

STATE OF ARIZONA BOARD OF BEHAVIORAL HEALTH EXAMINERS 1740 WEST ADAMS STREET, SUITE 3600 PHOENIX, AZ 85007 PHONE: 602.542.1882 FAX: 602.364.0890 Board Website: www.azbbhe.us Email Address: information@azbbhe.us

DOUGLAS A. DUCEY Governor TOBI ZAVALA Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES January 11, 2019

Members Present:	Kimberly Bailey, Bradley Barnett (in at 10:36 a.m.), Chip Coffey, Mary Coonrod,
	Cedric Davis, Gary Goodwin, Meaghan Kramer, Jerri Shields, Gerald Szymanski

Members Absent: Heidi Quinlan

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

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on January 11, 2019 at 9:05 a.m. with Mr. Coffey presiding.

2. <u>Roll Call</u>

See above.

3. <u>Minutes: review, consideration and action</u>

A. November 2, 2018, general meeting minutesMs. Shields moved, seconded by Dr. Davis, to approve the general meeting minutes for the November 2, 2018 meeting as submitted. Mr. Barnett and Ms. Bailey abstained.

B. December 14, 2018, general meeting minutes

Dr. Davis moved, seconded by Mr. Barnett, to approve the general meeting minutes for the December 14, 2018 meeting as submitted. Ms. Coonrod and Ms. Shields abstained.

C. December 14, 2018, executive session minutes/agenda item 7G

Dr. Davis moved, seconded by Ms. Kramer, to approve the executive session minutes for the December 14, 2018 meeting as submitted. Ms. Coonrod and Ms. Shields abstained.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal 1. 2019-0040, Francesca Mirizio, LAMFT-5863T

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Shields, to approve the consent agenda item 4(A). 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. 2018-0020, Mackenzie Fowler, LAC-16341
- 2. 2018-0028, David Jensen, LMSW-16918 (active-restricted)
- 3. 2019-0012, Joseph Meade, LMSW-12938
- 4. 2017-0118 and 2018-0007, Ruth Zum Mallen, LPC-10819 (active-restricted)

Following discussion, Dr. Davis moved, seconded by Ms. Coonrad, 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.
 - 1. Ashley Hartwell, LAC applicant

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

- *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. 2019-0041, Michelle Mulnix, LAC-14010

Following discussion, Ms. Shields moved, seconded by Ms. Coonrod, 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).

A. 2016-0102 and 2018-0006, Michael Latino, LASAC-15133 (suspended) Mr. Harris, A.A.G., appeared on behalf of the state.

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

The professional was properly noticed, but failed to appear.

Mr. Harris made an opening statement.

Ms. Michaelsen, Senior Investigator, was sworn and testified.

Mr. Coffey admitted State's Exhibits 1-22 into evidence.

Mr. Harris, A.A.G., made a closing statement.

Following review and discussion by members, Ms. Shields moved, seconded by Mr. Barnett, to accept the factual allegations as findings of fact. The motion passed unanimously.

Following further discussion, Ms. Shields moved, seconded by Ms. Coonrod, to accept the charges as conclusions of law. The motion passed unanimously.

Following further discussion, Ms. Shields moved, seconded by Mr. Barnett, to issue an Order of 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	Х	Х	Х	Х	Х	Х	Х		Х	Х
NAY										
Absent								Х		

Following further discussion, Ms. Bailey moved, seconded by Ms. Shields, to impose a civil penalty of \$6,000 to be paid within 90 days. The motion carried with Dr. Davis, Mr. Goodwin and Ms. Kramer opposed.

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

6. Formal Interviews

N/A

The Board took a break at 10:23 a.m., reconvening its public meeting at 10:36 a.m.

7. <u>Complaints and other disciplinary matters: review, consideration and action</u>

A. 2019-0042, James Bissell, LPC-12794 and LASAC-13078 Mr. Ordonez summarized the results of the Board's investigation.

The complainant appeared telephonically and addressed the Board.

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Bailey moved, seconded by Ms. Shields, 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 2014 ACA Code of Ethics
- A.R.S. § 32-3251(16)(1), 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. Bailey moved, seconded by Ms. Shields, to order the professional to get a comprehensive psychosexual evaluation with a pre-approved licensed Psychologist. 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	Х	Х	Х	Х	Х	Х	Х		Х	Х
NAY										
Absent								Х		

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

Mr. Harris summarized the proposed signed modified consent agreement.

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Szymanski, to accept the signed proposed modified consent agreement as presented. The motion failed with Mr. Coffey, Ms. Coonrod, Dr. Davis and Mr. Szymanski in favor.

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

Following further discussion, Ms. Shields moved, seconded by Ms. Kramer, to table the matter until February. The motion passed unanimously.

C. 2019-0061, Holly Fechtmeyer, LCSW-15547

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

The complainant appeared and addressed the Board.

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Ms. Shields moved, seconded by Ms. Bailey, to accept the signed consent agreement for the voluntary surrender 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	Х		Х	Х	Х	Х	Х		Х	Х
NAY										
Absent		Х						Х		

Following further discussion by members, Ms. Shields moved, seconded by Ms. Coonrod to refer the case to law enforcement. The motion passed unanimously.

D. 2019-0031, Karen Morse, LPC-10271

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

The complainant appeared and addressed the Board.

The professional and her attorney, Faren Akins, appeared and addressed the Board.

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

- A.R.S. § 32-3251(16)(1), 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:
 - o A.A.C. R4-6-1101 Consent for Treatment
 - o A.A.C. R4-6-1102 Treatment Plan
 - o A.A.C. R4-6-1103 Client Record

The motion passed unanimously.

Following further discussion, Dr. Davis moved, seconded by Ms. Bailey, 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 12 clock hours of pre-approved continuing education in high conflict cases
- The professional shall receive clinical supervision monthly from a pre-approved independently licensed behavioral health professional

• Clinical supervision shall focus on high conflict cases, boundaries and documentation

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

The Board took a break at 12:02 p.m., reconvening its public meeting at 12:40 p.m.

E. 2018-0116, Kimberly Popkey, LPC-2248

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

The complainant appeared telephonically and addressed the Board.

The professional and her attorney, Steven Perlmutter, appeared and addressed the Board.

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

- A.R.S. § 32-3251(16)(1), 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)(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 2014 ACA Code of Ethics
 - o A.1.a. Primary Responsibility
 - o A.4.a. Avoiding Harm
 - o A.5.d. Friends and Family Members
 - o C.3.a. Accurate Advertising
- 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)(u), failing to allow the board or its investigators on demand to examine and have access to documents, reports and records in any format maintained by the licensee that relate to the licensee's practice of behavioral health
- 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
- 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)(x), exploiting a client, former client or supervisee. For the purposes of this subdivision, "exploiting" means taking advantage of a professional relationship with a client, former client or supervisee for the benefit or profit of the licensee

The motion passed unanimously.

Following further discussion by members, Mr. Coffey moved, seconded by Ms. Shields, to offer the professional a consent agreement for the voluntary surrender of the professional's license, and if not signed to remand the matter to 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	Х	Х	Х	Х	Х	Х	Х		Х	Х
NAY										
Absent								Х		

F. 2019-0032, Kenneth Richardson, LISAC-0593

Ms. Zavala summarized the results of the Board's investigation and presented the Board with a signed proposed consent agreement which included 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)(p), failing to conform to minimum practice standards as developed by the board as it relates to:
 - o A.A.C. R4-6-1101 Consent for Treatment
 - o A.A.C. R4-6-1102 Treatment Plan
 - o A.A.C. R4-6-1103 Client Record

and in which the professional agreed not to practice upon execution of the agreement or renew or reapply for licensure for five years.

The complainant appeared in person, and the complainant's attorney, Amos Jones, appeared telephonically and addressed the Board.

The professional's attorney, Faren Akins, was available for questions.

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

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

Following further discussion by members, Dr. Davis moved, seconded by Ms. Shields to open a complaint on Mary Richardson, LISAC-0592, for further investigation. The motion passed unanimously.

G. 2019-0044, Brian Shrum, LASAC-15231

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, Mr. Goodwin moved, seconded by Mr. Szymanski, to dismiss the complaint with a letter of concern addressing the importance of maintaining appropriate boundaries in social media. The motion passed unanimously.

The Board took a break at 1:08 p.m., reconvening its public meeting at 1:15 p.m.

8. <u>Assistant Attorney General's Report: Marc Harris, A.A.G.</u> *N/A*

9. <u>Temporary licenses: review, consideration and action</u> 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. Shields moved, seconded by Ms. Coonrod, to approve 20 applicants as Licensed Associate Counselors, 1 applicant as a Licensed Associate Counselor by endorsement, 9 applicants as Licensed Professional Counselors, and 7 applicants as Licensed Professional Counselors by endorsement. The motion passed unanimously.

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

Marriage and Family Therapy

Mr. Barnett moved, seconded by Ms. Shields, to approve 2 applicants as Licensed Associate Marriage and Family Therapists, 1 applicant as a Licensed Marriage and Family Therapist, and 4 applicants as Licensed Marriage and Family Therapists by endorsement. The motion passed unanimously.

Mr. Barnett moved, seconded by Ms. Shields, to deny 4 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.

Social Work

Dr. Davis moved, seconded by Mr. Barnett, to approve 26 applicants as Licensed Master Social Workers, 5 applicants as Licensed Clinical Social Workers, 6 applicants as Licensed Clinical Social Workers by endorsement, 2 applicants as Licensed Baccalaureate Social Workers, and 1 applicant as a Licensed Baccalaureate Social Worker by endorsement. The motion passed unanimously.

Substance Abuse

Mr. Szymanski moved, seconded by Ms. Shields, to approve 3 applicants as Licensed Independent Substance Abuse Counselors, 2 applicants as Licensed Substance Abuse Technicians, 4 applicants as Licensed Associate Substance Abuse Counselors, and 1 applicant as a Licensed Associate Substance Abuse Counselor by endorsement. The motion passed unanimously.

Mr. Szymanski moved, seconded by Ms. Bailey, to deny 2 applications based on a failure to pass the required examination. The motion passed unanimously.

1. Review, discussion and possible action regarding Ann Eberhardt's petition for review pursuant to A.R.S. § 41-1093.04

Mr. Harris presented Ms. Eberhardt's petition for review pursuant to A.R.S. § 41-1093.04.

Ms. Eberhardt appeared and addressed the Board.

Following review and discussion by members, Ms. Shields moved, Dr. Davis seconded, that Ms. Eberhardt's criminal history would not disqualify her from obtaining licensure. The motion passed unanimously.

11. <u>Report from Chair</u>

A. Summary of current events No Report.

The Board took a break at 2:13 p.m., reconvening its public meeting at 2:20 p.m.

12. <u>Report from the Treasurer</u>

A. *Review, consideration, and possible action regarding December financial report* Following review and discussion by members, Ms. Shields moved, seconded by Ms. Coonrod, to accept the December 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 audio recordings of meetings

Ms. Zavala informed members that meeting audio recordings will be posted to the Board's website beginning with the January meeting.

C. Review, consideration and possible action regarding the April meeting date

Ms. Zavala requested that members reschedule the April meeting date due to her appearance at the Association of Social Work Boards.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Shields, to move the April 12, 2019 Board meeting to April 5, 2019. The motion passed unanimously.

D. Review, consideration and possible action regarding R4-6-211

Ms. Dalton presented the Board with proposed forms to be used in processing requests for approval of supervised private practice pursuant to A.A.C. R4-6-211.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Shields, to approve the Board forms and process for implementing the requirements in A.A.C. R4-6-211. The motion passed unanimously. Ms. Bailey abstained.

E. 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. As of date, there are no appointments.

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

A. Brandon Dellario, LASAC-15122 (inactive)

Following review and discussion by members, Ms. Shields moved, seconded by Dr. Davis, to approve the licensee's request for extension of inactive status. The motion passed unanimously.

15. Call for public comment

Teresa Ehlers, LAMFT-10551, appeared and addressed the Board.

16. Establishment of future meeting dates

The next regular meeting is scheduled for Friday, February 8, 2019, at 9:00 a.m., at 1740 W. Adams St., Room C.

17. Adjournment

Ms. Shields moved, seconded by Mr. Barnett, to adjourn. The motion passed unanimously and the meeting was adjourned at 3:03 p.m.

Heidi Quinlan Secretary/Treasurer Date

Arizona Board of Behavioral Health Examiners Licenses recommended for approval - January 11, 2019 meeting

COUNSELING

	Licensed A	Associate Counselor - 20	
Colin Bennett	Tanner Enderle	Aniett Lopez	Cathleen Picciotti
David Burkett	Samantha Francis	Michael McEntire II	Cally Skalko
Richard Cadogan II	Angela Hancock	Sirenna Meza	Ryan Smith
Dakota Cavanaugh	Sean Harris	Leah Miller	Andrea Ward
Crystal Cross	Melissa Hawes	Anjulie Pfeifer	Marlo Whitson
	Licensed Associat	e Counselor by endorsement - 1	1
Candice Hart			
	Licensed P	rofessional Counselor - 9	
Bonita Becker	Courtney Glenny	Amanda Lugo	Nathanael Perrizo
Heather DeVilliers	Kathryn Heltzel	Snaha Patel	Churice Westbrook
Cayla Gensler			
	Licensed Profession	nal Counselor by endorsement ·	- 7
Deborah Anderson	Steven Graflage	Melissa Litwiller	Mark Wendt
Frank Barletta	Thereza Hernandez	Doreen Oberg	
MARRIAGE AND	FAMILY THERAPY		
	Licensed Associate N	Marriage and Family Therapist	2 - 2
Holly Sammons	Kellsie Siebach		
	Licensed Marr	iage and Family Therapist - 1	
Lana Lucas			
	Licensed Marriage and	Family Therapist by endorsem	ent - 4

	Licensed Marriage and Famil	ly Therapist by endorsement -	4
Jeanine Bourcier	Lisa Plumb	Martha Radetsky	Golnar Zahedin-Labbaf

Arizona Board of Behavioral Health Examiners Licenses recommended for approval - January 11, 2019 meeting

SOCIAL WORK

	Licensed Mas	ster Social Worker - 26	
Zebunnessa Ahmed	Maureen Jobe	Steve Randall Jr.	Marino Vigil
Vanessa Armendariz	Mythea Lacy	Karen Reddick	William Vigo Morales
Michael Barney	Anna Levario	Kaylee Reynolds	Andrea Williams
Janna Broxson	Walter Morris	Ashley Shulski	Angela Wilson
Doe Daughtrey	Yvette Noriega	Marjorie Stricklin	Shannon Wilson
Melissa Geraci	Vanessa Gissele O'Brien	Suzanne Uhl	Lilia Zacchia
Vera Gosse	Jacqueline Parkes		
	Licensed Clir	nical Social Worker - 5	
Sophia Blaylock	Kelly O'Donnell	Kelli Romero	Jeanine Stotts
Reita Juarez			
	Licensed Clinical Soc	ial Worker by endorsement	t - 6
Kristin Bennion	Colleen Lynch	Shiloh Waldron	Tracy Walker
Tania Glenn	Adele Panico		
	Licensed Baccal	aureate Social Worker - 2	
Ronda Hannesson	Jessie Wattier		
	Licensed Baccalaureate S	Social Worker by endorsem	ent - 1
Rita Tamez			
SUBSTANCE ABUS	SE		
	Licensed Independent	Substance Abuse Counselo	r - 3
Datan MaCaffuar	Leaster Claiman	A welverer Cleaner	

Peter McCaffrey	Jessica Skinner	Andrew Slavens	
Licensed Associate Substance Abuse Counselor by endorsement - 1			
Hilarie Baron			
Licensed Substance Abuse Technician - 2			
Kenneth Brand	Pamela White		
Licensed Associate Substance Abuse Counselor - 4			
Tiffiney Johnson	Shayna Landry	Taylor Simon	Tonya Warner

Arizona Board of Behavioral Health Examiners Licenses recommended for denial - January 11, 2019 meeting

COUNSELING - 4

Failure to pass the required exam - 3 Eder Perez Bernadette Fleming Ivan Atole III

Failure to meet minimum requirements - 1

Rashayne Zimmer

SUBSTANCE ABUSE COUNSELING - 2

Failure to pass the required exam - 2

Tahonna Surrell Jakleen Marogy

MARRIAGE & FAMILY THERAPY - 5

Failure to pass the required exam - 4

Shannon Barousse Blaine Rindlisbacher Regina Sayegh

Jessica Schnur

Failure to take the required exam - 1

Liliana Peralta