



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
November 15, 2019

Members Present: Kimberly Bailey, Chip Coffey, Cedric Davis (out at 11:53 a.m.), Gary Goodwin, Meaghan Kramer, Heidi Quinlan, Mark Shen, Gerald Szymanski, Antwan Trotter

Members Absent: Robert Charles, 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 November 15, 2019 at 9:01 a.m. with Mr. Coffey presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. October 25, 2019, general meeting minutes

Dr. Davis moved, seconded by Ms. Quinlan, to approve the general meeting minutes for the October 25, 2019 meeting as submitted. The motion passed unanimously. Ms. Kramer abstained.

B. October 25, 2019, executive session minutes/agenda item 7D

Dr. Davis moved, seconded by Ms. Quinlan, to approve the executive session minutes for the October 25, 2019 meeting as submitted. The motion passed unanimously. Ms. Kramer abstained.

C. October 25, 2019, executive session minutes/agenda item 7E

Dr. Davis moved, seconded by Ms. Quinlan, to approve the executive session minutes for the October 25, 2019 meeting as submitted. The motion passed unanimously. Ms. Kramer abstained.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

- 1. 2019-0069, Kimberly Nielsen, LMSW-10299*
- 2. 2019-0136, Kenneth Richardson, LISAC-0593 (suspended)*

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

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

- 1. 2019-0092, Mitzi Mackenzie, LCSW-13908*
- 2. 2019-0103, Kathy Sexton, LPC-13346*

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

C. Cases recommended for release from consent agreements.

1. 2019-0068, Roy Chukwuemeka, LPC-16983
2. 2019-0008, Susan Love, LAC-17716

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 disciplinary consent agreement.

1. Carisa Favela, LAC-17130

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

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

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

N/A

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

N/A

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

N/A

The Board took a break at 10:30 a.m., reconvening its public meeting at 10:41 a.m.

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. 2019-0100, Lisa Hamilton-Clark, LCSW-13674

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

The complainant appeared and addressed the Board.

The professional and her attorney, Jeffrey King, appeared and addressed the Board.

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

- 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 NASW Code of Ethics:
 - 1.06 – Conflicts of Interest
- 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

The motion passed unanimously. Ms. Quinlan recused.

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

- The license shall be placed on probation for 24 months
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in behavioral health ethics
- The professional shall complete 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall receive clinical supervision twice monthly from a pre-approved independently licensed behavioral health professional
- The professional shall have a practice audit conducted by the clinical supervisor
- Clinical supervision shall focus on documentation, results of the chart audit, ethics and Board statutes/rules
- The professional shall complete the Arizona Statutes/Regulations tutorial
- Early release available after 12 months at the recommendation of the clinical supervisor

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. Ms. Quinlan recused.

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

B. 2019-0139, Hayley Hansen, LPC-16371

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

The complainant appeared and addressed the Board.

The professional and her attorney, Kelli Williams, appeared and addressed the Board.

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

- A.R.S. § 32-3251(16)(kk), failing to make client records in the licensee's possession promptly available to the client, a minor client's parent, the client's legal guardian or the client's authorized representative on receipt of proper authorization to do so from the client, a minor client's parent, the client's legal guardian or the client's authorized representative
- 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)(p), failing to conform to minimum practice standards as developed by the board as it relates to:
 - A.A.C. R4-6-1102, Treatment Plan
 - A.A.C. R4-6-1103, Client Record

The motion passed unanimously.

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

- The license shall be placed on probation for 24 months
- The professional shall complete 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall receive clinical supervision twice monthly from a pre-approved independently licensed behavioral health professional
- Clinical supervision shall focus on family dynamics, risk assessment, high conflict families, documentation, and Board statutes/rules
- Early release available after 12 months at the recommendation of the clinical supervisor
- The professional shall complete 6 clock hours of pre-approved continuing education in each of the following:
 - Suicide ideology and safety planning
 - High conflict and family court cases

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	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE	X	X		X	X	X	X	X	X	X
NAY										
Absent			X							

The Board took a break at 11:53 a.m., reconvening its public meeting at 12:28 p.m.

C. 2018-0096, Erin McNeilly, LMSW Applicant

Ms. Zavala summarized the background information.

The professional and her attorney, Jonathan Hupp, appeared and addressed the Board.

Following review and discussion by members, Mr. Trotter moved, seconded by Mr. Shen, to rescind the motion to deny the application based on a finding of unprofessional conduct pursuant to A.R.S. § 32-3275, and to offer a consent agreement that stipulates the following:

- The license shall be placed on probation for 24 months
- Stayed revocation
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in behavioral health ethics
- The professional shall work in an agency licensed by Department of Health Services
- The professional shall be restricted from working with minor clients
- The professional shall be restricted from supervised private practice
- The professional shall receive clinical supervision biweekly from a pre-approved independently licensed behavioral health professional
- Clinical supervision shall focus on emotion regulation, self care, boundaries, power differential and distress tolerance
- The professional shall receive therapy twice monthly with a pre-approved behavioral health professional.

- Therapy shall focus on issues identified in the Board’s report

and if not accepted, the motion to deny will not be rescinded and the matter will be remanded to a formal hearing. The motion carried with Ms. Bailey, Mr. Goodwin, Ms. Kramer and Mr. Szymanski opposed.

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

D. 2019-0152, Rochel Murnighan, LISAC-10686 (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, Mr. Szymanski moved, seconded by Mr. Trotter, to accept the proposed signed consent agreement as presented. The motion passed unanimously.

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

E. 2019-0050, William Murnighan, LISAC-10531

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

The complainant appeared and addressed the Board.

The professional and his attorney, Sara Stark, appeared and addressed the Board.

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

- 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
- A.R.S. § 32-3251(16)(kk), failing to make client records in the licensee's possession promptly available to the client, a minor client's parent, the client's legal guardian or the client's authorized representative on receipt of proper authorization to do so from the client, a minor client's parent, the client's legal guardian or the client's authorized representative
- 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)(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

The motion passed unanimously.

F. 2019-0153, William Murnighan, LISAC-10531

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

The professional and his attorney, Sara Stark, appeared and addressed the Board.

Following review and discussion by members, Mr. Szymanski 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)(m), engaging or offering to engage as a licensee in activities that are not congruent with the licensee's professional education, training or experience
- 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

The motion passed unanimously.

Following further discussion, Mr. Szymanski moved, seconded by Mr. Trotter, to consolidate complaint numbers 2019-0050 and 2019-0153 and to offer a consent agreement that stipulates the following:

- The 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 have an audit of his practice and submit an audit plan for approval
- The professional shall obtain an EMDR certified practice monitor to carry out the audit plan with quarterly reports submitted to the Board
- Practice monitor to go in monthly
- Early release available after 12 months at the recommendation of the practice monitor
- The professional shall release client records within 30 days

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	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE	X	X			X	X	X	X	X	X
NAY										
Absent			X	X						

G. 2019-0101, Jennifer Putnam, LMSW-17355

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

The complainant was properly noticed but failed to appear.

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Mr. Trotter, 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

The motion carried with Mr. Goodwin opposed.

Following further discussion, Ms. Quinlan moved, seconded by Ms. Bailey, to rescind the previous motion and dismiss the complaint with a letter of concern regarding the importance of being familiar with Arizona statutes and rules. The motion passed unanimously.

H. 2019-0099, Carolyn Settle, LCSW-0708

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

The complainant appeared and addressed the Board.

The professional and her attorney, Artie Eaves, appeared and addressed the Board.

Following review and discussion by members, Mr. Goodwin moved, seconded by Mr. Trotter, to find the following violation:

- 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 NASW Code of Ethics:
 - 1.06 – Conflicts of Interest

The motion carried with Mr. Szymanski opposed.

Following further discussion by members, Mr. Goodwin moved, seconded by Ms. Bailey, to offer the professional a consent agreement for a decree of censure, 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 carried with Mr. Szymanski opposed.

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

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

A. 2019 Legislative Update

Tabled.

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. Quinlan, to deny 4 applications based on a failure to pass the required examination, 3 applications based on a failure to take the required examination and 5 applications based on a failure to meet minimum requirements. The motion passed unanimously.

Social Work

Mr. Goodwin moved, seconded by Ms. Bailey, to deny 6 applications based on a failure to pass the required examination and 3 applications based on a failure to take the required examination. The motion passed unanimously.

Marriage and Family Therapy

Ms. Bailey moved, seconded by Ms. Kramer, to deny 1 application based on a failure to pass the required examination and 1 application based on a failure to meet minimum requirements. The motion passed unanimously.

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 October financial report
Following review and discussion by members, Ms. Quinlan moved, seconded by Ms. Bailey, to accept the October 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 R4-6-1106
Tabled.

C. Review, consideration and possible action regarding the Board's DUI processing policy
Tabled.

D. Update regarding the 2019 ASWB Annual Meeting of the Delegate Assembly
Mr. Goodwin notified members that he had attended the ASWB Annual Meeting.

E. Update on Board appointments
Ms. Zavala notified Board members that an additional public member, Robert Charles, has been appointed to the Board. There is one vacant position for a Licensed Marriage and Family Therapist.

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

A. Tanya Alvarez, LPC-14418 (inactive)
Following review and discussion by members, Ms. Bailey moved, seconded by Mr. Trotter, to approve the request for extension of inactive status. The motion carried with Mr. Coffey opposed.

B. Geraldine Whaley, LMFT-10232 (inactive)
Following review and discussion by members, Ms. Kramer moved, seconded by Ms. Bailey, to approve the request for extension of inactive status. The motion passed unanimously.

15. Future agenda items

LISAC scope of practice

16. Call for public comment

None.

17. Establishment of future meeting dates

The next regular meeting is scheduled for Friday, December 13, 2019, at 9:00 a.m., at 1740 W. Adams St., Board Room C.

18. Adjournment

Mr. Trotter moved, seconded by Ms. Bailey, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:25 p.m.

Cedric Davis
Secretary/Treasurer

Date

Arizona Board of Behavioral Health Examiners
Licenses recommended for denial - November 15, 2019 meeting

COUNSELING - 12

Failure to pass the required exam - 4

Deborah Vanley
Callie O'Connor
David Lopez
Karena Cason

Failure to take the required exam - 3

Susan Thurston Walters
Catherine Hilario
Holly Willingham

Failure to meet minimum requirements - 5

Elinor Priest
Joseph Bessing
Melissa Moran
Gloria Harris
Cherise Thomas

SOCIAL WORK - 9

Failure to pass the required exam - 6

Claudia Clark Ronald Catague
Joanna Jones Maria Molina
Merlyn Reyna
Iffa Wolkaba

Failure to take the required exam - 3

Amber Gin Myra Johnson
Jamie Gunderson

MARRIAGE & FAMILY THERAPY - 2

Failure to pass the required exam - 1

Yvette Tirello

Failure to meet minimum requirements - 1

Maria Aviles