

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

JANUARY 26, 2015

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 9:00 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

George Brenner, MS, LCSW, LMFT, LCAC, Board Chair
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC Section Chair
Andrew Harner, MSW, LCSW, SW Section Chair
Carla Gaff-Clark, Ed.D., LMHC, CADAC-IV, LCAC, AC Section Chair
Donald Osborn, Ph.D., LMFT, LCSW, LMHC, LCAC, MFT Section Chair
Maria Poor, MD, Physician Member

Board Members Not Present:

Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Vacant, Social Work Member
Vacant, Marriage and Family Therapy Member
Vacant, Consumer Member
Vacant, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Donna Sembroski, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA AS AMENDED

A motion was made and seconded to adopt the agenda, as amended.

RICHARDSON/GAFF-CLARK
Motion carried 6-0-0

**III. ADOPTION OF THE MINUTES FROM JULY 28, 2014, SEPTEMBER 22, 2014
and NOVEMBER 17, 2014 MEETINGS OF THE BOARD**

A motion was made and seconded to adopt the minutes from the July 28, 2014, September 22, 2014, and November 17, 2014 meetings of the Board.

RICHARDSON/HARNER
Motion carried 6-0-0

IV. PERSONAL APPEARANCES

A. Probationary

- 1. Daniel M. Knaver, L.C.S.W., L.M.F.T.**
License Nos. 34003006A and 35003888A
Administrative Cause No. 2014 BHSB 008

Mr. Knaver appeared before the Board, as requested, regarding his ongoing probationary status. Mr. Knaver reported there have been no changes since his last appearance before the Board. He stated he submitted a quarterly report in November listing his AA meetings and a letter from his therapist indicating he has been attending sessions. He submitted a recent AA sign-in sheet. Mr. Knaver requested that the board amend item nine (9) of the Findings of Facts of his Findings of Fact, Conclusions of Law, and Order issued on August 20, 2014. The document reflects conviction dates of June 2004, January 2005, August 2006, November 2008, September 2010, and July 2011. However, the document should only reflect convictions in January 2005, November 2008 and July 2011. Mr. Knaver is scheduled to appear at the July 20, 2015 meeting of the Board. Ms. Sembroski will review this matter to determine whether the order can be modified to reflect the correct information.

B. Renewal

There were no renewal appearances before the Board.

C. Reinstatement

There were no reinstatement appearances before the Board.

D. Application

- 1. Joseph Apongule (LMHC)**

Mr. Apongule appeared before the Board, as requested, regarding his application for mental health counselor licensure. Mr. Apongule did not respond yes to the question that asks "Have you, in the past five years, been convicted of, plead guilty to or nolo contendere to any offense, misdemeanor or felony in any state?" Also, this is Mr. Apongule's fourth request to take the examination. Mr. Apongule stated he misunderstood the question; he thought it was only for convictions of felonies and his was a misdemeanor. He explained that on October 10, 2010, he was arrested for Operating a Vehicle While Intoxicated with an BAC of .15% or more and convicted of a Class A Misdemeanor on January 31, 2011. He explained that he had run out of gas and did not have money to purchase any. However, he had stopped at a gas station and purchased a bottle of water. The attendant called the police and reported a suspicious individual outside the station that seemed to be drunk. He stated that he had gone back to his vehicle and drank from a bottle of vodka while waiting for his friend to come. The Board was concerned with Mr. Apongule's behavior during the board meeting and not reporting the arrest on his application for licensure.

Board action: A motion was made and seconded to require Mr. Apongule to obtain an addictionology evaluation within six (6) months. He will be required to appear again for further discussion of his application and prior to being approved to take the mental health counselor examination.

RICHARDSON/HARNER
Motion carried 6-0-0

2. Kayce Nicole Clevenger (LSW)

Ms. Clevenger appeared before the Board, as requested, regarding her application for a social worker license. Ms. Clevenger did not answer yes to the question that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" On February 28, 2009, she was arrested for Criminal Conversion and entered into a pre-trial diversion program. She explained that her attorney had advised her that she would not have to answer yes to these questions based on the arrest being deferred in the pre-trial diversion. She also stated the arrest has not shown up on any background checks she has had to complete for school or state employment. The Board explained that although it was diverted, the arrest still shows on her background checks.

Board action: A motion was made and seconded to approve Ms. Clevenger's application for a social worker license.

HARNER/RICHARDSON
Motion carried 6-0-0

3. Michael Hagedorn (LAC)

Mr. Hagedorn appeared before the Board, as requested, regarding his application for addiction counselor licensure. Mr. Hagedorn answered yes to question 4 on the application that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" Mr. Hagedorn explained that he has had a drug and alcohol addiction problem since he was a teenager. He has had several arrests and convictions since 1992 due to these addictions. Mr. Hagedorn has been sober since 2010. Upon his release from the Department of Corrections in 2011, he entered into a treatment program and counseling. Mr. Hagedorn attends 12 Step meetings regularly, works with a sponsor, sponsors other men in the program and is involved in spiritual

activities. Mr. Hagedorn submitted several letters of recommendation. Dr. Osborn spoke in favor of Mr. Hagedorn's progress.

Board action: A motion was made and seconded to approve Mr. Hagedorn's application for an addiction counselor licensure.

GAFF-CLARK/RICHARDSON
Motion carried 5-0-1
*Dr. Osborn abstained

4. Jerry Michael May (LCAC)

Mr. May appeared before the Board, as requested, regarding his application for addiction counselor licensure. Mr. May answered yes to question 4 on the application that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" Mr. May has had several arrests and convictions due to drug and alcohol abuse. In 1997, he was arrested and charged with Possession of Cocaine, a Class D Felony; in 1999, he was arrested and charged with Battery with Bodily Injury, a Class A Misdemeanor; in August 2002, he was arrested and charged with Theft and Possession of Controlled Substance; in August 2002, he was arrested and charged with Disorderly Conduct, a Class B Misdemeanor; and in November 2002, he was arrested and charged with Operating a Vehicle While Intoxicated a Class A Misdemeanor, Possession of a Controlled Substance a Class C Misdemeanor, and Violation of the Legend Drug Act. He stated that he does not drink at all now and does not use illicit drugs. He explained that the drug addiction came from injuries he has sustained in the past. He is currently on medication for chronic pain that is monitored closely by his physician. Upon further review of Mr. May's application file, Agape Seminary, the university where he completed his program, is not an accredited program pursuant to Ind. Code 25-23.6-10.5-4. The Board advised him that there are some licensure exemptions within the law regarding addiction counseling that he may fall within.

Board action: A motion was made and seconded to deny Mr. Mays' application for a clinical addiction counselor licensure based on Ind. Code 25-23.6-10.5-4 requirements for clinical addiction counselor licensure.

OSBORN/GAFF-CLARK
Motion carried 6-0-0

5. Jennifer MILLE (LCSW)

Ms. Miller appeared before the Board, as requested, regarding her application for clinical social work licensure. Ms. Miller did not answer yes to the question on the application that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you

ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" Ms. Miller explained that in 2009, she was arrested and charged with Public Intoxication. She stated that the charge was dismissed and she is now in the process of having it expunged from her record. She indicated she did not answer yes because she was advised by her attorney that it would be removed from her record after one (1) year.

Board action: A motion was made and seconded to approve Ms. Miller's application for clinical social work licensure.

HARNER/RICHARDSON
Motion carried 6-0-0

6. David Jerome Pearson (LCSW)

Mr. Pearson appeared before the Board, as requested, regarding his application for clinical social worker licensure. Mr. Pearson answered yes to question 4 on the application that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" Mr. Pearson explained that he was arrested in 1993, 1994, and 1996 for Driving Under the Influence. In 1999 he was arrested and convicted of Operating While Intoxicated and carrying a handgun without a license. Since that time he has worked on his sobriety and has been sober for fifteen (15) years and currently attends AA meetings and sees a counselor for family therapy. He also stated he still obtains weekly supervision at work.

Board action: A motion was made and seconded to approve Mr. Pearson's application for clinical social work licensure.

HARNER/GAFF-CLARK
Motion carried 6-0-0

7. Marla Stamm (LSW)

Ms. Stamm appeared before the Board, as requested, regarding her application for social work licensure. Ms. Stamm did not answer yes to the question on the application that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you

ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" Ms. Stamm explained that she did not answer positive to the question because she was under the impression that when she completed the court requirements, it would be cleared from her record. She stated that in 2005, she was arrested for check deception due to an addiction of methamphetamine. She entered into a rehabilitation program in October 2005 and was required to complete the Vanderburgh County Drug Court where she was required to check in seven (7) days per week and attend meetings seven (7) days per week. She reports that she still has a sponsor, attends church and spends a lot of time with her children.

Board action: A motion was made and seconded to approve Ms. Stamm's application for social work licensure.

HARNER/OSBORN
Motion carried 6-0-0

8. Michelle Brown-Smith (LAC)

Ms. Brown-Smith appeared before the Board, as requested, regarding her application for addiction counselor licensure. Ms. Brown-Smith answered yes to question 4 on the application that asks "Have you ever been convicted of, pled guilty or nolo contendere to a violation of any federal, state, or local law relating to the use, manufacturing, distribution or dispensing of controlled substances or drug addiction or an offense, misdemeanor, or felony in any state?" She explained that in 1990, she was charged with Check Deception; in 1993, she was charged with Theft; in 2008, she was charged with Disorderly Conduct, a Class B Misdemeanor; and in 2009, she was charged with Driving While Suspended, a Class A Misdemeanor. The Check Deception, Disorderly Conduct and Driving While Suspended Class A Misdemeanor charges were dismissed. She was found guilty of Theft and Driving While Suspended Class A Infraction. She stated the charges for check deception were due to immaturity on her part.

Board action: A motion was made and seconded to approve Ms. Brown-Smith's application for addiction counselor licensure by grandfathering.

GAFF-CLARK/RICHARDSON
Motion carried 6-0-0

9. Rhonda Parks (LMHCA)

Ms. Parks appeared before the Board, as requested, regarding her application for licensure as a mental health counselor associate. Ms. Parks did not respond "yes" to question #4 on the application that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, (1) have you ever been arrested; (2) have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever plead guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state? She submitted documentation which stated that on August 29, 1982 in Monroe County she was wanted on warrant for check deception. Pled guilty

and agreed to a pretrial aversion. Has paid for the checks and the fees applied by the courts. The case was dismissed on September 1, 1982.

Board action: A motion was made and seconded to approve Ms. Parks' application for licensure as a mental health counselor associate pending further review of her application.

10. Mark Piechowiak (LSW)

Mr. Piechowiak appeared before the Board, as requested, regarding his application for licensure as a licensed social worker. Mr. Piechowiak answered yes to question 4 on the application that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" Mr. Piechowiak had previously applied for licensure in September 2011, and was approved to take the ASWB master's examination, but could not be approved for licensure until he finished some requirements by the Board requested at that meeting. The Board had asked Mr. Piechowiak to complete his criminal probation that stemmed from an arrest for Domestic Violence in 1998, complete a chemical dependency evaluation, follow the recommendations of the evaluator, and report back to the Board. Mr. Piechowiak submitted a new application on December 18, 2014. On the application for licensure he disclosed that he had been arrested and charged with Driving Under the Influence of Alcohol in 2011 but did not complete the Intensive Outpatient Program at Nowak & Associates, PC until October 29, 2014 under Christine Nowak. The Board showed some concern that it took him this long to finally complete the evaluation and seek treatment. He assured the Board that he would still be working under supervision.

Board action: A motion was made and seconded to approve Mr. Piechowiak's application for social work licensure.

HARNER/GAFF-CLARK
Motion carried 6-0-0

11. Steven Prater (LCSW)

Mr. Prater appeared before the Board, as requested, regarding his application for clinical social worker licensure. Mr. Prater is requesting the Board to allow him to use his experience gained in the military in lieu of education. The Board is concerned that the experience he gained in the military was not supervised clinical experience. Mr. Prater completed a program once exiting the military. The Board does not feel the experience he gained is substantially equivalent to university training with post-graduate clinical supervision. The Board will allow Mr. Prater to withdraw his clinical social worker licensure application and apply for a social worker license, of which he would qualify.

Board action: A motion was made and seconded to allow Mr. Prater to change his application from a clinical social worker licensure application to a social worker licensure application.

HARNER/RICHARDSON
Motion carried 6-0-0

E. Examination Attempts

1. Sharon Kay Bertram (LSW)

Ms. Bertram appeared before the Board, as requested, regarding her request to attempt the master's examination for the fourth time. She explained that she has been under great stress during the times she was attempting to take the examinations. Ms. Bertram stated that she has been preparing for this examination by taking continuing education courses and will take the practice test offered by the ASWB. She has also been studying with another social worker.

Board action: A motion was made and seconded to approve Ms. Bertram for the fourth attempt of the master's examination.

HARNER/GAFF-CLARK
Motion carried 6-0-0

2. Melissa Lynn Litmer (LCSW)

Ms. Litmer appeared before the Board, as requested, regarding her request to attempt the clinical examination for the fourth time. She explained that she has been attempting to pass the clinical examination since 1995. She feels that it may be due to test anxiety, as standardized testing is difficult and poses a challenge in passing the examination. She stated she has taken the Dr. Sophia Dziegielewski License Exam Preparation Course on a couple of occasions.

Board action: A motion was made and seconded to approve Ms. Litmer for the fourth attempt of the clinical examination.

HARNER/GAFF-CLARK
Motion carried 6-0-0

3. Sarah Jo Long (LMHC)

Ms. Long appeared before the Board, as requested, regarding her request to attempt the national clinical mental health counselor examination for the fourth time. She explained that she has been under a lot of pressure from her employer and there have been circumstances in her personal life that have kept her from being prepared for the examination. Ms. Long stated she has obtained the 36 Step preparation course and has been working with Arthur Brant to prepare for the examination.

Board action: A motion was made and seconded to approve Ms. Long for the fourth attempt of the NCMHC examination.

RICHARDSON/OSBORN
Motion carried 6-0-0

4. Linda A. Metcalfe-Smith (LCSW)

Ms. Metcalfe-Smith appeared before the Board, as requested, regarding her request to attempt the clinical examination for the fourth time. Ms. Metcalfe-Smith explained that the first time she took the examination she failed due to a medication she was taking. The second time, she had been studying with friends. The third time, she has been tutored by an LCSW and feels she was better prepared

Board action: A motion was made and seconded to approve Ms. Metcalfe-Smith for the fourth attempt of the clinical examination.

HARNER/OSBORN
Motion carried 6-0-0

5. Elizabeth H. Stirn (LCSW)

Ms. Stirn did not appear before the Board, as requested, regarding approval to take the Clinical examination for the fourth time. Ms. Stirn will be scheduled to appear on March 23, 2015.

F. Other

There were no other appearances before the Board.

V. ADMINISTRATIVE HEARINGS

A. Kris M. Kasting

Administrative Cause No. 2013 BHSB 007

Re: Order to Show Cause

Parties Present:

Respondent was not present, but represented by Dominic Price, Attorney
Laura Sahn, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner
Dr. Osborn, Ph.D.
Dr. Gaff-Clark, Ed.D.
Dr. Poor, M.D.

Case Summary: Respondent did not appear. The State indicated Respondent had been issued a temporary permit. However, that permit has expired. State asks for a Notice of Proposed Default as she is not present and Mr. Price is not prepared to

move forward with this hearing. The original Cease and Desist Motion was issued in September 2013. The plan was for Respondent to obtain a temporary permit allowing her to take the examination within six (6) months. Respondent did not schedule or attempt the examination during that six (6) month period. Mr. Price stated Respondent has taken on a roll with the Franklin Community School Corporation.

Board action: A motion was made and seconded to issue a Notice of Proposed Default in the matter of Ms. Kasting.

HARNER/RICHARDSON
Motion carried 6-0-0

- B. Scott Peterson, L.M.H.C., License No. 39001409A**
Administrative Cause No. 2014 BHSB 007
Re: Request for Termination of Probation

Parties Present:

Petitioner was present, without Counsel
Maritza Webb, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner
Dr. Osborn, Ph.D.
Dr. Gaff-Clark, Ed.D.
Dr. Poor, M.D.

Case Summary: On or around June 16, 2014, the Board placed Petitioner's mental health counselor license on Indefinite Probation with terms and conditions after a personal appearance for renewal of his mental health counselor license. Petitioner could not petition for termination of probation until the criminal probation in Greenwood City Courts was complete. Petitioner entered Exhibit 1, a copy of discharge from probation; Exhibit 2, a sign-in sheet for AA meetings; and Exhibit 3, a certificate of completion from Greenwood Recovery Court. Petitioner states he has not had any alcohol since September 12, 2013. He also stated he will continue going to AA meetings, as well as exercising self-discipline, and going to church each Sunday. The State does not feel Petitioner has met the terms and conditions of the Board's Order. Upon review of his file, the Board does not feel Petitioner has met the terms and conditions of his probation. The Board advised Petitioner to continue submitting quarterly reports, attend AA meetings and obtain the substance abuse evaluation by an approved individual.

Board action: A motion was made and seconded to deny Mr. Peterson's request for termination of probation in the matter of his mental health counselor license.

RICHARDSON/GAFF-CLARK
Motion carried 6-0-0

- C. **State of Indiana v. Danielle A. Rhodes, L.C.S.W., License No. 34006302A**
Administrative Cause No. 2014 BHSB 011
Re: Complaint

Parties Present:

Respondent was present, and represented by John Tompkins, Attorney
Maritza Webb, Deputy Attorney General for the State of Indiana
Sherril Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner
Dr. Osborn, Ph.D.
Dr. Gaff-Clark, Ed.D.
Dr. Poor, M.D.

Case Summary: This case was discussed in a Settlement Conference prior to the meeting. The State requests a continuance in this matter.

Board action: A motion was made and seconded to grant the State's request for a continuance in the matter of Ms. Rhodes' clinical social worker license.

POOR/OSBORN
Motion carried 6-0-0

VI. SETTLEMENT AGREEMENT

There were no Settlement Agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VIII. DISCUSSION

A. Suzanne Kunkle, Ph.D., H.S.P.P.

Re: Online "Office Hours"

The Board discussed correspondence submitted by Dr. Kunkle requesting guidance in online office hours. The Board feels this may be an item for the Psychology Board. Mr. Richardson stated he would respond to Dr. Kunkle.

B. Sabina Widner, Ph.D., Chair and Patricia O'Connor, Ph.D., Executive Director

Master in Psychology and Counseling Accreditation Council (MPCAC)
Re: Introduction of the MPCAC

The Board discussed correspondence submitted by Drs. Widner and O'Connor regarding the Master in Psychology and Counseling Accreditation Council. Mr. Richardson explained that this is similar to CACREP.

C. Shawnita Yarbro (LSW)

Re: Request for Special Accommodations

The Board discussed the request for special accommodations as requested by Ms. Yarbro. The ASWB stated that they do not recommend the accommodation as requested but would recommend an additional one-half (1/2) hour extension in time based on her condition. Ms. Yarbro submitted a form completed by her optometrist requesting a paper and pencil examination.

Board action: A motion was made and seconded to grant Ms. Yarbro a special accommodation of paper and pencil examination as requested on the initial special accommodation request.

HARNER/RICHARDSON
Motion carried 6-0-0

D. Richard Hatton, L.M.H.C., License No. 39000410A

Re: Request for retake of the NCMHCE Examination

The Board discussed the request by Mr. Hatton to retake the national clinical mental health counselor examination. Mr. Hatton previously requested reinstatement of his expired license. A condition of reinstatement was for Mr. Hatton to take and pass the NCMHC examination. Mr. Hatton took the examination on December 1, 2014 but did not pass.

Board action: A motion was made and seconded to approve Mr. Hatton to retake the NCMHC examination within six (6) months.

RICHARDSON/GAFF-CLARK
Motion carried 6-0-0

E. Election of Officers

A motion was made and seconded to have Mr. Brenner chair the March meeting, then have Mr. Brenner, Mr. Richardson and Mr. Harner co-chair the Board until January 2016 at which time Mr. Osborn will become the board chair.

F. DMHA Meeting – George Brenner

Mr. Brenner spoke of his meeting with DMHA. DMHA's administrative rules state that Indiana addiction counselors must also be certified by DMHA along with their state licensure. Mr. Brenner indicated DMHA is in the process of moving forward to make changes to their administrative rules regarding the licensure process.

G. FSSA and ATG Meeting – Andy Harner

Mr. Harner discussed his meeting with FSSA and the Attorney General's Office. Discussion consisted of the issue of State employees who are exempt from licensure. However, contractors with the State of Indiana would be required to have a valid Indiana license in order to provide services within the Behavioral Health and Human Services Licensing realm. The Indiana Association of Residential Child Care Agencies (IARCCA) has produced a document to encourage individuals to become licensed as required by the State. This is an ongoing discussion.

IX. APPLICATION REVIEW

A. Lori Goins (LCAC)

Dr. Gaff-Clark reviewed the file for Ms. Goins and indicated she meets the requirements for clinical addiction counselor by grandfathering.

Board action: A motion was made and seconded to approve Ms. Goins' application for clinical addiction counselor by grandfathering.

GAFF-CLARK/HARNER
Motion carried 6-0-0

X. PROBATION REVIEW

There were no probation files reviewed by the Board.

XI. FORMAL ADOPTION OF APPLICATION REVIEWS

A motion was made and seconded to approve the recommendations made by each section of the Board for the licensure application reviews conducted from 8:00 a.m. to 9:00 a.m., and at any other time since the previous board meeting.

GAFF-CLARK/OSBORN
Motion carried 6-0-0

XII. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Optimal Balance Coaching, LLC

The Board reviewed the application for continuing education sponsor approval for Optimal Balance Coaching, LLC. The Board does not feel that the program they have proposed is a valid program for counseling continuing education. Pursuant to 839 IAC 1-6-1, continuing education must enhance

Board action: A motion was made and seconded to deny the application for Optimal Balance Coaching, LLC as a continuing education sponsor.

HARNER/OSBORN
Motion carried 6-0-0

**XIII. ADMINISTRATIVE LAW JUDGE PANE RECOMMENDATIONS FROM
SEPTEMBER 22, 2014**

A. Administrative Hearing

1. Alice M. Whalen, L.S.W., L.M.F.T., L.M.H.C.

License No. 33002908A, 35001189A, 39001057A

Administrative Cause No. 2014 BHSB 005

Re: Administrative Law Judge Panel Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order

The Administrative Law Judge Panel Recommended the following:

1. After the clearance of the tax protest on Respondent's licenses, Respondent's licenses will be reinstated on **INDEFINITE PROBATION**.
2. Respondent's licenses shall remain on indefinite probation for no less than **TWO (2) YEARS** from the date of reinstatement of her licenses.
3. While on probation, Respondent shall be subject to the following **TERMS AND CONDITIONS**:
 - a. Respondent shall obtain a clinical supervisor. The clinical supervisor must be licensed as a clinical social worker, marriage and family therapist or mental health counselor in the state of Indiana.
 - b. Respondent's clinical supervisor shall provide direct supervision of Respondent's practice every other week.
 - c. Respondent's clinical supervisor shall submit quarterly written reports to the Board regarding Respondent's clinical practice.
 - d. Respondent shall make quarterly personal appearances before the Board. Respondent's first personal appearance shall occur during the Board's first meeting immediately following the reinstatement of her licenses.
 - e. Respondent must complete half of her annual continuing education requirements with category I sources in the subject areas of ethics, records keeping, and boundaries.
 - f. Respondent must comply with all laws and rules regulating the practice of the Board as well as the general statutory provisions which apply to all the health professions.
 - g. Respondent must keep the Board apprised of the following information and update it as necessary:
 - i). Your current home address, mailing address and your residential telephone number;
 - ii). Your place of employment, employment telephone number, and name of supervisor;
4. Within three (3) months of the reinstatement of Respondent's licenses, Respondent shall complete a fitness for duty evaluation conducted by a HSPP licensed psychologist. The evaluation must also include therapeutic recommendations for Respondent's personal development. Respondent must follow all therapeutic recommendations made by the HSPP psychologist.
5. Within three (3) months of the reinstatement of Respondent's licenses, Respondent must take and pass the jurisprudence exam.
6. Failure to comply with the requirement of probation may subject you to a show cause hearing before this Board and the imposition of further sanctions.

7. Respondent shall, within ninety (90) days, pursuant to Ind. Code § 4-6-14-10(b), pay a **FEE of FIVE DOLLARS (\$5.00)** to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address: Office of the Indiana Attorney General; Attn: Kathy Shively; 302 West Washington Street, 5th Floor; Indianapolis, IN 46204

Board action: A motion was made and seconded to approve the Administrative Law Judge Panel recommendation in the matter of Ms. Whalen.

HARNER/RICHARDSON
Motion carried 6-0-0

XIV. OLD/NEW BUSINESS

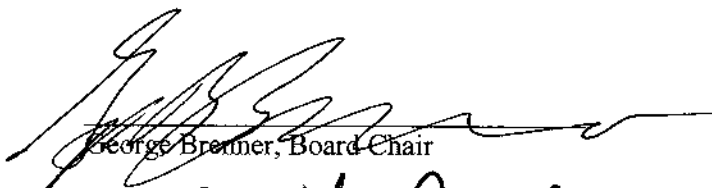
There was no old or new business discussed by the Board.

XV. ADMINISTRATOR'S REPORT

There was no Administrator's Report given to the Board.

XVI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 4:15 p.m. by general consensus.


George Brenner, Board Chair

June 15, 2015
Date


Kimble Richardson, Board Vice-Chair

6/15/2015
Date