last Board meeting. She also shared that the Board would still have the pleasure of seeing him in the future in other roles with the Attorney General's office. Both Ms. Zavala and the members shared their appreciation for his service.

Members directed Board staff to schedule a personnel subcommittee meeting prior to the July Board meeting.

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

N/A

15. Future agenda items

Direct client contact definition

16. Call for public comment

None

17. Establishment of future meeting date(s)

The next regular meeting is scheduled for Friday, July 10, 2020, at 9:00 a.m., at 1740 W. Adams St., Board Room C.

18. Adjournment

Dr. Davis moved, seconded by Mr. Trotter, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:17 p.m.

Cedric Davis
Secretary/Treasurer

Date

Arizona Board of Behavioral Health Examiners
Licenses recommended for denial - June 12, 2020 meeting

COUNSELING - 5

Failure to meet minimum requirements - 5

Meredith Oehler
Andrea Williams
Innocent Obuah
Taylor Burke
Michele Hawley

MARRIAGE & FAMILY THERAPY - 2

Failure to meet minimum requirements - 2

Benjamin Thornley
Judith Daniel