



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
December 9, 2022

Members Present: Kimberly Bailey, Robert Charles, Mary Coonrod, Cedric Davis, Patricia Dobratz, Leanette Henagan, Polly Knape, Meaghan Kramer, Diane Palacios, Mark Shen, Antwan Trotter

Members Absent: Adalesa Meek

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 December 9, 2022 at 9:12 a.m. with Ms. Dobratz presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. November 4, 2022, general meeting minutes

Ms. Kramer moved, seconded by Ms. Palacios, to approve the general meeting minutes for the November 4, 2022 meeting as amended. The motion passed unanimously. Mr. Charles and Ms. Bailey abstained.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

1. 2022-0075, Dyanna Eisel, LAMFT-10761
2. 2022-0142, Robert Mueller, LMSW-19429

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

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

1. 2022-0152, Joni Courtney, LMSW-19270
2. 2022-0131, John Lynch, LCSW-17123

Following discussion, Mr. Davis moved, seconded by Ms. Henagan, to approve the consent agenda items 4(B). The motion passed unanimously. Ms. Palacios recused.

C. Cases recommended for release from consent agreements.

1. 2021-0129, Darsi Axford, LPC-10757 (active-restricted)
2. 2022-0076, Erica Ayala, LPC-19410
3. 2022-0048, Karen Bischoff, LPC-10614
4. 2022-0033, Kevin Davis, LPC-18462

5. 2022-0078, Lisa Gomez, LPC-12788
6. 2021-0180, 2022-0022, Tanja Haaland, LPC-17307
7. 2023-0007, Rochelle Lowry, LAC-19935

Following discussion, Mr. Davis moved, seconded by Ms. Coonrod, 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. Liliana Peralta, LAMFT Applicant
2. Adrine Rodriguez, LMSW Applicant

Following discussion, Mr. Davis moved, seconded by Mr. Trotter, 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 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.

1. 2022-0118, Mamta Bhargava, LPC-13800
- Ms. Zavala summarized the Board's investigation.

The complainant appeared telephonically and addressed the Board.

The professional's attorney, Mandi Karvis, appeared and addressed the Board.

Following discussion, Mr. Davis moved, seconded by Mr. Shen, to accept the proposed signed non-disciplinary consent agenda. The motion passed unanimously.

The Board took a break at 9:45 a.m., reconvening its public meeting at 9:53 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).

- A. 2021-0025, Gary Tupper, LMFT-15134

Ms. Dobratz moved, seconded by Ms. Kramer 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 10:05 am, reconvening its public meeting at 10:25 am.

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

The professional and his attorney, Dennis Wilenchik, appeared and addressed the Board.

Ms. Carrie Smith, A.A.G., appeared to provide independent legal advice to the Board.

Discussion was held on the professional's Motion for Rehearing and Stay of Order of Revocation. The Board discussed that in the Motion, the professional sought rehearing on the Board's November 10, 2022 Findings of Fact, Conclusions of Law, and Order for Revocation and its obligations under A.R.S. 41-1092.09.

In considering the merits of the Motion, the Board discussed that its November 10, 2022 Order was entered under its statutory authority [A.R.S. 41-1092.08(B)] to modify the administrative law judge's Decision entered October 11, 2022.

The Board discussed the due process afforded to the professional, and the materials it had reviewed:

- the Board discussed that it had reviewed the briefing submitted on this matter, along with the complete underlying file;
- the Board acknowledged that it had listened to the audio from the administrative hearing, below; and
- the Board acknowledged that the professional had been afforded a fair and impartial hearing, and received adequate notice and due process.

The Board discussed that it was permitted to modify the administrative law judge's October 11, 2022 Decision, as it had done at its November meeting:

- the Board discussed that it had not "rubber stamped" the administrative law judge's October 11, 2022 Decision as suggested by the professional;
- the Board acknowledged that it had held a thoughtful discussion at the November Board meeting regarding the factual and legal bases for its modification of the administrative law judge's Decision, which resulted in the Board's November 10, 2022 Order; and
- the Board noted that A.R.S. 41-1092.08(B) expressly permitted the Board to "modify" the administrative law judge's October 11, 2022 Decision.

As to the standard of proof applied, the Board discussed that it had properly modified the administrative law judge's Decision to note in its November 10, 2022 Order that the findings of fact set forth in the Order were reached applying a clear and convincing standard:

- the Board Chair reminded the Board that the clear and convincing evidence standard is familiar to the Board because it is applied in most disciplinary matters;
- the Board discussed that it had asked the professional and his legal counsel at the November meeting whether they disagreed with any fact, as set forth in the proposed findings of fact;
- the Board noted that, after discussion at the November meeting, the professional's counsel agreed that the professional did not disagree with any fact set forth in the administrative law judge's October 11, 2022 Decision; and
- after review of the briefing, the Board maintained that the findings rose to the level of clear and convincing evidence.

The Board also considered additional arguments raised by the professional's counsel, including the following:

- the Board discussed that its previous consideration of the professional's conduct, including matters occurring outside of a therapy context, was not inappropriate or unusual, given that the statute governing unprofessional conduct broadly applies to situations occurring both inside and outside the therapeutic setting; and
- the Board acknowledged that the safety of the public is central to its responsibility, and plays an important role in the Board's decision to revoke licenses, where, as here, the Board determines that the licensee cannot be rehabilitated.

Following review and discussion by members, Ms. Kramer moved, seconded by Ms. Coonrod, to deny the professional's Motion for Rehearing and to affirm the Order for Revocation as previously approved. The motion passed unanimously.

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

Later, the Board was notified by the professional's counsel that there was a citation error in the Right to Petition for Review or Rehearing Section of the Order approved at the Board's November meeting. The Board reopened the matter to consider counsel's request to correct the record. The professional was represented telephonically by counsel, Janis Pellitier. Mona Baskin, A.A.G. appeared on behalf of the State and Carrie Smith, A.A.G. was present telephonically as the Board's Independent Legal Advisor.

Additionally, Ms. Zavala shared that Ms. Pelletier had notified the Board that there was an error in the Order for Revocation dated November 10th, 2022 in the Right to Petition for rehearing or Review lines 3, 5 and 8 cites A.A.C. R4-30-126, not to A.A.C. R4-6-1002.

A.A.G. Smith advised the Board that the record could be corrected via Nunc Pro Tunc Order correcting the citations. Ms. Pellitier provided a statement on behalf of the professional, and A.A.G. Baskin provided a statement as well. In response to a question from a Board member, Ms. Pellitier agreed that the requested change was non-substantive and she did not object to the correction.

Following further review, Ms. Kramer moved, seconded by Ms. Knape to issue an order nun pro tunc as presented. 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	X	X
NAY												
Absent									X			

6. Formal Interviews

N/A

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

A. 2022-0113, Elizabeth Andronic, LMSW-18534

Mr. Carver summarized the Board’s investigation.

The complaint was properly noticed, but failed to appear.

The professional and her attorney, Dina Anagnopoulos, appeared and addressed the Board.

Following discussion by members, Ms. Bailey moved, seconded by Ms. Palacios, 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 (c) Conflicts of Interest
- A.R.S. § 32-3251(16)(q), failing or refusing to maintain adequate records of behavioral health services provided to a client

The motion passed unanimously.

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

- The applicant shall be placed on probation for 12 months
- The applicant shall complete pre-approved continuing education in:
 - 6 clock hours in risk assessment
 - 6 clock hours in behavioral health boundaries
- The professional shall receive clinical supervision weekly from a pre-approved independently licensed behavioral health professional.
- Clinical supervision shall focus on boundaries, behavioral health ethics, documentation, record keeping, risk assessment, code of ethics, and Board statutes and rules

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	Leanette Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	X	X	X	X	X	X		X	X	X
NAY												
Absent									X			

B. Horace Carter, LASAC Applicant

Ms. Zavala summarized the background information.

The applicant appeared and addressed the Board.

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

Following discussion by members, Ms. Palacios moved, seconded by Ms. Bailey, 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 carried with Ms. Henagan opposed.

Following discussion by members, Ms. Palacios moved, seconded by Ms. Bailey, to find the following violation:

- A.R.S. § 32-3251(16)(s), terminating behavioral health services to a client without making an appropriate referral for continuation of care for the client if continuing behavioral health services are indicated

	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	X	
NAY												X
Absent									X			

The motion carried with Mr. Trotter opposed.

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

- The applicant shall be placed on probation for 24 months
- The applicant shall complete pre-approved continuing education in:
 - 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
 - 3 clock hours in the Arizona Statutes/Regulations Tutorial
- The applicant shall receive clinical supervision twice monthly from a pre-approved independently licensed behavioral health professional. The frequency for the remaining time will be at the recommendation of the clinical supervisor with early release available
- Clinical supervision shall focus on therapeutic boundaries, scope of practice, documentation, continuity of care, code of ethics, and Board statutes and rules

and if not signed, to deny the application based on a finding of unprofessional conduct pursuant to A.R.S. § 32-3275 (A)(5). The motion passed unanimously.

Following further review, Ms. Palacios moved, seconded by Mr. Trotter, to open a complaint against the professional's supervisor, Kimberly Jones. 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	X	X
NAY												
Absent									X			

The Board took a break at 12:17 p.m., reconvening its public meeting at 1:03 p.m.

C. Patricia Crockett, LMSW Applicant

Tabled.

D. 2022-0062, Michele Edmiston, LMSW-13468

Ms. Zavala summarized the Board’s investigation.

The complainant was properly noticed and failed to appear.

The professional and her attorney, Anne Holmgren, appeared and addressed the Board.

Following discussion by members, Ms. Palacios moved, seconded by Ms. Knape, 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, Ms. Palacios moved, seconded by Ms. Kramer, to offer a consent agreement that stipulates the following:

- The professional shall complete pre-approved continuing education in:
 - 3 clock hours in mandated reporting
 - 3 clock hours in behavioral health ethics

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	Leanette Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	X	X	X	X	X	X		X	X	X
NAY												
Absent									X			

E. 2023-0014, Tara Ernst, LAC-19051

Ms. Zavala summarized the Board’s investigation.

The complainant was properly noticed, but due to technology issues, was not able to appear.

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

Following review and discussion by members, Ms. Bailey moved, seconded by Ms. Palacios, to issue an interim order for the professional to submit to a psychological exam by a preapproved psychologist and a hair follicle complete panel drug test from a preapproved laboratory within 60 days pursuant to A.R.S. § 32-3281(B). The motion passed unanimously. Ms. Knape recused.

F. Gail Hopkins, LPC Applicant

Ms. Zavala summarized the background information.

The applicant appeared and addressed the Board.

Following review and discussion by members, Ms. Palacios moved, seconded by Ms. Kramer, to deny the applicant’s request to withdraw the application. The motion passed unanimously.

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

Following discussion by members, Ms. Palacios 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)(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.5.c. Sexual and/or Romantic Relationships With Former Clients

The motion passed unanimously.

Following discussion by members, Ms. Palacios moved, seconded by Ms. Davis, to deny the application based on a finding of unprofessional conduct pursuant to A.R.S. § 32-3275 (A)(5). 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	X	X
NAY												
Absent									X			

G. 2022-0127, Adi Shakti Khalsa, LAC-18292

Mr. Carver summarized the Board’s investigation.

The complainant appeared telephonically and addressed the Board.

The professional appeared and addressed the Board.

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

- The professional shall be placed on probation for 24 months
- The professional shall complete pre-approved continuing education in:
 - 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
 - 6 clock hours in risk assessment and follow-up
 - 6 clock hours in trauma referrals
- The professional shall receive clinical supervision twice monthly from a pre-approved independently licensed behavioral health professional for 12 months. The frequency for the remaining time will be at the recommendation of the clinical supervisor with early release available
- Clinical supervision shall focus on documentation, scope of practice, assessment, service planning, appropriate referrals, treatment planning, and behavioral health ethics

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	Leanette Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	X	X	X	X	X	X		X	X	X
NAY												
Absent									X			

H. 2022-0085, Lori Park, LCSW-12565

Ms. Zavala summarized the Board’s investigation.

The complainant appeared telephonically and addressed the Board.

The professional appeared and addressed the Board.

Following discussion by members, Ms. Henagan moved, seconded by Mr. Shen, to find the following violation:

- A.R.S. § 32-3251(16)(t), disclosing a professional confidence or privileged communication except as may otherwise be required by law or permitted by a legally valid written release

The motion passed unanimously.

Following further discussion, Ms. Henagan moved, seconded by Mr. Trotter, to consolidate complaint numbers 2022-0085 and 2022-0096. The motion passed unanimously.

Following further discussion, Ms. Henagan 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	Leannette Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	X	X	X	X	X	X		X	X	X
NAY												
Absent									X			

I. 2022-0096, Lori Park, LCSW-12565

Ms. Zavala summarized the Board’s investigation.

The complainant appeared telephonically and addressed the Board.

The professional appeared and addressed the Board.

Following further discussion, Ms. Henagan moved, seconded by Mr. Trotter, to consolidate complaint numbers 2022-0085 and 2022-0096. The motion passed unanimously.

J. 2022-0100, Snaha Patel, LPC-17806

Ms. Zavala summarized the Board’s investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Andrew Breavington, appeared and addressed the Board.

Following discussion by members, Mr. Davis moved, seconded by Ms. Palacios, 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 ACA Code of Ethics:
 - A.6.e. Nonprofessional Interactions or Relationships (Other than Sexual or Romantic Interactions or Relationship)

The motion passed unanimously.

Following further discussion, Mr. Davis moved, seconded by Ms. Bailey, to consolidate complaint numbers 2022-0109, 2022-0100, 2022-0129. The motion passed unanimously.

K. 2022-0109, Snaha Patel, LPC-17806

Ms. Zavala summarized the Board’s investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Andrew Breavington, appeared and addressed the Board.

Following discussion by members, Mr. Davis moved, seconded by Ms. Palacios, 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 ACA Code of Ethics:
 - A.6.e. Nonprofessional Interactions or Relationships (Other than Sexual or Romantic Interactions or Relationship)

The motion passed unanimously.

Following further discussion, Mr. Davis moved, seconded by Ms. Bailey, to consolidate complaint numbers 2022-0109, 2022-0100, 2022-0129. The motion passed unanimously.

L. 2022-0129, Snaha Patel, LPC-17806

Ms. Zavala summarized the Board's investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Andrew Breavington, appeared and addressed the Board.

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

- 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. R4-6-1105, Confidentiality
- A.R.S. § 32-3251(16)(q), failing or refusing to maintain adequate records of behavioral health services provided to a client

The motion passed unanimously.

Following further discussion, Mr. Davis moved, seconded by Ms. Bailey, to consolidate complaint numbers 2022-0109, 2022-0100, 2022-0129. The motion passed unanimously.

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

- The professional 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 pre-approved continuing education in:
 - 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
 - 6 clock hours in HIPPA compliance
- The professional shall receive clinical supervision twice monthly from a pre-approved independently licensed behavioral health professional for 12 months. The frequency for the remaining time will be at the recommendation of the clinical supervisor with early release available
- Clinical supervision shall focus on boundaries, documentation, counter transference, Board statutes and rules, and supportive resources that might extend past the supervisory relationship

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	Leanette Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	X	X	X	X	X	X		X	X	X
NAY												
Absent									X			

M. 2022-0112, Alexandra Rodriguez, LASAC-15327

Mr. Carver summarized the Board’s investigation.

The complainant was properly noticed, but failed to appear.

The professional appeared and addressed the Board.

Following discussion by members, Ms. Henagan moved, seconded by Ms. Coonrod, 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)(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.R.S. § 32-3251(16)(s), terminating behavioral health services to a client without making an appropriate referral for continuation of care for the client if continuing behavioral health services are indicated

The motion passed unanimously.

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

- The professional shall be placed on probation for 12 months
- The professional shall complete pre-approved continuing education in 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall receive clinical supervision weekly from a pre-approved independently licensed behavioral health professional
- Clinical supervision shall focus on documentation, scope of practice, code of ethics, and Board statutes and rules

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.

Following further review, Ms. Henagan moved, seconded by Mr. Trotter, to open a complaint on the professional’s clinical supervisor, Barbara Plourd. 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	X	X
NAY												
Absent									X			

N. 2022-0072, Tamar Shindel, LPC-15554

Ms. Zavala summarized the Board’s investigation.

The complainant appeared and addressed the Board.

The professional and her attorney, Michele Thompson, appeared and addressed the Board.

Following discussion by members, Ms. Bailey moved, seconded by Ms. Knape, 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 ACA Code of Ethics:
 - A.6.d. Role Changes in the Professional Relationships
 - A.6.e. Nonprofessional Interactions or Relationships (Other than Sexual or Romantic Interactions or Relationship)
- 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)(q), failing or refusing to maintain adequate records of behavioral health services provided to a client
- A.R.S. § 32-3251(16)(t), disclosing a professional confidence or privileged communication except as may otherwise be required by law or permitted by a legally valid written release
- 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)(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, Ms. Bailey moved, seconded by Ms. Henagan, to offer a consent agreement that stipulates the following:

- The professional shall be placed on probation for 24 months
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in family therapy
- The professional shall complete pre-approved continuing education in:
 - 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
 - 6 clock hours in ethics and confidentiality
 - 6 clock hours in high conflict court cases
- The professional shall receive clinical supervision twice monthly from a pre-approved licensed marriage and family therapist or an independently licensed behavioral health professional with family systems experience for 12 months. The frequency for the remaining time will be at the recommendation of the clinical supervisor with early release available
- Clinical supervision shall focus on duty to report, self-care, caseload management, high conflict cases, documentation, and Board statutes and rules
- Clinical supervision shall include a review of cases that involve minors

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	Leannette Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	X	X	X	X	X	X		X	X	X
NAY												
Absent									X			

O. 2023-0004, Lisa Tapia, LAMFT-10740

Ms. Zavala summarized the Board's investigation.

The complainant appeared and addressed the Board.

The professional and her attorney, Jeff Hunter, appeared telephonically and addressed the Board.

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

Following further discussion and review, Mr. Shen moved, seconded by Ms. Bailey, to refer the case to Mercy Care to address the insurance discrepancies. The motion passed unanimously. Mr. Davis recused.

P. Suzanne Teal, LAC Applicant

Ms. Zavala summarized the background information.

The applicant appeared telephonically and her attorney, Sara Stark, appeared in-person and addressed the Board. Following review and discussion by members, Ms. Palacios moved, seconded by Ms. Bailey, to approve the applicant's request to withdraw the application. The motion passed unanimously.

Following further discussion, Ms. Palacios moved, seconded by Ms. Henagan, to open a complaint on Barbara Quade. The motion passed unanimously.

Q. 2022-0053, Patrick Thurman, LPC-19262

Ms. Zavala summarized the Board's investigation.

The complainant was properly noticed, but failed to appear.

The professional appeared and addressed the Board.

Following discussion by members, Mr. Davis moved, seconded by Mr. Shen, 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)(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.8. Multiple Clients
- 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
- A.R.S. § 32-3251(16)(q), failing or refusing to maintain adequate records of behavioral health services provided to a client
- A.R.S. § 32-3251(16)(t), disclosing a professional confidence or privileged communication except as may otherwise be required by law or permitted by a legally valid written release
- 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 review, Mr. Davis moved, seconded by Mr. Trotter, to offer a consent agreement that stipulates the following:

- The professional shall be placed on probation for 12 months
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in behavioral health ethics
- The professional shall complete pre-approved continuing education in:
 - 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
 - 6 clock hours in therapeutic family reunification services
 - 6 clock hours in HIPPA compliance

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	Leanette Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	X	X	X	X	X	X		X	X	X
NAY												
Absent									X			

R. 2022-0061, Patrick Thurman, LPC-19262

Ms. Zavala summarized 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, Mr. Davis moved, seconded by Ms. Knape, to dismiss the complaint. The motion passed unanimously.

The Board took a break at 2:08 p.m., reconvening its public meeting at 2:18 p.m.

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

1. 2022 Legislative Update

Ms. Baskin provided the Board with an update on legislative changes for the 2022 session.

9. 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. Bailey, to deny 9 applications based on a failure to pass the required examination, 2 applications based on a failure to take the required examination, and 3 applications based on a failure to meet the minimum requirements. The motion passed unanimously.

Marriage and Family Therapy

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

Social Work

Mr. Davis moved, seconded by Ms. Hengan, to deny 7 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 2 applications based on a failure to pass the required examination, 3 applications based on a failure to take the required examination, and 1 application based on a finding of unprofessional conduct. The motion passed unanimously.

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

1. Truman State University Master of Arts in Counseling: Mental Health Counseling

Ms. Palacios moved, seconded by Mr. Shen, to approve the Truman State University Master of Arts in Counseling: Mental Health Counseling educational 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 October financial report

Following review and discussion by members, Ms. Bailey moved, seconded by Ms. Kramer, to accept the October financial report as presented. The motion passed unanimously.

B. Review, consideration, and possible action regarding November financial report
Tabled.

12. Report from the Executive Director and/or staff

A. Update on the Board's database

Ms. Yabu provided an update regarding the tentative date of implementation in mid-January for the Board's new database and user portal. More information will be provided to licensees prior to the implementation date.

B. Update on the office build out

Ms. Zavala provided an update regarding an office buildout to accommodate new staff, which will provide four new cubicles for staff.

C. Discussion regarding the notice of audit

Ms. Zavala shared that the Board has been notified that there will be an audit for the Board's 2024 Sunset by the Arizona Auditor General's Office.

D. Discussion regarding the Association of Social Work Boards Delegate Assembly

Ms. Henagan, Ms. Palacios, and Mr. Davis shared their experience at the Association of Social Work Boards Delegate Assembly to be beneficial.

E. Discussion regarding the notification of investigation by the Ombudsman's Office

Ms. Zavala shared information regarding the notification of investigation by the Ombudsman's Office. The Arizona Attorney General's Office and the Governor's Office have stated that the Board's retention of disciplinary action on the Board's website is in compliance with A.R.S. § 32-3214(B). This information has been provided to the Ombudsman's Office.

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

N/A

14. Future agenda items

None.

15. Call for public comment


None.

16. Establishment of future meeting date(s)

The next regular meeting is scheduled for Friday, January 13, 2023 at 9:00 a.m., at 1740 W. Adams St., Board Room C.

17. Adjournment

Ms. Henagan moved, seconded by Mr. Shen, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:52 pm.


Kimberly Bailey (Jan 6, 2023 10:49 MST)

Kimberly Bailey
Secretary/Treasurer

Jan 6, 2023

Date