



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
TELECONFERENCE MEETING MINUTES
January 7, 2022

Members Present Telephonically: Kimberly Bailey, Mary Coonrod, Robert Charles, Cedric Davis, Patricia Dobratz, Leannette Henagan, Meaghan Kramer, Kasondra Parr, Mark Shen, Antwan Trotter

Members Absent: Gerald Szymanski

Staff Present: Tobi Zavala, Executive Director; Erin Yabu, Deputy Director; Ian Hirmand, Assistant Director

Staff Present Telephonically: Mona Baskin, A.A.G.

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on January 7, 2022 at 9:01 a.m. with Ms. Dobratz presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. December 10, 2021, general meeting minutes

Mr. Davis moved, seconded by Mr. Trotter, to approve the general meeting minutes for the December 10, 2021 meeting as submitted. The motion passed unanimously. Ms. Bailey and Ms. Coonrod abstained.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

1. 2021-0164, Michelli Simpson, LPC-18443
2. 2021-0144, Miriam Turner, LAC-18449 (suspended)

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

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

1. 2021-0110, Maryjoy Kearns, LAC-17598
2. 2022-0036, Heidi Quinlan, LPC-13084. LISAC-11071

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

C. Cases recommended for release from consent agreements.

1. 2019-0134, Erica McCullough, LAMFT-10732

Following discussion, Mr. Davis moved, seconded by Ms. Parr, 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. *Jeanne Brown, LPC-19385*

Following discussion, Mr. Davis moved, seconded by Mr. Shen, 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.
N/A

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. *2022-0073, Candace Bailey, LCSW-10968*

Ms. Zavala summarized the Board’s investigation.

The complainant appeared telephonically and addressed the Board.

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Mr. Davis moved, seconded by Ms. Bailey, to accept the proposed signed consent agreement for the voluntary surrender of the professional’s license. The motion passed unanimously.

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Meaghan Kramer	Kasondra Parr	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE	X	X	X	X	X	X	X	X	X		X
NAY											
Absent										X	

The Board took a break at 9:59 a.m., reconvening its public meeting at 10:11 a.m.

B. *2022-0041, Meagan Foxx, LPC-13589, LISAC-11604*

Ms. Zavala summarized the Board’s investigation.

The professional was properly noticed, but failed to appear.

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

- A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting to violate or assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant to this chapter, any lawful order of the

E. 2021-0139, L. Magali Hoy-Nielsen, LCSW-16582
 Ms. Zavala summarized the Board's investigation.

The complainant appeared telephonically and addressed the Board.

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

Following discussion by members, Ms. Parr moved, seconded by Mr. Trotter, 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)(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:
 - 1.01 Commitment to 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

The motion passed unanimously.

Following further review, Ms. Parr 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 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall complete 6 clock hours of pre-approved continuing education in crisis intervention and safety
- The professional shall receive clinical supervision twice monthly with a pre-approved behavioral health professional. Early release available after 12 months at the recommendation of the clinical supervisor
- Clinical supervision shall focus on boundaries, documentation, referrals, crisis intervention, Arizona Statutes/Rules, and behavioral health ethics
- The licensee shall have an audit of her practice and submit an audit plan for approval
- The licensee shall obtain a practice monitor to carry out the audit plan
- Practice monitor to go in once a month for the first year. Early release available after 12 months at the recommendation of the practice monitor

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

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Meaghan Kramer	Kasondra Parr	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE	X	X	X	X	X	X	X	X	X		X
NAY											
Absent										X	

F. 2021-0122, Arline Lemeshewsky, LCSW-3634
 Ms. Zavala summarized the Board's investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Robin Burgess, appeared telephonically and addressed the Board.

Following discussion by members, Ms. Henagan moved, seconded by Mr. Davis, 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 NASW Code of Ethics:
 - 1.06 Conflicts of Interest
 - (b) Social workers should not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political, or business interests.
 - (c) Social workers should not engage in dual or multiple relationships with clients or former clients in which there is a risk of exploitation or potential harm to the client. In instances when dual or multiple relationships are unavoidable, social workers should take steps to protect clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries. (Dual or multiple relationships occur when social workers relate to clients in more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively.)

The motion passed unanimously.

Following further review, Ms. Henagan moved, seconded by Mr. Davis, 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 in the first 12 months
- The professional shall receive clinical supervision twice monthly with a pre-approved behavioral health professional for 12 months. The frequency for the remaining time will be at the recommendation of the clinical supervisor, but no less than monthly
- Clinical supervision shall focus on boundaries, multiple relationships, transparency, billing issues, conflict of interest, Arizona Statutes/Rules, and behavioral health ethics, public websites, and marketing on public sites

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

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Meaghan Kramer	Kasondra Parr	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE	X	X	X	X	X	X	X	X	X		X
NAY											
Absent										X	

G. 2022-0043, Anne McQuaid, LPC-12062

Ms. Zavala summarized the Board’s investigation.

The professional and her attorney, Fatima Badreddine, appeared telephonically and addressed the Board.

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

- A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting to violate or assisting in or abetting the violation of any provision of this chapter, any rule adopted pursuant to this chapter, any lawful order of the board, or any formal order, consent agreement, term of probation or stipulated agreement issued under this chapter
- 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.A.C. R4-6-211. Direct Supervision: Supervised Work Experience: General

The motion passed unanimously.

Following further review, Ms. Bailey moved, seconded by Ms. Coonrod, to offer a consent agreement that stipulates

the following:

- The professional shall be placed on probation for 12 months
- The professional shall complete 12 clock hours in Arizona clinical supervision, which cannot be used towards R 4-6-214 clinical supervision requirements
- The professional shall complete 6 clock hours of pre-approved continuing education in scope of practice and conflict of interest

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

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Meaghan Kramer	Kasondra Parr	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE	X	X	X	X	X	X	X	X	X		X
NAY											
Absent										X	

H. 2022-0044, Jasmine Moore, LPC-13258

Ms. Zavala summarized the Board’s investigation.

The professional and her attorney, Fatima Badreddine, appeared telephonically and addressed the Board.

Following review and discussion, Ms. Bailey moved, seconded by Mr. Shen, to offer the professional a non-disciplinary consent agreement for completion of 12 clock hours in Arizona clinical supervision, which cannot be used towards R 4-6-214 clinical supervision requirements and 6 clock hours of pre-approved continuing education in scope of practice and conflict of interest, 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.

I. Everett Neace, LMSW-13796

Ms. Zavala summarized the background information.

The professional appeared telephonically and addressed the Board.

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

Following discussion by members, Ms. Bailey moved, seconded by Ms. Henagan, to offer the professional an interim consent agreement not to practice. The motion passed unanimously.

Following discussion by members, Mr. Trotter moved, seconded by Ms. Bailey, to order the professional to complete a substance abuse evaluation with a pre-approved addictionologist within 60 days. The motion passed unanimously.

Following further discussion by members, Mr. Trotter moved, seconded by Ms. Bailey, to offer that if the professional chooses to sign the interim consent agreement, the Order for an evaluation will not go into effect until the time the professional requests release, and if not signed, to remand the matter to formal hearing. The motion passed unanimously.

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Meaghan Kramer	Kasondra Parr	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE	X	X	X	X	X	X	X	X	X		X
NAY											
Absent										X	

J. Jillian Vanselow, LASAC-13339

Ms. Zavala summarized the Board’s investigation.

The professional and her attorney, Fatima Badreddine, appeared telephonically and addressed the Board.

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

Following further discussion by members, Ms. Bailey moved, seconded by Ms. Kramer, to accept the proposed signed consent agreement. The motion passed unanimously.

	Kimberly Bailey	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanette Henagan	Meaghan Kramer	Kasondra Parr	Mark Shen	Gerald Szymanski	Antwan Trotter
AYE	X	X	X	X	X	X	X	X	X		X
NAY											
Absent										X	

K. 2022-0011, Jillian Vanselow, LISAC Applicant
 Ms. Zavala summarized the Board’s investigation.

The professional and her attorney, Fatima Badreddine, appeared telephonically and addressed the Board.

Following discussion by members, Ms. Bailey moved, seconded by Mr. Trotter, 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)(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)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health, as it relates to:
 - A.A.C. R4-6-210. Practice Limitations
 - A.A.C. R4-6-211. Direct Supervision: Supervised Work Experience: General

The motion passed unanimously.

Following further discussion, Ms. Bailey moved, seconded by Mr. Trotter, to deny the application based on a finding of unprofessional conduct pursuant to A.R.S. 32-3275(6). The motion passed unanimously.

The Board took a break at 12:05 p.m., reconvening its public meeting at 12:31p.m.

8. Assistant Attorney General’s Report: Mona Baskin, A.A.G.
N/A

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

Mr. Shen moved, seconded by Ms. Bailey to deny 3 applications based on a failure to pass the required examination, 5 applications based on a failure to take the required examination, and 2 applications based on a failure to meet the minimum requirements. The motion passed unanimously.

Social Work

Ms. Henagan moved, seconded by Mr. Davis, to deny 5 applications based on a failure to pass the required examination, 6 applications based on a failure to take the required examination, and 1 application based on a finding of unprofessional conduct. The motion passed unanimously.

Marriage and Family Therapy

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

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

11. Report from Chair

A. Summary of current events
No report.

12. Report from the Treasurer

A. Review, consideration, and possible action regarding November financial report
Following review and discussion by members, Mr. Davis moved, seconded by Ms. Bailey, to accept the November financial report as presented. The motion passed unanimously.

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

13. Report from the Executive Director and/or staff

A. Discussion regarding the universal recognition article
Ms. Zavala provided a summary of the recent news article regarding universal recognition.

B. Update on staff changes
Ms. Zavala provided an update regarding the resignation of Ian Hirmand, Assistant Director, and thanked him for his service.

C. Discussion regarding unauthorized practice
Ms. Zavala shared that staff is aware of the current issues with unauthorized practice and is developing a matrix to create consistency with investigations and staff's recommendations.

D. Update regarding 2021 staff accomplishments
Tabled

E. Review, consideration, and possible action regarding the "No Surprises Act"
Ms. Zavala provided information regarding the No Surprises Act, a federal regulation, that was signed into law in the final days of 2020. The No Surprises Act establishes financial and billing disclosure requirements for health care providers and health care facilities. The federal act has an effective date of January 1, 2022, however, additional rules regarding the implementation are in progress. Ms. Zavala stated that Board staff has received both calls and emails from licensees seeking guidance regarding the No Surprises Act. Ms. Zavala stated that the Board does not provide legal advice or advisory opinions. The Board discussed directing licensees to contact their insurance company, national organization, Centers for Medicare and Medicaid Services (CMS), the Department of Insurance and Financial Institutions, and their legal counsel for specific business practice advice.

Following review and discussion by members, Mr. Davis moved, seconded by Ms. Bailey, that Board staff does not have regulatory authority to address, provide advisory opinions, or provide legal advice regarding the No Surprises Act.

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

A. Cara DeLessio, LAC-11239 (inactive)
Following review and discussion by members, Mr. Davis moved, seconded by Ms. Bailey, to deny the request for extension of inactive status. The motion passed unanimously.

15. Future agenda items

None.

16. Call for public comment

Kristen Landry appeared and addressed the Board in regards to the way the Board processes court appointed cases.

Michelle Fox appeared and addressed the Board in regards to the way the Board processes court appointed cases.

17. Establishment of future meeting date(s)

The next regular meeting is scheduled for Friday, February 11, 2022 at 9:00 a.m., at 1740 W. Adams St., Board Room C.

18. Adjournment

Mr. Davis moved, seconded by Mr. Trotter, to adjourn. The motion passed unanimously and the meeting was adjourned at 1:58 p.m.

Dr Cedric E Davis, LCSW

Dr Cedric E Davis, LCSW (Feb 15, 2022 13:45 MST)

Cedric Davis
Secretary/Treasurer

Feb 15, 2022

Date