



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
August 11, 2023

Members Present: Kimberly Bailey, Robert Charles (out at 10:46 a.m.), Mary Coonrod, Cedric Davis, Patricia Dobratz, Adalesa Meek, Diane Palacios, Mark Shen, Antwan Trotter

Members Absent: Meaghan Kramer, Leanne Henagan, Polly Knape

Staff Present: Tobi Zavala, Executive Director; Mona Baskin, A.A.G., Erin Yabu, Deputy Director; Jarett Carver, Investigations Manager

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on August 11, 2023 at 9:05 a.m. with Ms. Meek presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. February 8, 2023, teleconference meeting minutes
Tabled due to lack of quorum.

B. May 5, 2023, executive session minutes/agenda item 5A

Ms. Bailey moved, seconded by Ms. Dobratz, to approve the executive session minutes/agenda item 5A for the May 5, 2023 meeting as submitted. The motion passed unanimously. Mr. Davis and Mr. Shen abstained.

C. June 9, 2023, general meeting minutes

Tabled due to lack of quorum.

D. June 9, 2023, executive session minutes/agenda item 7F

Tabled due to lack of quorum.

E. June 9, 2023, executive session minutes/agenda item 10B

Tabled due to lack of quorum.

F. June 9, 2023, executive session minutes/agenda item 12H

Tabled due to lack of quorum.

G. July 21, 2023, general meeting minutes

Tabled due to lack of quorum.

H. July 31, 2023, teleconference meeting minutes

Tabled due to lack of quorum.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

1. 2023-0115, Jara Bender, LCSW-20500
2. 2023-0113, Tresa Davis, LPC-17638

Following discussion, Ms. Palacios moved, seconded by Ms. Dobratz, to approve the consent agenda item 4(A)(2). The motion passed unanimously.

1. 2023-0115, Jara Bender, LCSW-20500
- Ms. Zavala summarized the Board's investigation.

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

Following discussion, Ms. Bailey moved, seconded by Ms. Dobratz, to dismiss the complaint with a letter of concern addressing the professional's responsibility to ensure clients are not placed in compromising positions as it relates to the physical space of therapy. The motion passed unanimously.

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

1. 2023-0079, Kristal Etsitty, LMSW-18752
2. 2023-0146, Randi Roggeman, LPC-2209

Following discussion, Mr. Trotter moved, seconded by Ms. Palacios, to approve the consent agenda item 4(B). 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.

1. 2023-0134, Jaclyn Keller, LCSW-17750

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

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

1. Andrea Morales, LAC Applicant

Following discussion, Ms. Bailey moved, seconded by Ms. Dobratz, to approve the consent agenda item 4(E). The motion passed unanimously. Ms. Palacios recused.

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

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

1. Janine Kosek, LCSW-21669

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

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanette Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	X	X	X				X	X	X	X
NAY												
Absent						X	X	X				

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

N/A

I. Cases recommended for release from consent agreements.

1. 2022-0116, *Daed Ayala Penaloza, LCSW-17129 (active restricted)*
2. 2023-0028, *Kariece Marchelli, LMSW-16402 (active restricted)*

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

The Board took a break 10:36 a.m., reconvening its public meeting at 10:46 a.m.

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).

N/A

6. Formal Interviews

N/A

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

A. 2023-0128, Jara Bender, LCSW-20500

Ms. Zavala summarized the Board's investigation.

The complainant was properly notified, but failed to appear.

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

Following further discussion, Ms. Palacios moved, seconded by Ms. Dobratz, to offer the professional a 12 month non-disciplinary consent agreement for completion of 3 clock hours in Arizona documentation and 3 clock hours in behavioral health ethics, including boundaries and scope of practice, 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.

B. 2023-0118, Monica Gasper, LPC-21503

Ms. Zavala summarized the Board's investigation.

The complainants appeared telephonically and addressed the Board.

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

Following review and discussion by members, Mr. Shen moved, seconded by Ms. Palacios, to dismiss the complaint with a letter of concern addressing the importance of documenting a decision-making tree. The motion passed unanimously.

C. 2023-0169, Charity Northan James, LPC-18935

Ms. Zavala summarized the Board's investigation.

The professional was properly noticed, but failed to appear.

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

- 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 further discussion, Mr. Davis moved, seconded by Mr. Shen, to offer the professional a consent agreement for the voluntary surrender of the professional's license, and if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	X	X	X				X	X	X	X
NAY												
Absent						X	X	X				

E. 2023-0097, 2023-0098, Daniela Roher, LPC-1777

Ms. Zavala summarized the Board's investigations.

The complainants appeared telephonically and addressed the Board.

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

Following further discussion, Ms. Palacios moved, seconded by Ms. Dobratz, to offer the professional a 12 month non-disciplinary consent agreement for completion of 3 clock hours in-person in Arizona documentation and best practices, 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.

F. 2023-0040, Olivia Widner, LAC-20782

Mr. Carver summarized the Board's investigation.

The complainant appeared and addressed the Board.

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

Following review and discussion by members, Ms. Dobratz moved, seconded by Ms. Coonrod, to find the following violation:

- A.R.S. § 32-3251(16)(gg), failing to follow federal and state laws regarding the storage, use and release of confidential information regarding a client's personal identifiable information or care
- 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 practice

The motion passed unanimously.

Following further discussion, Ms. Dobratz moved, seconded by Mr. Trotter, 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 passed unanimously.

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	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 Ms. Bailey, to deny 1 application based on a failure to meet the minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

Ms. Bailey moved, seconded by Ms. Dobratz, to deny 1 application based on a failure to pass the required examination. The motion passed unanimously.

Social Work

Mr. Davis moved, seconded by Ms. Dobratz, to deny 8 applications based on a failure to pass the required examination and 1 application based on a failure to take the required examination. The motion passed unanimously.

Substance Abuse Counseling

Ms. Palacios moved, seconded by Ms. Bailey, to deny 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

1. *Arizona State University Master of Counseling*

Ms. Dobratz moved, seconded by Mr. Trotter, to approve the revision for the Arizona State University Master of Counseling program. The motion passed unanimously.

10. Report from Chair

A. Summary of current events

No report.

11. Report from the Treasurer

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

Following review and discussion by members, Mr. Davis moved, seconded by Ms. Dobratz, to accept the June financial report as presented. The motion passed unanimously.

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

Tabled.

12. Report from the Executive Director and/or staff

A. Update on the Boardal

Ms. Yabu provided an update regarding the Boardal launch that took place August 7, 2023. The Boardal contains online portals and platforms for applicants, licensees, verification of licenses, and complaints. Overall, the launch has been successful and staff continues to work through issues that arise.

B. Discussion regarding Ms. Zavala, Ms. Dobratz and Ms. Meek's participation at the Counseling Regulatory Boards Summit

Ms. Zavala, Ms. Dobratz, and Ms. Meek shared their experience at the Counseling Regulatory Boards Summit to be beneficial.

C. Update on the rulemaking package

Ms. Zavala provided an update on the rulemaking package and read the minutes from the July 31, 2023 Teleconference Meeting as cited below:

Ms. Zavala updated the members regarding the rule package that is currently in front of the Governor's Regulatory Review Council (GRRRC). She shared that the Governor's office has advised the Board to terminate the rule package at this time, and that they are committed to working with staff to develop a more comprehensive rule package that will add additional public protections.

Zaida Dedolph Piccoro, Governor's Health Policy Adviser, shared with the Board that they were supportive of the proposed rules, and they will work with the Board on a new rule package and submission to GRRC so the proposed package has a greater chance of approval by GRRC.

Ms. Zavala also shared with members that in the near future Board staff will begin the rulemaking process again.

D. Discussion regarding the development of the cheat sheets

Ms. Zavala shared that there are cheat sheets now available for consent for treatment, client record, treatment plan, and clinical supervision documentation. These sheets link directly to the related Board rules and will be available on the Board's website in the future.

E. Discussion regarding the requirement of Arizona documentation requirement for disciplinary stipulations

Board members discussed the importance of disciplinary stipulations including documentation educational requirements, which must be specific to Arizona documentation.

F. Discussion regarding the requirement of in person clinical supervision for disciplinary stipulations

Ms. Zavala reminded members that currently an in-person requirement for clinical supervision is in all disciplinary stipulations. Ms. Zavala is requesting that the members consider allowing video, unless specific in-person is stated. Members discussed and agreed video would be appropriate in these situations.

G. Review, consideration, and possible action regarding the active-restrictive status

Flynn Carey of Mitchell, Stein, Carey, Chapman Attorneys at Law, appeared and addressed the Board related to the language used for restricted licenses, specifically its impact on employment.

Board members discussed the active-restricted status and will not be changes at this time.

H. Review, Discussion and Possible Action Regarding Executive Director's withdrawal of the entire Board, Title 4, Chapter 6, rule package before the Governor's Regulatory Review Council on August 1, 2023, and ratification of the same.

Following review and discussion by members, Mr. Davis moved, seconded by Ms. Meek, to approve Executive Director's withdrawal of the entire Board, Title 4, Chapter 6, rule package before the Governor's Regulatory Review Council on August 1, 2023, and ratification of the same. The motion passed unanimously.

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

N/A

14. Future agenda items

- FMLA Disability Forms

15. Call for public comment

Halina Brooke, Arizona Sensible Therapy Practice Coalition, appeared and addressed the Board regarding an update of the Coalition's involvement in the previously proposed rule for supervised private practice.

Nicholas Rudgear, Licensed Professional Counselor, appeared and addressed the Board expressing appreciation for the discussion related to FMLA paperwork and requested clarification with regard to situations in which this may be appropriate in collaborative/integrative health care.

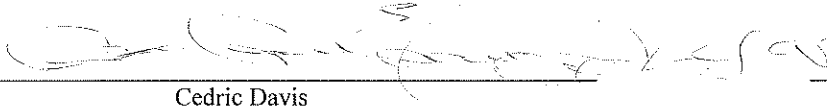
Twyla Webster-Scott, Licensed Professional Counselor, appeared and addressed the Board with the request to agencyize licensee protections related to agency violations in the recent AHCCCS shut downs.

16. Establishment of future meeting date(s)

The next regular meeting is scheduled for Friday, September 8, 2023, at 9:00 a.m., at 1740 W. Adams St., Board Room C.

17. Adjournment

Mr. Trotter moved, seconded by Ms. Palacios, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:20 p.m.



Cedric Davis
Secretary/Treasurer



Date

