



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 9, 2022

Members Present: Kimberly Bailey, Mary Coonrod, Cedric Davis, Patricia Dobratz, Leanette Henagan, Meaghan Kramer, Adalesa Meek, Diane Palacios, Antwan Trotter

Members Absent: Robert Charles, 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 September 9, 2022 at 9:19 a.m. with Ms. Dobratz presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

A. August 19, 2022, general meeting minutes

Mr. Davis moved, seconded by Mr. Trotter, to approve the general meeting minutes for the August 19, 2022 meeting as submitted. The motion passed unanimously. Ms. Bailey and Ms. Henagan abstained.

4. Consent Agenda: review, consideration and action

A. Cases recommended for dismissal

1. 2022-0084, Robert Fazekas, LAC-18056, LASAC-15131

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

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

1. 2022-0171, Gary Tupper, LMFT-15134

2. 2022-0099, Elizabeth Vasquez Denogean, LMSW-19225

Following discussion, Ms. Kramer moved, seconded by Ms. Palacios, to approve the consent agenda item 4(B)(2). The motion passed unanimously.

1. 2022-0171, Gary Tupper, LMFT-15134

Ms. Zavala summarized the Board's investigation.

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Bailey moved, seconded by Mr. Davis, to dismiss the complaint with a letter of concern. The motion passed unanimously.

C. Cases recommended for release from consent agreements.

1. 2021-0090, Skylar Cook, LPC-21161 (active-restricted)
2. 2021-0149, Katherine Garcia, LPC-16744 (active-restricted)
3. 2022-0024, Lauren Smith, LMSW-19792 (active-restricted)

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

N/A

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. 2022-0158, Gary Miller, LMSW-12279

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

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. 2022-0081, Horace Carter, LASAC-7109T

Ms. Zavala summarized the Board's investigation.

The complainant was properly noticed, but failed to appear.

The professional was properly noticed, but failed to appear.

Following discussion, Mr. Davis moved, seconded by Ms. Henagan, to dismiss the complaint without prejudice. The motion passed unanimously.

B. Benjamin Cheney, LCSW Applicant

Ms. Zavala summarized the background information.

The applicant appeared telephonically and addressed the Board.

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

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

C. 2022-0035, April Fischer, LMSW-18626

Ms. Zavala summarized the Board’s investigation.

The complainant was properly noticed, but failed to appear.

The professional was not available at the number provided.

Following discussion by members, Ms. Meek moved, seconded by Ms. Coonrod, to find the following violation:

- 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. Ms. Palacios recused.

Following further review, Ms. Meek 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
 - 3 clock hours in fraud abuse
- 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 Board statutes and rules, professionalism, documentation, fraud abuse, and burnout. Each session will include a document review with feedback

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	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Antwan Trotter
AYE	X		X	X	X	X		X	X		X
NAY											
Absent		X					X			Recused	

The Board took a break at 10:19 a.m., reconvening its public meeting at 10:30 a.m.

D. 2022-0089, Christopher Heindel, LMFT-15180

Ms. Zavala summarized the Board’s investigation.

The professional was properly noticed, but failed to appear.

Following discussion by members, Mr. Trotter moved, seconded by Ms. Meek, to accept the modified signed proposed consent agreement. The motion passed unanimously.

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

E. 2022-0014, Tammy Jacobs, LCSW-11928

Ms. Zavala summarized the Board’s investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Michael Goldberg, 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)(j), engaging in conduct that the board determines is gross negligence or repeated negligence in 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 NASW Code of Ethics:
 - 1.06(d) Conflicts of Interest
- 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)(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. R4-6-1106, Telepractice
- 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)(y), engaging in a dual relationship with a client that could impair the licensee's objectivity or professional judgment or create a risk of harm to the client. For the purposes of this subdivision, "dual relationship" means a licensee simultaneously engages in both a professional and nonprofessional relationship with a client that is avoidable and not incidental

The motion passed unanimously.

Following further discussion by members, Ms. Bailey moved, seconded by Ms. Meek, 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	Robert Charles	Mary Coonrod	Cedric Davis	Patricia Dobratz	Leanne Henagan	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Antwan Trotter
AYE	X		X	X	X	X		X	X	X	X
NAY											
Absent		X					X				

F. 2022-0136, Veronica Ramirez, LAC-20522

Ms. Zavala summarized the Board’s investigation.

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

Following review and discussion by members, Ms. Bailey moved, seconded by Mr. Trotter, to dismiss the complaint with a letter of concern addressing scope of practice, methods of treatment, and clarity of documentation as it relates the minimum standards in Board rules and statutes. The motion passed with Ms. Kramer opposed. Ms. Palacios recused.

G. 2022-0079, Stephanie Rupe, LAC-18104

Ms. Zavala summarized the Board’s investigation.

The complainant appeared and was available for questions.

The professional was properly noticed, but failed to appear.

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:
 - D.1.g. Employer Policies
 - B.6.h. Storage and Disposal After Termination

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
- Stayed suspension
- The professional shall complete a pre-approved 3 semester credit hour graduate level course in behavioral health ethics
- The professional shall complete 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
- 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 Board statutes and rules, HIPPA, confidentiality, handling of clinical documents, record storage, professionalism, and self care/burnout
- The professional shall receive a counseling assessment based on the issues identified in the Board’s report with a pre-approved behavioral health professional. The therapeutic plan shall be submitted to the Board for review. The frequency and the focus shall be at the recommendation of the therapist

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	Polly Knape	Meaghan Kramer	Adalesa Meek	Diane Palacios	Antwan Trotter
AYE	X		X	X	X	X		X	X	X	X
NAY											
Absent		X					X				

H. 2022-0064, Tiauna Schneider, LPC-18513

Mr. Carver summarized the Board’s investigation.

The complainant appeared and was available for questions.

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

Following review and discussion by members, Ms. Meek moved, seconded by Ms. Bailey, to dismiss the complaint with a letter of concern addressing multiple roles and transitioning clients. The motion passed unanimously.

The Board took a break at 11:31 a.m., reconvening its public meeting at 12:02 p.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

1. Lindsey Webb - LSAT Applicant

Following discussion, Mr. Davis moved, seconded by Mr. Trotter, to rescind the 8/19/2022 motion to deny Lindsey Webb's LSAT application. The motion passed unanimously.

2. Lynne Roberts – LASAC Applicant

Following discussion, Mr. Davis moved, seconded by Mr. Trotter, to rescind the 8/19/2022 motion to deny Lynne Roberts's LASAC application. The motion passed unanimously.

Social Work

Ms. Henagan moved, seconded by Mr. Davis, to deny 8 applications based on a failure to pass the required examination and 5 applications based on a failure to take the required examination. The motion passed unanimously.

Substance Abuse Counseling

Ms. Meek moved, seconded by Ms. Kramer, to deny 2 applications 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 July financial report

Tabled.

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

Tabled.

13. Report from the Executive Director and/or staff

A. Discussion regarding FY2024 budget submittal

Ms. Zavala provided an update that the FY2024 operating budget request was submitted.

B. Discussion regarding application flow chart

Ms. Zavala shared that an application flow chart is being drafted in conjunction with the development of the new web-based portal.

C. Update regarding convenience fees for payment

Ms. Zavala shared that after reviewing the budget, convenience fees have been removed for all credit card transactions.

D. Discussion regarding Southwestern School for Behavioral Health Studies feedback

Ms. Zavala shared feedback from the Southwestern School for Behavioral Health Studies, which demonstrates the important of the Board's participation.

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

N/A

15. Future agenda items

None.

16. Call for public comment

None.

17. Establishment of future meeting date(s)

The next regular meeting is scheduled for Friday, October 14, 2022 at 9:00 a.m., at 1740 W. Adams St., Board Room C.

18. Adjournment

Mr. Trotter moved, seconded by Ms. Palacios, to adjourn. The motion passed unanimously and the meeting was adjourned at 12:51 p.m.



[Kimberly Bailey \(Oct 17, 2022 12:03 PDT\)](#)

Kimberly Bailey
Secretary/Treasurer

Oct 17, 2022

Date