



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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KATIE HOBBS
Governor

TOBI ZAVALA
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS
MEETING MINUTES
June 14, 2024

Members Present: Adalesa Meek, Diane Palacios, Kristina Groves, Crystal Krueger, Jose Luis Madera, Dominic Miller, Antwan Trotter

Members Absent: Robert Charles, Leanne Henagan, Mark Shen

Staff Present: Tobi Zavala, Executive Director; Scott Donald, A.A.G., Mona Baskin, A.A.G., Polly Knape, Deputy Director; Kendra Claridge, Renewal Specialist; Jarett Carver, Investigations Manager

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on June 14, 2024 at 9:01 a.m. at 1740 West Adams Street, Boardroom C, Phoenix, Arizona 85007 with Ms. Meek presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. May 10, 2024, general meeting minutes

Tabled due to lack of quorum of members to vote.

B. May 10, 2024, executive session minutes

Tabled due to lack of quorum of members to vote.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

1. 2024-0175, Charmayne Bellamy, LMSW-20102
2. 2024-0109, Rebecca Lane, LPC-17190
3. 2024-0099, Jade Shelton, LASAC-15330 (active-restricted)
4. 2024-0169, Cally Skalko, LPC-20914
5. 2024-0152, Christopher Sobel, LISAC-155302
6. 2024-0177, Chelsey Valeri, LCSW-20968
7. 2024-0110, Damon Winter, LAC-22654

Following discussion, Ms. Palacios moved, seconded by Mr. Miller, to approve the consent agenda item 4(A)(1, 3-6). The motion passed unanimously.

2. 2024-0109, Rebecca Lane, LPC-17190

Ms. Zavala summarized the Board's investigation.

The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

Following discussion, Mr. Trotter moved, seconded by Ms. Palacios, to dismiss the complaint. The motion passed unanimously.

7. 2024-0110, *Damon Winter, LAC-22654*

Ms. Zavala summarized the Board’s investigation.

The complainant appeared and addressed the Board.

The professional was properly noticed, but failed to appear.

Following discussion, Ms. Palacios moved, seconded by Mr. Miller, to dismiss the complaint. The motion passed unanimously.

B. Cases recommended for dismissal with a letter of concern.

1. 2024-0041, *Christopher DeFranco, LPC-21915*

2. 2024-0023, *Delilah Hull, LMSW-16978*

3. 2024-0005, *Candace Wilson, LMSW-18498*

Tabled due to lack of quorum of members to vote.

Following discussion, Ms. Palacios moved, seconded by Mr. Trotter, to approve the consent agenda item 4(B)(1,2). The motion passed unanimously.

C. Cases recommended for opening a complaint and dismissing with a letter of concern.

N/A

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

N/A

E. Cases recommended for opening a complaint and acceptance of a proposed signed non-disciplinary consent agreement.

N/A

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

1. 2023-0065, *Noelle Landay, LCSW-13354*

Following discussion, Ms. Palacios moved, seconded by Mr. Miller, to approve the proposed signed disciplinary consent agreement. The motion passed unanimously.

	Robert Charles	Kristina Groves	Leanne Henagan	Crystal Krueger	Jose Luis Madera	Adalesa Meek	Dominic Miller	Diane Palacios	Mark Shen	Antwan Trotter
AYE		X		X	X	X	X	X		X
NAY										
Absent	X		X						X	

G. Cases recommended for opening a complaint and acceptance of a proposed signed disciplinary consent agreement.

N/A

H. Cases recommended for opening a complaint and denying for unprofessional conduct.

N/A

I. Cases recommended for release from consent agreements.

1. 022-0162, *Molly Badilla, LMSW-21240*

2. 2022-0182, *Deborah Hammond, LPC-14428*

3. 2016-0121, *Vered Kalev, LMSW-14008 (active-restricted)*

4. 2023-0096, *Adrine Rodriguez, LMSW-21455*

5. 2023-0097, 2023-0098, *Daniela Roher, LPC-1777*

Following discussion, Mr. Trotter moved, seconded by Ms. Palacios, to approve the consent agenda item 4(I). The motion passed unanimously.

5. Administrative Hearings

Administrative Hearing Pursuant to A.R.S. §§ 32-3281 and 41-1092.07, the Board will conduct administrative hearings or consider related procedural issues 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).

A. 2023-0161, Arturo Morales, LAC Applicant

Ms. Mona Baskin, A.A.G., appeared telephonically on behalf of the state.

The applicant and his attorney, Bretton Barber, were properly noticed, but failed to appear.

Mr. Scott Donald, A.A.G., appeared to provide independent legal advice to the Board.

Ms. Zavala provided an overview of the matter, noting Mr. Barber and Mr. Morales will not be in attendance and relayed that they did not have an objection to the recommendation.

Board members were asked to indicate, through roll call, they have received and reviewed the administrative record for the formal hearing on the matter of associate licensee applicant, Arturo Morales.

	Robert Charles	Kristina Groves	Leanne Henagan	Crystal Krueger	Jose Luis Madera	Adalesa Meek	Dominic Miller	Diane Palacios	Mark Shen	Antwan Trotter
AYE		X		X	X	X	X	X		X
NAY										
Absent	X		X						X	

Ms. Baskin provided the State’s position on the matter including review of the Alternative Law Judge recommended decision with eight findings of fact and three conclusions of law. Ms. Baskin stated the Alternative Law Judge recommended the Board’s denial of applicants' application for licensure as a licensed associate counselor be affirmed. Ms. Baskin requests on behalf of the state that the Board adopt the recommended Alternative Law Judge’s decision, the findings of fact, conclusions of law, and the order.

The Board discussed the Alternative Law Judges’ decision noting the initial Board findings have been affirmed, and stating the information in the case is very clear.

Following review and discussion by members, Ms. Palacios moved, seconded by Mr. Trotter to adopt the findings of facts as proposed. The motion passed unanimously.

Upon further discussion and review by members Ms. Palacios moved, seconded by Mr. Trotter to adopt the conclusions of law as proposed with a modification to number 3, modifying the scrivener’s error. The motion passed unanimously.

Following further discussion Mr. Trotter, seconded by Ms. Palacios, motioned to accept the Alternative Law Judge’s recommended order. The motion passed unanimously.

	Robert Charles	Kristina Groves	Leanne Henagan	Crystal Krueger	Jose Luis Madera	Adalesa Meek	Dominic Miller	Diane Palacios	Mark Shen	Antwan Trotter
AYE		X		X	X	X	X	X		X
NAY										
Absent	X		X						X	

6. Formal Interviews

N/A

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

A. 2024-0130, Jacquelyn Battle, LMSW-18502

Mr. Carver summarized the Board’s investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Michael Goldberg, appeared and addressed the Board.

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

- 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.A.C. R4-6-211. Direct Supervision: Supervised Work Experience: General
- 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

The motion passed unanimously.

Following further review, Ms. Palacios moved, seconded by Mr. Miller, to offer a consent agreement that stipulates the following:

- The licensee shall be placed on probation for 12 months
- A practice restriction shall be in place for no participation in supervised private practice
- The licensee shall complete pre-approved continuing education in:
 - 12 clock hours of continuing education in clinical supervision training specific to Arizona
 - 3 clock hours in Arizona documentation
 - 3 clock hours in behavioral health ethics
 - 5 clock hours in attendance of a Board meeting

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.

	Robert Charles	Kristina Groves	Leannette Henagan	Crystal Krueger	Jose Luis Madera	Adalesa Meek	Dominic Miller	Diane Palacios	Mark Shen	Antwan Trotter
AYE		X		X	X	X	X	X		X
NAY										
Absent	X		X						X	

B. Julie Crotty, LAC Applicant

Ms. Zavala summarized the background information.

The applicant and her attorney, Michael Rain, appeared and addressed the Board.

Following review and discussion by members, Ms. Palacios moved, seconded by Mr. Trotter, to open a complaint. The motion passed unanimously.

Following further discussion, Ms. Palacios moved, seconded by Mr. Trotter, to offer the professional a 12 month non-disciplinary consent agreement for the completion of 3 clock hours of continuing education in scope of practice and 3 clock hours of continuing education in law and behavioral health ethics to include boundaries, and if not signed, deny the application for unprofessional conduct. The motion passed unanimously.

Following further review and discussion by members, Ms. Palacios moved, seconded by Mr. Trotter, to open a complaint on the applicant's clinical supervisor, Amanda Higginbotham. The motion passed unanimously.

C. 2024-0142, Sarah D'Amico, LMSW-21132
 Ms. Zavala summarized the Board's investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Lisa Smith, appeared and addressed the Board.

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

- A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities that are not congruent with the licensee's professional education, training or experience

The motion passed unanimously.

Following further review, Ms. Palacios moved, seconded by Mr. Trotter, to offer a consent agreement that stipulates the following:

- The licensee shall be placed on probation for 12 months
- A practice restriction shall be in place for no participation in supervised private practice
- The licensee shall complete pre-approved continuing education in:
 - 3 clock hours in behavioral health ethics to include boundaries and decision making models
 - 3 clock hours in high conflict families

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.

	Robert Charles	Kristina Groves	Leannette Henagan	Crystal Krueger	Jose Luis Madera	Adalesa Meek	Dominic Miller	Diane Palacios	Mark Shen	Antwan Trotter
AYE		X		X	X	X	X	X		X
NAY										
Absent	X		X						X	

The Board took a break at 10:31 a.m., reconvening its public meeting at 10:37 a.m.

D. Miguel Espinoza, LISAC-10127
 Ms. Zavala summarized the background information.

The professional was notified, but failed to appear

Following review and discussion by members, Ms. Palacios moved, seconded by Mr. Trotter, to open a complaint for further investigation. The motion passed unanimously.

E. 2024-0010, Jessica Hedgepeth, LAC-17196
 Tabled.

F. Jason Klarer, LPC-19630
 Ms. Zavala summarized the background information.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Mr. Miller moved, seconded by Ms. Palacios, to open a complaint for further investigation. The motion passed unanimously.

Following review and discussion by members, Mr. Miller moved, seconded by Ms. Palacios, to offer the professional an interim consent agreement not to practice and if not signed remand the matter to a Formal Hearing. Additionally,

the members issued an Order that the professional complete a comprehensive psychiatric evaluation. The motion passed unanimously.

	Robert Charles	Kristina Groves	Leanne Henagan	Crystal Krueger	Jose Luis Madera	Adalesa Meek	Dominic Miller	Diane Palacios	Mark Shen	Antwan Trotter
AYE		X		X	X	X	X	X		X
NAY										
Absent	X		X						X	

G. 2024-0018, Kimberly Kriesel, LPC-19252
 Tabled.

H. Karlee McCue, LAC Applicant

Ms. Zavala summarized the background information.

The applicant and her attorney, Martin McCue, appeared and addressed the Board.

Following review and discussion by members, Ms. Palacios moved, seconded by Mr. Trotter, to open a complaint and 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)(c)(ii), making any oral or written misrepresentation of a fact in any statements provided during an investigation or disciplinary proceeding by the board

The motion passed unanimously.

Following further discussion, Ms. Palacios moved, seconded by Ms. Groves, to deny the application based on a finding of unprofessional conduct pursuant to A.R.S. § 32-3275(5) and A.R.S. 32-3275(6). The motion passed unanimously.

	Robert Charles	Kristina Groves	Leanne Henagan	Crystal Krueger	Jose Luis Madera	Adalesa Meek	Dominic Miller	Diane Palacios	Mark Shen	Antwan Trotter
AYE		X		X	X	X	X	X		X
NAY										
Absent	X		X						X	

I. 2024-0119, Drew Pease, LMFT-15257

Mr. Carver summarized 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. Miller moved, seconded by Ms. Palacios, to find the following violation:

- 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. § 13-3620. Duty to Report Abuse

The motion passed unanimously.

Following further review, Mr. Miller moved, seconded by Ms. Palacios, to offer a consent agreement that stipulates the following:

- The licensee shall be placed on probation for 24 months

- The professional shall receive clinical supervision monthly from a pre-approved independently licensed behavioral health professional for 24 months.
- Clinical supervision shall focus on duty to report, behavioral health ethics, documentation, providing clinical supervision, statutes and rules.
- The professional shall be restricted from providing clinical oversight to individuals who are providing behavioral health services for the first 12 months, after this time the professional's clinical supervisor may make a recommendation if the professional should be released to provide clinical oversight again at any time after the first year.
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in behavioral health ethics
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in clinical supervision

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.

	Robert Charles	Kristina Groves	Leanne Henagan	Crystal Krueger	Jose Luis Madera	Adalesa Meek	Dominic Miller	Diane Palacios	Mark Shen	Antwan Trotter
AYE		X		X	X	X	X	X		X
NAY										
Absent	X		X						X	

8. Assistant Attorney General’s Report: Mona Baskin, A.A.G.

N/A

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

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

Counseling

Ms. Palacios moved, seconded by Mr. Trotter, to deny 5 applications based on a failure to pass the required examination, 2 applications based on a failure to take the required examination, and 1 application based on a failure to meet minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Ms. Palacios moved, seconded by Mr. Trotter, to deny 3 applications based on a failure to pass the required examination, 1 application based upon failure to take the required examination, and 1 application based on a failure to meet minimum requirements. The motion passed unanimously.

Social Work

Ms. Palacios moved, seconded by Mr. Trotter, to deny 4 applications based on a failure to pass the required examination 4 applications based on a failure to take the required examination, and 3 applications based upon findings of unprofessional conduct. The motion passed unanimously.

Substance Abuse Counseling

Ms. Palacios moved, seconded by Mr. Trotter, to deny 3 applications based on the failure to pass the required exam, 1 application based on a failure to take the required examination. The motion passed unanimously.

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

N/A

10. Report from Chair

A. Summary of current events

11. Report from the Treasurer

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

Following review and discussion by members, Ms. Palacios moved, seconded by Mr. Miller, to accept the May financial report as presented. The motion passed unanimously.

12. Report from the Executive Director and/or staff

A. Update on Board member appointments

Ms. Zavala welcomed new members and provided an update informing there are 2 public member vacancies remaining and reviewed the appointment process through the Governor's office noting members are selected and placed on the Board by the Governor's office.

B. Review, consideration and possible action on the 2025 Board meeting calendar

Following review and discussion by members, Mr. Trotter moved, seconded by Ms. Palacios, to approve the 2025 Board meeting calendar. The motion passed unanimously.

C. Update regarding the 2024 Sunset Audit by the Arizona Auditor General's Office

Ms. Zavala provided an update on the 2024 Sunset Audit by the Arizona Auditor General's Office, noting the draft report should be complete next month.

D. Review, consideration and possible action on the disciplinary matrix

Ms. Zavala provided a brief history surrounding the matrix, noting a Board approved matrix is required by the Governor's office for all health boards by July 1, 2024. Ms. Zavala explained the challenges creating and utilizing a matrix of this type as many violations could range in severity resulting in a full spectrum of actions from dismissal to license revocation, depending on the individual circumstance. Ms. Zavala emphasized that the matrix is a general guide and it is up to each member on how they choose to utilize the document. Ms. Meek added the importance of the Board members remaining diligent in addressing each case individually and the importance of utilizing the guide as a foundation to build from for each case. Ms. Zavala encouraged Board members to provide ongoing feedback surrounding updates to the document as the matrix is intended to be a living document. Mr. Trotter motioned, seconded by Ms. Palacios to accept the matrix as is. The motion passed unanimously.

E. Discussion in regards to changes to the investigative report recommendations

Ms. Zavala informed the Board there will be upcoming changes to the investigative reports, in an effort to aid in processing cases more efficiently at Board meetings, staff will be adding recommendations for stipulations. Ms. Zavala added Ms. Knape is creating a tool for the Board members to utilize as a guide in developing and formulating next steps including consent agreements. Ms. Zavala will provide more detailed information at the July meeting as the majority of the members will be present.

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

Following review and discussion by members, Ms. Meek moved, seconded by Mr. Miller to approve Ms. Palacios as Board Secretary Treasurer. The motion passed unanimously.

Following review and discussion by members, Ms. Palacios moved, seconded by Mr. Trotter, to retain Ms. Meek as Board Chairperson. The motion passed unanimously.

G. Review, consideration and possible action regarding requesting an exemption to the rulemaking moratorium pursuant A.R.S. § 41-1039

Ms. Zavala provided a brief overview of the rulemaking process including an update on the Governor's office granting the Board permission to proceed with the rulemaking process. and a review of proposed rule changes carried over from the terminated rulemaking last year and proposed new rule changes. Mr. Trotter moved, seconded by Ms. Palacios for the Board to staff to continue rulemaking. The motion passed unanimously.

H. Discussion regarding the legislative updates

Ms. Zavala reiterated the passing of SB 1173, Counseling Compact, and emphasized the compact is not yet operational as a database must be operational for implementation of the compact. Ms. Zavala provided an overview of substance abuse counseling terminology being updated to addiction counseling and the expansion of scope to include process addictions, emphasizing that inclusion of this in the general scope does not mean it is within the individual professional's scope of competency. Ms. Zavala informed that the Social Work Compact has yet to pass, and continues to move through the legislative process.

I. Discussion regarding the State of Arizona budget shortage

Ms. Zavala provided an update surrounding the State of Arizona budget shortage and provided a brief history of the

39% increase in licensee's over the past 4 years and the 100% increase in complaints. Ms. Zavala explained that there are more applicants, more licensees, more renewals, more complaints, and the same number of staff to process it all. Ms. Zavala explained the FY25 budget proposal submitted to the Governor's office included an additional 7 staff members and emphasized the addition of these positions would be life changing for Board staff. Ms. Zavala reviewed recent information surrounding the Arizona State Budget deficit including proposed Board sweeps, hiring freeze, and pay freeze. Ms. Zavala explained the difficulties in retaining staff under these circumstances and reviewed the latest information surrounding the newly proposed state budget and impacts this proposal may have on the Board. Ms. Zavala re-emphasized the importance of the 7 new staff members as they would assist in getting people licensed quickly and ensure continued protection of the public from individual bad actors as complaints will be processed faster. Ms. Zavala explained the Board fund surplus and the restrictions on utilizing the surplus, including the Board may only utilize the amount of money approved by the legislature and is not able to access surplus funds, and included information pertaining to the Board being a 90/10 Board, informing members of the Boards 10% contribution to the general fund and noting the Board does not take from the general fund and is fully self sufficient.

The Board took a break at 12:16 p.m., reconvening its public meeting at 1:01 p.m.

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

N/A

14. Future agenda items

N/A

15. Call for public comment

N/A

16. Establishment of future meeting date(s)

The next regular meeting is scheduled for Friday, July 12, 2024, at 9:00 a.m., at 1740 W. Adams St., Boardroom C.

17. Adjournment

Mr. Trotter moved, seconded by Ms. Palacios, to adjourn. The motion passed and the meeting was adjourned at 1:15 p.m.

Diane Palacios
Secretary/Treasurer

Date