



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
January 12, 2024

Members Present: Kimberly Bailey, Robert Charles, Mary Coonrod (out at 11:57 a.m.), Meaghan Kramer, Adalesa Meek, Diane Palacios, Mark Shen, Antwan Trotter

Members Absent: Leanette 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 January 12, 2024 at 9:03 a.m. with Ms. Meek presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

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

4. Consent Agenda: review, consideration and action

- A. Cases recommended for dismissal
1. 2023-0173, Elizabeth Gonzales, LAC-15873
 2. 2023-0206, Crystal King, LMSW- 18793
 3. 2023-0207, Laurie Swann, LMSW-18912
 4. 2023-0199, Elizabeth Jacek, LAC-21780

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

4. 2023-0199, Elizabeth Jacek, LAC-21780

Ms. Zavala summarized the Board's investigation.

The complainant appeared and addressed the Board.

The professional and her attorney, Bruce Smith, appeared telephonically and addressed the Board.

Following discussion, Ms. Bailey moved, seconded by Ms. Kramer, to dismiss the complaint. The motion passed unanimously.

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

1. 2024-0097, Lauren Kiser, LPC-16516

Following discussion, Ms. Palacios moved, seconded by Ms. Kramer, 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. *2023-0148, Michael Kolasa, LMFT-15447*

Ms. Zavala summarized the Board's investigation.

The complainant appeared and submitted new information to the Board.

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

Following discussion, members agreed the matter should be tabled to continue the investigation and review documents that have been submitted.

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

N/A

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.

N/A

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

N/A

I. Cases recommended for release from consent agreements.

1. *2023-0128, Jara Bender, LCSW-20500*

2. *2023-0117, Robin Edgell, LCSW-21619 (active-restricted)*

3. *2023-0232, Adena Ray, LCSW-3639*

4. *2023-0076, Jessica Sanchez, LCSW-21001*

5. *2023-0184, Anne Tantillo, LMSW-16554*

6. *2022-0053 Patrick Thurman, LPC-19262 (active-restricted)*

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

The Board took a break 10:27 a.m., reconvening its public meeting at 10:37 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. *2023-0160, Christine Carrillo, LPC-21582*

Ms. Zavala summarized the Board's investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Holly Gieszl, appeared and addressed the Board.

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

- A.R.S. § 32-3251(16)(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 Relationships)
- A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession
- A.R.S. § 32-3251(16)(p), failing to conform to minimum practice standards as developed by the board as it relates to:
 - A.A.C. R4-6-1101. Consent for Treatment
 - A.A.C. R4-6-1102. Treatment Plan
 - A.A.C. R4-6-1106. Telepractice
- 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. Bailey moved, seconded by Mr. Shen, to offer a consent agreement that stipulates the following:

- The licensee shall be placed on probation for 24 months
- Stayed suspension
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in behavioral health ethics
- The licensee shall complete pre-approved continuing education in:
 - 6 clock hours in Arizona documentation
 - 6 clock hours in risk assessment
 - 3 clock hours in continuity of care
 - 10 clock hours in attendance of two separate Board meetings
- The professional 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 therapist, but not less than once monthly
- Clinical supervision shall focus on behavioral health ethics, Board statutes and rules, Arizona documentation, boundaries, dual relationships, clinical care, and risk assessment

and if not signed, remand the matter to a formal hearing. The motion passed unanimously.

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

B. 2023-0170, Julia Gunthner, LPC-14300

Mr. Carver summarized the Board's investigation.

The complainant appeared telephonically and addressed the Board.

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

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

- A.R.S. § 32-3251(16)(k), engaging in any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession or that constitutes a danger to the health, welfare or safety of a client as it relates to the following section of the ACA Code of Ethics:
 - A.8. Multiple Clients
 - B.5.b. Responsibility to Parents and Legal Guardians
- A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession
- A.R.S. § 32-3251(16)(p), failing to conform to minimum practice standards as developed by the board as it relates to:
 - A.A.C. R4-6-1101. Consent for Treatment
 - A.A.C. R4-6-1102. Treatment Plan
 - A.A.C. R4-6-1103. Client Record
 - A.A.C. R4-6-1104. Financial and Billing Records
 - A.A.C. R4-6-1105. Confidentiality
 - A.A.C. R4-6-1106. Telepractice
- 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

The motion passed unanimously.

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

- The licensee shall be placed on probation for 24 months
- The licensee shall complete pre-approved continuing education in:
 - 6 clock hours in high-conflict court cases
 - 6 clock hours in suicide assessment
 - 3 clock hours in Arizona documentation
 - 5 clock hours in attendance of a Board meeting
 - Continuing education can be considered since the complaint was filed
- The professional shall receive clinical supervision monthly from a pre-approved independently licensed behavioral health professional
- Clinical supervision shall focus on Board statutes and rules, Arizona documentation, high-conflict cases, assessment, and to include a random quarterly audit
- Early release available after 12 months at the recommendation of the clinical supervisor

and if not signed, to invite the professional to participate in a formal interview and, if not accepted to remand the matter to a formal hearing. The motion passed unanimously.

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

C. 2023-0226, Kavita Hatten, LPC-0952

Mr. Carver summarized the Board's investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, David Klink, appeared and addressed the Board.

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

- 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. R4-6-1106. Telepractice

Following further discussion, Mr. Shen moved, seconded by Ms. Coonrod, 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	Leanne Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Mark Shen	Antwan Trotter
AYE	X	X	X			X	X	X	X	X
NAY										
Absent				X	X					

D. 2023-0180, Sarah Kircher, LMSW-19191 (Interim suspension)

Ms. Zavala summarized the Board’s investigation.

The professional appeared and addressed the Board.

Ms. Meek moved, seconded by Ms. Kramer to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) to review medical records exempt from public inspection. The motion passed unanimously and the Board went into executive session at 12:01 pm, reconvening its public meeting at 12:16 pm.

Following review and 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)(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 review, Mr. Shen moved, seconded by Ms. Palacios, to offer a consent agreement that stipulates the following:

- The licensee shall be placed on probation for 24 months
- Stayed suspension
- The professional shall receive therapy twice monthly for 12 months with a pre-approved behavioral health professional. The frequency for the remaining time will be at the recommendation of the therapist, but not less than once monthly
- Therapy shall focus on issues identified in the Board’s report

and to approve the professional’s request for release from the interim consent agreement upon acceptance of a consent agreement, and if not signed the professional’s license will remain suspended. The motion passed unanimously.

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

E. 2024-0012, Timothy Mills, LPC-15304

Tabled.

Mr. Carver summarized the Board’s investigation.

The complainant was properly noticed, but failed to appear.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Palacios moved, seconded by Ms. Kramer, 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. R4-6-1102. Treatment Plan
 - A.A.C. R4-6-1103. Client Record
 - A.A.C. R4-6-1106. Telepractice
- 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. Palacios moved, seconded by Mr. Shen, to offer a consent agreement that stipulates the following:

- The licensee shall be placed on probation for 12 months
- The licensee shall complete pre-approved continuing education in:
 - 3 clock hours in Arizona documentation
 - 3 clock hours in continuity of care
 - 3 clock hours in scope of practice

and to approve the professional’s request for release from the interim consent agreement upon acceptance of a consent agreement, and if not signed the professional’s license will remain suspended. The motion passed unanimously.

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

Ms. Zavala summarized the Board’s investigation.

The complainant was properly noticed, but failed to appear.

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

Following further discussion, Ms. Bailey moved, seconded by Mr. Trotter, to offer the professional a 12 month non-disciplinary consent agreement for completion of 3 clock hours in ethical decision making, 3 clock hours in effective clinical supervision and consultation, 2 clock hours in boundaries, 5 clock hours in attendance of a Board meeting, and continuing education can be considered since the complaint was filed, 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.

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

Mr. Shen moved, seconded by Ms. Palacios, to deny 2 applications based on a failure to pass the required examination, 9 applications based on a failure to take the required examination, and 9 applications based on a failure to meet 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 and 1 application based on a failure to take the required examination. The motion passed unanimously.

Social Work

Ms. Palacios moved, seconded by Ms. Bailey, to deny 13 applications based on a failure to pass the required examination, 4 applications based on a failure to take the required examination, and 2 applications based on a failure to meet minimum requirements. The motion passed unanimously.

Substance Abuse Counseling

Ms. Palacios moved, seconded by Ms. Bailey, to deny 1 application based on a failure to pass the required examination and 6 applications 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

10. Report from Chair

A. Summary of current events

No report.

11. Report from the Treasurer

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

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

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

Tabled.

12. Report from the Executive Director and/or staff

A. Update on 2024 pending Legislation

Ms. Zavala provided an update on pending Legislation.

B. Discussion regarding telehealth platforms

Tabled.

C. Update on Boardal implementation

Ms. Zavala provided an update on the Boardal implementation and the vendor issues.

D. Update on Board members and appointments

Ms. Zavala thanked Ms. Kramer and Mr. Davis for their service and provided an updated on vacancies.

E. Review, discussion and possible action regarding additional members to the personnel subcommittee

Following discussion, Ms. Bailey moved, seconded by Ms. Kramer, to add Mr. Trotter, Mr. Charles, and Mr. Shen to the personnel subcommittee. The motion passed unanimously.

F. Update regarding the 2024 Sunset Audit by the Arizona Auditor General's Office

Ms. Zavala provided an update regarding the 2024 Sunset Audit by the Arizona Auditor General's Office.

G. Review, consideration and possible action regarding Board member attendance at the Counseling Regulatory Boards Annual Summit for National Board for Certified Counselors

Following discussion, Mr. Trotter moved, seconded by Ms. Bailey, to approve the attendance of Director Zavala, Ms. Meek, and Ms. Palacios at the Counseling Regulatory Boards Annual Summit for National Board for Certified Counselors. The motion passed unanimously.

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

N/A

14. Future agenda items

None.

15. Call for public comment

Anna Loewen, LPC, appeared and expressed gratitude for Board staff and their work in issuing licenses.

16. Establishment of future meeting date(s)

The next regular meeting is scheduled for Friday, February 9, 2024, at 9:00 a.m., at 1740 W. Adams St., Board Room C.

17. Adjournment

Mr. Trotter moved, seconded by Ms. Bailey, to adjourn. The motion passed and the meeting was adjourned at 1:14 p.m.

Kim Bailey
Acting Secretary/Treasurer

Date