



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
September 13, 2019

Members Present: Kimberly Bailey, Chip Coffey, Mary Coonrod, Cedric Davis, Gary Goodwin, Meaghan Kramer (in at 9:14 a.m.), Heidi Quinlan, Jerri Shields (out at 5:31 p.m.), Gerald Szymanski, Antwan Trotter

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

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on September 13, 2019 at 9:06 a.m. with Mr. Coffey presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. August 16, 2019, general meeting minutes

Ms. Shields moved, seconded by Ms. Coonrod, to approve the general meeting minutes for the August 16, 2019 meeting as submitted. The motion passed unanimously.

B. July 12, 2019, rescind general meeting minutes

Ms. Coonrod moved, seconded by Ms. Shields, to rescind the motion approving the general meeting minutes for the July 12, 2019 meeting. The motion passed unanimously. Ms. Bailey and Dr. Davis abstained.

C. July 12, 2019, approve modified general meeting minutes

Ms. Shields moved, seconded by Mr. Trotter, to approve the modified general meeting minutes for the July 12, 2019 meeting as submitted. The motion passed unanimously. Ms. Bailey and Dr. Davis abstained.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

1. 2020-0002, Chuck Chiverton, LPC-10044
2. 2019-0131, Barbara Kiffmeyer, LMSW-12917
3. 2019-0110, Lakshmi Nolletti, LCSW-11126, LISAC-10865

Following discussion, Ms. Shields moved, seconded by Ms. Coonrod, to approve the consent agenda item 4(A)(1) and (3). The motion passed unanimously.

2. 2019-0131, Barbara Kiffmeyer, LMSW-12917

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

The complainant appeared and addressed the Board.

The professional and her attorney, Andrew Turk, appeared and were available for questions.

Following review and discussion by members, Ms. Shields moved, seconded by Ms. Bailey, to dismiss the complaint. The motion passed unanimously.

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

1. 2019-0112, *Katie Hodge, LCSW-17987*

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

C. Cases recommended for release from consent agreements.

1. 2017-0080, *Karen Bagley, LMSW-15686 (active-restricted)*
2. 2018-0057, *Cyrus Behrana, LAC-17369 (active-restricted)*
3. 2019-0105, *Gaylon Calahan, LMSW-15215*
4. 2016-0098, *Mary Coy, LMSW-16278 (active-restricted)*
5. 2019-0066, *Robert Daughenbaugh Jr., LASAC-15280*
6. 2013-0071, 2015-0090, 2019-0019, *Amy Davidson, LMSW-12812 (active-restricted)*
7. 2018-0087, *Michael Jones, LISAC-10879*
8. 2018-0118, *Stacy-Ann Meredith, LMSW-16004*

Following discussion, Ms. Quinlan moved, seconded by Ms. Bailey, to approve the consent agenda item 4(C). The motion passed unanimously. Mr. Coffey recused.

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. 2019-0106, *Wayne Formica, LPC-10413*

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

The Board took a break at 10:21 a.m., reconvening its public meeting at 10:31 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

A. 2015-0007, *Deborah Kirk Elder, LCSW-0558*

Marc Harris, A.A.G. provided the Board with a summary of the case. The summary included the general nature of the complaint, the findings of fact, conclusions of law and order of the original consent agreement and a description of what has transpired since the agreement was originally offered.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Michael Ryan, stated their appearances and agreed to proceed with the Formal Interview.

Mr. Ryan made an opening statement.

The professional was sworn in and testified.

Mr. Ryan made a closing statement.

Following review and discussion by members, Ms. Quinlan moved, seconded by Dr. Davis, to amend the findings of fact to reflect only those findings related to documentation. The motion carried with Ms. Bailey and Mr. Goodwin opposed.

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

Following further discussion, Mr. Coffey moved, seconded by Dr. Davis, to remove the violation of A.R.S. § 32-3251(16)(l) from the conclusions. The motion carried with Ms. Bailey, Mr. Goodwin, Ms. Quinlan and Ms. Shields opposed.

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

Following further discussion, Ms. Quinlan moved, seconded by Ms. Bailey, to issue an Order of Probation as follows:

- The professional shall be placed on probation for 12 months
- The professional shall complete 9 clock hours of pre-approved continuing education in ethics related to families and high conflict court cases
- 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 her practice and submit an audit plan for approval
- If the audit warrants further monitoring, the professional shall obtain a practice monitor to carry out the audit plan with quarterly reports submitted to the Board

The motion passed unanimously. Ms. Shields abstained.

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

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

A. Gabrielle Annett, LPC-17892, LISAC-15126

Ms. Zavala summarized the background information.

The professional's attorney, Anne McClellan, appeared and addressed the Board.

Following review and discussion, the members agreed to take no action.

B. 2019-0102, Nicole Bennett, LMSW-12490

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

The complainant was properly noticed, but failed to appear.

The professional was properly noticed, but failed to appear.

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

- 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

The motion passed unanimously.

Following further review, Mr. Goodwin moved, seconded by Ms. Shields, 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	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Antwan Trotter
AYE	X	X	X	X	X	X	X	X	X	X
NAY										
Absent										

The Board took a break at 11:32 a.m., reconvening its public meeting at 11:44 a.m.

C. 2018-0103, Jeffrey Cockayne, LPC-13077 (interim suspension)

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

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Szymanski, to order the professional to get a comprehensive psychological evaluation with a pre-approved licensed Psychiatrist or Neuropsychiatrist before considering the release from the interim consent agreement pursuant to A.R.S. § 32-3281(B). The motion passed unanimously.

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

D. 2019-0121, Daniel Krepps, LPC-16165, LISAC-15073

Mr. Ordonez 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. Szymanski moved, seconded by Ms. Shields, to issue an interim order for the professional to submit to a hair follicle complete panel drug test from a pre-approved laboratory within 7 days pursuant to A.R.S. § 32-3281(B). The motion passed unanimously.

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

E. Samuel Lample, LPC-10690

Ms. Zavala summarized the background information.

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

Following review and discussion by members, Mr. Coffey moved to open a complaint for further investigation, however the motion failed to receive a second. Members agreed to take no action.

F. 2020-0013, Heidi Quinlan, LPC-13084, LISAC-11071

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.

Ms. Shields moved, seconded by Ms. Bailey to go into executive session pursuant to A.R.S. § 38-431.03(A)(3) to obtain legal advice. The motion passed unanimously and the Board went into executive session at 11:45 am, reconvening its public meeting at 11:55 am.

Following review and discussion by members, Mr. Coffey moved, seconded by Ms. Shields, to dismiss the complaint. The motion passed unanimously. Ms. Quinlan recused.

G. 2019-0145, Oscar Yepiz Rios, LMSW-16902

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

The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

Following review and discussion by members, Mr. Szymanski moved, seconded by Mr. Goodwin, to consolidate complaints 2019-0145 and 2019-0148. The motion passed unanimously.

H. 2019-0148, Oscar Yepiz Rios, LMSW-16902

Mr. Ordonez 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. Szymanski moved, seconded by Ms. Shields, to order the professional to get a comprehensive psychosexual evaluation with a pre-approved licensed Psychologist within 60 days. The motion passed unanimously.

I. 2019-0094, Jennifer Washum, LAC-16629

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

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Frank Mead, appeared and addressed the Board.

Following review and discussion by members, Ms. Shields moved, seconded by Ms. Bailey, 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 ACA Code of Ethics:
 - A.1.b – Records and Documentation
- 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)(c)(i), making any oral or written misrepresentation of a fact to secure or attempt to secure the issuance or renewal of a license

The motion passed unanimously.

Following further review, Ms. Shields moved, seconded by Ms. Bailey, to order the professional to get a comprehensive psychosocial evaluation with a pre-approved licensed Psychologist within 60 days. The motion passed unanimously.

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

J. 2020-0004, James Webb, LPC-2062

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

The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Bailey moved, seconded by Mr. Goodwin, 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 sections of the ACA Code of Ethics:
 - A.6.a – Previous Relationships
 - A.10.f – Receiving Gifts
- 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.

Following review and discussion by members, Ms. Bailey moved, seconded by Ms. Shields, 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	Chip Coffey	Mary Coonrod	Cedric Davis	Gary Goodwin	Meaghan Kramer	Heidi Quinlan	Jerri Shields	Gerald Szymanski	Antwan Trotter
AYE	X	X	X	X	X	X	X	X	X	X
NAY										
Absent										

The Board took a break at 12:28 p.m., reconvening its public meeting at 1:03 p.m.

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

Ms. Shields moved, seconded by Ms. Quinlan, to deny 1 application based on a finding of unprofessional conduct. The motion passed unanimously.

Marriage and Family Therapy

Ms. Bailey moved, seconded by Ms. Shields, to deny 1 application based on a failure to meet minimum requirements. The motion passed unanimously.

Social Work

Mr. Goodwin moved, seconded by Ms. Bailey, to deny 3 applications based on a failure to pass the required examination, and 2 applications based on a failure to take the required examination. The motion passed unanimously.

Substance Abuse

Mr. Szymanski moved, seconded by Ms. Shields, to deny 2 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.

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

N/A

C. Bridgette Turbiville

Discussion regarding the application for licensure

Ms. Turbiville addressed the Board telephonically regarding her application for licensure.

11. Report from Chair

A. Summary of current events

No Report.

The Board took a break at 2:12 p.m., reconvening its public meeting at 2:19 p.m.

12. Report from the Treasurer

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

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

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

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Coonrod, to accept the August 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 FY2019 achievements

Ms. Zavala presented performance numbers demonstrating the Board's achievements for fiscal year 2019 which included: decreasing the complaint backlog, streamlining the renewal process, converting multiple Board functions to a paperless environment and processing over 2,000 applications. The members praised the staff for their hard work and dedication.

C. Review, consideration and possible action regarding 2020 meeting calendar

Following review and discussion by members, Ms. Shields moved, seconded by Ms. Kramer, to accept the 2020 meeting calendar as presented. The motion passed unanimously.

D. Discussion regarding R4-6-1106

Tabled.

E. Discussion regarding what happens to a case once the Board reviews, considers and takes action on it

Ms. Zavala and Mr. Harris, A.A.G. summarized for the Board what happens to disciplinary cases once the Board votes to take dispositive action. They discussed that while the vast majority of the cases get resolved in accordance with the Board's motion, a few require staff to bring the matter back to the Board for further consideration. In those cases, Ms. Zavala and Mr. Harris explained that the reasons for doing so are varied.

They informed the Board that in some instances, the licensee has either retained counsel or changed counsel. This often results in the presentation of information that was not originally presented during the course of the investigation which, upon review, is relevant and fairness requires that the matter be brought before the Board for further review and possible action.

They also indicated that in rare instances, a case may be brought back before the Board at the licensee's request so that a modified agreement can be presented to the Board for its consideration. These cases generally involve modification to the conclusions of law and/or order. In these matters, after much discussion and deliberation, Board staff has concluded that the suggested changes, warrant taking it back to the Board in the interest of justice.

The discussion concluded by Ms. Zavala and Mr. Harris reviewing with the Board its options when a matter is brought back before it for further review. Those options include, accepting the modifications, rejecting the modifications or offering an alternative resolution.

F. Discussion regarding the Board's province when reviewing, considering and taking action on complaints

Ms. Zavala and Mr. Harris, A.A.G. reviewed for the Board factors it should consider when it votes to refer a complainant to law enforcement or the Department of Health Services. Ms. Zavala explained that if during the course of the investigation, facts are discovered that warrant such referral, staff will note it in the investigative report.

Mr. Harris reviewed for the Board the statutory requirements for licensed agencies and professionals to report to the Board any information that would cause a reasonable licensee to believe that another licensee is guilty of unprofessional conduct or is physically or mentally unable to provide behavioral health services competently or safely.

Mr. Harris went on to point out that it is an act of unprofessional conduct for a licensee not to report and, as it relates to a licensed agency, the Board must report to DHS any entity licensed by it that fails to do so. Because reporting is mandatory, Mr. Harris stated that the law further provides immunity to the licensee or agency from civil damages so long as the information that is provided is done so in good faith.

Ms. Zavala and Mr. Harris then went on to discuss with the Board factors it should consider when directing staff to refer a licensee or agency for investigation. Those factors include, but are not limited to, the underlying facts of the case and the Board's ability to protect the public and regulate the

profession by thoroughly investigating any evidence of unprofessional conduct.

They explained that often times the complainant's cooperation will determine the final disposition of the matter. Also, they pointed out that with respect to agencies, their involvement is not necessarily limited to the instant case as Board staff routinely reaches out to agencies for information as part of its adjudicative and administrative responsibilities.

G. Discussion regarding a psychologist providing clinical supervision to a licensee while under a consent agreement

Members discussed requiring that professionals required to obtain clinical supervision pursuant to a consent agreement use a pre-approved behavioral health professional licensed by the Board.

H. Update regarding Ms. Zavala's recent appointment to the Arizona Department of Health Services Health Care Professionals Workforce Data Repository Advisory Committee

Ms. Zavala notified members that she had been appointed to the AZDHS workforce data repository advisory Committee related to Senate Bill 1096.

I. Update regarding the recent request from the Association of Social Work Boards to have Ms. Zavala assist in planning and serve as a host for the educational conference in April 2020

Ms. Zavala notified members that she has been asked to work with ASWB to assist in planning their upcoming educational conference in April of 2020.

J. Review, consideration and possible action regarding the Association of Social Work Boards Delegates conference in November

Following review and discussion by members, Ms. Shields moved, seconded by Ms. Bailey, to approve Mr. Goodwin to attend the Association of Social Work Boards Delegates conference in November. The motion carried with Dr. Davis opposed.

Following further discussion, Mr. Szymanski moved, seconded by Ms. Quinlan, to approve Dr. Davis as an alternate attendee at the ASWB Delegates conference should Mr. Goodwin not be able to attend. The motion passed unanimously.

K. Review, consideration and possible action regarding rescinding the motion to refer Little Colorado Behavioral Health Centers to the Department of Health Services

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Quinlan, to rescind the motion to refer Little Colorado Behavioral Health Centers to the Department of Health Services. The motion carried with Mr. Goodwin opposed.

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

N/A

15. Future agenda items

None.

16. Call for public comment

Nancy Atchue addressed the Board. She began by reviewing her educational and professional background. She then expressed her concerns regarding the lack of licensed substance abuse counselors in Arizona. Ms. Atchue explained that she felt this was caused, in part, by the existing requirements for substance abuse licensure. Ms. Atchue also expressed her concerns regarding HB2569 in that she felt it does not benefit substance abuse counselors as much as it may other behavioral health disciplines.

Julia Bellini addressed the Board. She reviewed her credentials and her professional background. Ms. Bellini then summarized the challenges she was experiencing in obtaining licensure in Arizona, in part, because the qualifications that enabled her to obtain a substance abuse certificate in California do not appear to meet the Board's licensure requirements.

17. Establishment of future meeting dates

The next regular meeting is scheduled for Friday, October 25, 2019, at 9:00 a.m., at 1740 W. Adams St., Board Room C.

18. Adjournment

Mr. Trotter moved, seconded by Ms. Kramer, to adjourn. The motion passed unanimously and the meeting was adjourned at 5:33 p.m.

Cedric Davis
Secretary/Treasurer

Date

Arizona Board of Behavioral Health Examiners
Licenses recommended for denial - September 13, 2019 meeting

COUNSELING - 1

Finding of unprofessional conduct - 1

Bridgette Turbiville

SOCIAL WORK - 5

Failure to pass the required exam - 3

Susan Silversmith

Poliana Willie

Gloria Diaz-Meneses

Failure to take the required exam - 2

Vickie McDonald

Jessica Ruelas-Garcia

SUBSTANCE ABUSE COUNSELING - 3

Failure to pass the required exam - 2

Kevin Hassley

Rhiannon Tafoya

Failure to take the required exam - 1

Jason Roque

MARRIAGE & FAMILY THERAPY - 1

Failure to meet minimum requirements - 1

Ryan Poulson