

**BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD  
MINUTES  
NOVEMBER 15, 2021**

**I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Mr. Richardson called the meeting to order at 8:01 a.m. through virtual video and audio conferencing and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

**Board Members Present:**

Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Board Chair  
George Brenner, MS, LCSW, LMFT, LCAC, Vice Chair  
Stephan Viehweg, MSW, LCSW  
Andrew Harner, MSW, LCSW, Board Liaison, SW Section Chair, Board Designee  
Kelley Gardner, LMFT (present at 8:07 a.m.)  
Jacqueline Eitel, RN, Consumer Member (present at 8:07 a.m.)  
C. Martin Justice, LMHC, LCAC  
Diana Cooper-Bolinskey, LCSW, LCAC  
Elizabeth Cunningham, D.O., Psychiatric Physician Member  
Jon Ferguson, LMFT

**State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Dana Brooks, Assistant Board Director, Professional Licensing Agency  
Adam Harvey, Deputy Attorney General, Office of the Attorney General

**II. ADOPTION OF AGENDA**

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

Cooper-Bolinskey/Harner  
Motion carried 8-0-0 (Eitel and Gardner not present.)

**III. APPROVAL OF MINUTES**

There were no minutes for review.

**IV. PERSONAL APPEARANCES**

**A. Probation**

1. **Samantha Habbinga, LSW, License No. 33008889A**  
Cause No. 2020 BHSB 0010

Ms. Habbinga was scheduled to appear today but was not present and did not call to inform the Board she would not be present. The Board requested that Ms. Habbinga be rescheduled to December 6, 2021.

**2. Delilah Rose Spriggs, LSW, License No, 33010032A**  
Cause No. 2020 BHSB 0027

Ms. Spriggs appeared as requested to discuss her ongoing probation. She stated that a copy of her evaluation was submitted to the Board for review. The Board has received the evaluation but noted that the evaluation was missing six assessments and it does not list who completed the evaluation. The Board requested that a licensed clinician would need to complete the assessment. Ms. Spriggs provided a copy of her supervisor's reports for the Board to review. She stated that she is doing challenging work and she is having discussions with her supervisor on her cases. The Board requested that in her future supervisor's reports include what she is learning and how it has impacted her. They noted that she is still missing a full assessment by a licensed clinician and proof that all her court proceedings are resolved.

**B. Reinstatement**

**1. Kelly McClarnon, LCSW, License No. 34006735A**

Ms. McClarnon appeared as requested to discuss the reinstatement of her license that expired in 2013. She submitted a statement of her practice since the expiration of her license and 40 hours of CE for the Board to review. Ms. McClarnon stated that she has been in active practice in the state of Texas since 2018 and has since moved back to Indiana.

**Board Action:** A motion was made and seconded to reinstate Ms. McClarnon's clinical social work license pending the completion of the jurisprudence examination.

Brenner/Harner  
Motion Carried 9/0/0 (Eitel not present.)

**C. Application**

**1. June Altayeb (LMHC)**

Ms. Altayeb appeared as requested to discuss her yes response to "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?" and to provide clarification of her work history. Ms. Altayeb is a 2011 graduate of IUPUI. As it appears, she has been practicing since 2014 without a license. Ms. Altayeb submitted a statement and supporting documents for a DUI in 2005. She stated that she planned to start the process for licensure in 2017 but went through some personal issues at that time. She stated that she did take the NCE exam in 2013 and was bothered by not

having a license. As it appears in the information provided in her application she has been practicing since 2014 as a school counselor without a license. She stated that she was unaware that practicing without a license was illegal as she was under supervision of two individuals.

**Board Action:** A motion was made and seconded to approve Ms. Altayeb's application to sit for the NCMHCE examination and to take and pass the jurisprudence examination.

Harner/Gardner  
Motion carried 9/0/0 (Eitel not present.)

## 2. Tyrone Barnes (LMHCA)

Mr. Barnes appeared as requested to discuss his yes response to "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. Barnes is 2020 graduate of Martin University. He submitted a statement and supporting documents for the Board to review. He stated that his incident occurred due to a reaction of his sleep apnea medications while he was driving. The police officer pulled him over as it appeared he was driving under the influence. He stated that his other charge in 2014 occurred due to a violent relationship. When the police came, he was arrested and went to jail in place of his wife. He informed the Board that during the court proceedings the arresting officer spoke on his behalf. The Board stated that his education meets requirements.

**Board Action:** A motion was made and seconded to approve Mr. Barnes' application to sit for the NCE examination.

Viehweg/Brenner  
Motion carried 9/0/0 (Eitel not present.)

## 3. Cheryl Berger (LMHC)

Ms. Berger appeared as requested to discuss her work history as it appeared that she was working without a license since 2009. Ms. Berger is a 2008 graduate of Ball State. Ms. Berger stated that her employer never requested that she obtain a license and that she was working at Centerstone under supervision. She works primarily with children and individual therapy. She is pursuing a license now as Centerstone is requiring a license. The Board informed her that while her employer might not require her to have a license, it is up to her as the professional to know and follow the laws of the State.

**Board Action:** A motion was made and seconded to approve Ms. Berger’s application to sit for the NCHMCE examination and to take and pass the jurisprudence examination.

Viehweg/Harner  
Motion carried 10/0/0

**4. Emily Bernhardt (LSW)**

Ms. Bernhardt appeared as requested to discuss why she did not disclose her background. Ms. Bernhardt is 2021 graduate of the University of Southern Indiana. She submitted a letter and supporting documents for the Board to review. The court required her to complete a deferral program. She completed six (6) months of probation and attended NA meetings. The case was dismissed upon completion of the program. Ms. Bernhardt thought that her record was expunged and on previous background checks she completed it never listed this incident. The Board stated that the paperwork she provided shows that the incident was dismissed and not expunged. Ms. Bernhardt stated it was not her intention to deceive the Board and she no longer smokes marijuana.

**Board Action:** A motion was made and seconded to approve Ms. Bernhardt’s application to sit for the ASWB Master level examination.

Harner/Viehweg  
Motion carried 9/0/0 (Eitel not present.)

**5. Heather Bleeke (LMHC)**

Ms. Bleeke appeared as requested to provide clarification on her application file. Ms. Bleeke graduated from the University of Iowa in 1992 and completed additional courses to meet the educational criteria for licensure. She stated that she has been working at the Bowen Center since 2017 as a Behavior Health Professional. She stated that she has been in the field of mental health for many years and does see clients as a clinician, but she is not a licensed provider or a therapist. The Board stated that some of her duties could be considered the practice of mental health counseling. Ms. Bleeke stated that her duties fall under the exceptions of the law. The Board stated that based upon what she has presented it does not she falls in those exemptions. The Board will need to review her education further, and ~~that~~ she cannot call herself something different while carrying out the work as a mental health counselor.

**Board Action:** A motion was made and seconded to approve Ms. Bleeke’s application to sit for the NCMHCE examination pending education approval and take and pass the jurisprudence examination.

Harner/Viehweg  
Motion carried 10/0/0

**6. Amanda Fields (LSW)**

Ms. Fields did not appear as requested. She will be rescheduled for December 6, 2021.

**7. Morgan Hart (LMHC)**

Ms. Hart appeared as requested to discuss her work history as it appeared that she was working without a license since 2017. Ms. Hart is a 2008 graduate of Ball State University. She stated that she completed the school track and worked primarily in a home base field. Her employer informed her she only needed a school counseling license in order to work. In 2017 she went back into professional work in a part time capacity and was informed that she needed nine (9) more graduate credits for the license. The Board stated that they do not have proof of one hundred (one hundred) hours of supervision which is required. The Board informed her that if she is working in the field, she is required to have a license to practice.

**Board Action:** A motion was made and seconded to approve Ms. Hart’s application to sit for the NCMHCE examination pending the receipt of one hundred (one hundred) hours of supervision and to take and pass the jurisprudence examination.

Viehweg/Justice  
Motion carried 10/0/0

**8. Priscilla Johnson (LMHC)**

Ms. Johnson appeared as requested to discuss her work history as it appeared that she was working without a license since 2013. Ms. Johnson is a 2021 graduate of the University of Indianapolis. She stated that she has never called herself a therapist and has been under the supervision of a psychologist HSPP. She submitted a letter for the Board to review and informed them that she tells her clients that she is working under her degrees and supervision. Ms. Johnson submitted ~~copy~~ of the Medicaid guidelines that she was following. The Board asked her what she would do if one of her clients thought she was not working ethically. She stated that she would direct them to file a complaint against her at the practice. She believes that she falls under the exemptions of those practicing counseling without a license such as a certification exemption or school exemption. The Board stated that Medicaid certification does not fall under certification exemption and has presented information that she does not show she qualifies for the school counseling exemption. While her employer did not require her to have a license, she must follow the laws of the state of Indiana and have a license to practice.

**Board Action:** A motion was made and seconded to approve Ms. Johnson’s application to sit for the NCMHCE examination and to take and pass the jurisprudence examination.

Brenner/Justice  
Motion carried 10/0/0

**9. Jeremy LaReau (LSW)**

Mr. LaReau appeared as requested to discuss his yes response to “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. LaReau is a 2021 graduate of IUPUI. Mr. LaReau submitted a statement and supporting documents for the Board to review. He stated that he completed all the terms set forth by the courts from his incidents in 2013 and 1998. Mr. LaReau stated that he did complete personal counseling and attended a nine (9) month treatment program. He informed the Board that he is currently employed and working at a Bachelor level position until he obtains his Master level license.

**Board Action:** A motion was made and seconded to approve Mr. LaReau’s application to sit for the ASWB Master level examination.

Harner/Viehweg  
Motion carried 10/0/0

**10. Nancy Laurita (LSW)**

Ms. Laurita did not appear as requested. She will be rescheduled for December 6, 2021.

**11. James Moore (LSW)**

Mr. Fields did not appear as requested. She will be rescheduled for December 6, 2021.

**12. Dennis Sipe (LMHC)**

Mr. Sipe appeared as requested to discuss his eighth (8) attempt to take the NCMHCE exam. He submitted a study plan for the Board to review. He informed the Board that he is not a good test taker and struggled in school. He stated that his past work was not clinical work and did not need a license. He is completing additional workshops and practice exams to prepare to pass the exam.

**Board Action:** A motion was made and seconded to approve Mr. Sipe’s application to sit for the NCMHCE examination for the eighth (8) attempt.

Brenner/Cooper-Bolinsky  
Motion carried 10/0/0

**13. Jessica Whitesell (LSW)**

Ms. Whitesell appeared as requested to discuss her yes response to “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. Whitesell is 2020 graduate of Aurora University. Ms. Whitesell submitted a statement and supporting documents for the Board to review. She stated that the incident occurred in April of this year, and she is still completing her criminal probation that will end on December 6, 2021. She stated that she meets with her probation officer on a monthly basis and completes random drug screenings. Ms. Whitesell stated that she is currently attending counseling and is employed as a coordinator.

**Board Action:** A motion was made and seconded to approve Ms. Whitesel's application to sit for the ASWB Master examination, and prior to the issuance of her license she must make a personal appearance before the Board with proof that her criminal probation has been completed.

Harner/Viehweg  
Motion carried 9/0/0 (Eitel not present)

## V. ADMINISTRATIVE HEARINGS

### A. Christy Michelle Harvey, L.C.S.W., License No. 34006673A

Cause No. 2021 BHSB 0020

Re: Administrative Complaint and Proposed Settlement Agreement

#### **Parties Present:**

Respondent was present.

Carah Rochester, Office of Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

#### **Participating Board Members:**

Kimble Richardson, LMHC, Hearing Officer

George Brenner, LCAC

Stephan Viehweg, LCSW

Andrew Harner, LCSW

Kelley Gardner, LMFT

C. Martin Justice, LMHC

Diana Cooper-Bolinskey, LCAC

Elizabeth Cunningham, D.O.

Jon Ferguson, LMFT

**Case Summary:** On or about September 22, 2021, an Administrative Complaint was filed against Ms. Harvey with allegations that she misrepresented her qualifications to the court in regard to an individual who has never been her client or patient. On or

about November 12, 2021, a Proposed Settlement Agreement was reached with the following terms:

- Both parties agree to waive their rights to a public hearing in this matter
- Both parties agree the Settlement resolve any and all allegations in this matter
- Ms. Harvey agrees that a Letter of Reprimand will be issued against her license.
- Ms. Harvey shall pay a fee of \$5.00 to be paid into the Health Records and Personal Identifying Information Protection Trust Fund.
- Ms. Harvey agrees that any further violation of the Final Order may result in further action against her license.

Ms. Harvey stated she had provided a letter in her sister's custody case where she used her credentials. She stated that she knew it was a mistake after she became aware of the issue. She also stated that she reached out for additional boundary training and completed two book recommendations.

**Board Action:** A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Ms. Harvey.

Brenner/Cooper-Bolinskey  
Motion carried 9/0/0

**B. Nathan Smith, L.S.W., License No. 33007819A**

Cause No. 2019 BSB 0005

Re: Petition for Withdraw of Probation

**Parties Present:**

Respondent was present

Amanda Cassidy, Office of Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC, Hearing Officer

George Brenner, LCAC

Stephan Viehweg, LCSW

Andrew Harner, LCSW

Kelley Gardner, LMFT

C. Martin Justice, LMHC

Diana Cooper-Bolinskey, LCAC

Elizabeth Cunningham, D.O.

Jon Ferguson, LMFT

**Case Summary:** On or about August 30, 2019, Mr. Smith's LSW license was placed on Probation due to his failure to disclose an arrest on his 2018 license renewal. The terms of Mr. Smith's probation are the following:

- Mr. Smith's license shall be on Indefinite Probation for no less than one (1) year.



- Mr. Smith shall keep the Board up to date on his contact information.
- Mr. Smith shall appear before the Board every six (6) months while on probation. Prior to requesting withdrawal of his probation, he must have two (2) personal appearances.
- Mr. Smith shall complete ten (10) CE units in the area of ethics in addition to the required CE needed for license renewal.
- Mr. Smith shall provide a copy of the substance abuse evaluation he completed per his criminal probation terms.
- Mr. Smith shall provide proof of his completed criminal probation to the Board.
- Mr. Smith shall pay a fee of \$5.00 to be paid into the Health Records and Personal Identifying Information Protection Trust Fund.
- Mr. Smith agrees that any further violation of the Final Order may result in further action against her license.

Mr. Smith has obtained a license Clinical Social Work license (LCSW) in the State of Indiana and his Social Work license (LSW) has expired. Mr. Smith stated that he has met all terms of his probation, and his LCSW license is free and clear. He stated that he meets with his therapist bi-weekly and is taking medication to address his anxiety. Ms. Cassidy stated that due to current precedent the Board does not have jurisdiction to act on an expired license. The Board thanked Mr. Smith for his time, but ~~that~~ they are unable to address his request to withdraw his probation at this time.

Hearing closed as the Board could not act.

**C. Catina Groves (LCSW)**

Cause No. 2021 BHSB 0022

Re: Appeal of Denial

**Parties Present:**

Respondent was present

Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC, Hearing Officer

George Brenner, LCAC

Stephan Viehweg, LCSW

Andrew Harner, LCSW

Kelley Gardner, LMFT

C. Martin Justice, LMHC

Diana Cooper-Bolinsky, LCAC

Elizabeth Cunningham, D.O.

Jon Ferguson, LMFT

**Witnesses for the Respondent:**

Pat Miller

Rose Clark

John Horsley

Kathy Wenger

**Case Summary:** On or about September 28, 2020, Ms. Groves applied for licensure as a Clinical Social Worker. On or about August 10, 2021, Ms. Groves attempted the ASWB Clinical examination and did not pass. This caused her application to be denied due to failing the examination. She is requesting the Board to grant her licensure as she only failed the examination by one (1) point. She stated that she has been in the practice long enough to have shown she is a good counselor. She stated that she suffers from test anxiety and has requested witnesses to attest to her character and work knowledge.

Ms. Groves called John Horsley as a witness. He stated that he supervises Ms. Groves at Oaklawn. He stated that he received fantastic patient reviews of her work, and she is highly regarded.

Ms. Groves called Rose Clark as a witness. She stated that she has worked with Ms. Groves as a colleague in a clinical setting. She stated that Ms. Groves exemplifies what is needed in the field of social work. She stated that the field needs more people of color in the field like Ms. Groves.

Ms. Groves calls Pat Miller as a witness. Mr. Miller stated that she knows Ms. Groves through various training seminars. She attested that Ms. Groves inspired her to obtain a higher degree of education and helped her find their own passion for social work. She attested that there should be more people of color in the field of Social Work like Ms. Groves.

Ms. Groves called Kathy Wenger as a witness. Ms. Wenger stated that she is licensed in Indiana and Michigan. She stated that she met Ms. Groves twenty (20) years ago through community outreach projects. She stated that Ms. Groves was an immense help for the community outreach and referrals have been done between each other for many years. She stated that clients always spoke highly of Ms. Groves.

The Board asked for clarification to see if Ms. Groves holds an LSW license. She stated that she does, but the work she is in would prefer her to hold the clinical level license. The Board stated that they applaud her work, but they must go by what their law is, which is a passing ASWB clinical exam.

**Board Action:** A motion was made and seconded to uphold the original decision to deny Ms. Groves' application for her clinical license due to failure the examination.

Gardner/Viehweg  
Motion carried 9/0/0

- D. John DeMarsilis, L.M.H.C., License No. 39003327A**  
Cause No. 2021 BHSB 0017  
Re: Administrative Complaint and Extension of Summary Suspension  
Voluntary Summary Suspension Agreement

**Parties Present:**

Respondent was not present  
Carah Rochester, Office of Attorney General  
Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC, Hearing Officer  
George Brenner, LCAC  
Stephan Viehweg, LCSW  
Andrew Harner, LCSW  
C. Martin Justice, LMHC  
Diana Cooper-Bolinskey, LCAC  
Elizabeth Cunningham, D.O.  
Jon Ferguson, LMFT  
Jackie Eitel, Consumer Member

**Case Summary:** On or about August 20, 2021, Mr. DeMarsillis voluntarily agreed to a suspension of his license based upon a self-report of substance use disorder relapse. Currently the State and Mr. DeMarsillis are currently under discussion of a settlement. The State attested that if a settlement cannot be reached, then they will proceed with a full hearing. They are requesting to extend Mr. DeMarsillis' summary suspension in this matter as he is still considered a clear and present danger to the public.

**Board Action:** A motion was made and seconded to accept the proposed Voluntarily Summary Suspension Agreement in the matter of Mr. DeMarsillis.

Viehweg/Harner  
Motion carried 9/0/0

- E. Keely M. King, L.M.H.C., License No. 39003049A**  
Cause No. 2021 BHSB 0011  
Re: Administrative Complaint and Extension of Summary Suspension  
Voluntary Summary Suspension Extension Agreement

**Parties Present:**

Respondent was not present  
Ryan Eldridge, Office of Attorney General  
Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC, Hearing Officer  
George Brenner, LCAC  
Stephan Viehweg, LCSW  
Andrew Harner, LCSW  
C. Martin Justice, LMHC

Diana Cooper-Bolinskey, LCAC  
Elizabeth Cunningham, D.O.  
Jon Ferguson, LMFT  
Jackie Eitel, Consumer Member

**Case Summary:** On or about September 28, 2021, the Board extended the Summary Suspension of Ms. King's license based upon the initial Administrative Complaint filed in this matter in October 2021. The State informed the Board they are requesting an extension of Ms. King's suspension to allow Ms. King's counsel time to gather witnesses for the final hearing.

**Board Action:** A motion was made and seconded to accept the Voluntary Summary Suspension Agreement in the matter of Ms. King.

Harner/Eitel  
Motion carried 9/0/0

- F. Tobyn Riley Linton, L.M.H.C., License No. 39001582A, 87000462A**  
Cause No. 2021 BHSB 0016  
Re: Administrative Complaint and Extension of Summary Suspension  
Proposed Settlement Agreement and Voluntary Summary Suspension Agreement

**Parties Present:**

Respondent was not present  
Carah Rochester, Office of Attorney General  
Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC, Hearing Officer  
George Brenner, LCAC  
Andrew Harner, LCSW  
C. Martin Justice, LMHC  
Diana Cooper-Bolinskey, LCAC  
Elizabeth Cunningham, D.O.  
Jon Ferguson, LMFT  
Kelley Gardner, LMFT  
Jackie Eitel, Consumer Member

**Case Summary:** On or about November 8, 2021, Mr. Linton agreed to a Voluntary Suspension of his license and Proposed Settlement Agreement after an Administrative Complaint was filed against him on October 26, 2021. Mr. Linton has agreed to the following terms:

- Both parties agree to waive their rights to a public hearing in this matter
- Both parties agree the Settlement resolve any and all allegations in this matter
- Mr. Linton agrees that his licenses for LMHC and LCAC shall be suspended for no less than three (3) years.

- Prior to requesting reinstatement from suspension, Mr. Linton agrees he shall complete the following:
  - Sixty (60) hours of continuing education in the areas of ethics and boundaries
  - Shall have at minimum three (3) years of documented visits with an individual therapist.
  - Shall complete a fitness for duty evaluation from an HSPP psychologist. The HSPP provider shall have no discipline on their license, and my not be an acquaintance of Mr. Linton. He shall provide a copy of the Proposed Settlement Agreement and Final order accepting the agreement to the evaluator. The HSPP provider shall submit to the Board a copy of the evaluation and any recommendations made as a result and a signed copy of the Proposed Settlement Agreement and Final Order. The evaluation shall occur no more than sixty (60) days prior to Respondent submitting a petition for reinstatement.
- Mr. Linton shall pay a fee of \$5.00 to be paid into the Health Records and Personal Identifying Information Protection Trust Fund.
- Upon reinstatement of Mr. Linton’s LMHC and LCAC licenses, they shall be placed on Probation with terms deemed appropriate by the Board at that time.

The State requests that the Board accept the voluntary suspension and the Proposed Settlement Agreement.

**Board Action:** A motion was made and seconded to accept the Voluntarily Summary Suspension Agreement in the matter of Mr. Linton.

Justice/Cooper-Bolinsky  
Motion carried 9/0/0

**Board Action:** A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Mr. Linton.

Brenner/Eitel  
Motion carried 9/0/0

**G. Catherine Shumate, L.M.H.C., License No. 39002039A**

Cause No. 2021 BHSB 0012

Re: Administrative Complaint and Proposed Settlement Agreement

**Parties Present:**

Respondent was not present

Carah Rochester, Office of Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC, Hearing Officer

George Brenner, LCAC

Andrew Harner, LCSW

C. Martin Justice, LMHC  
Diana Cooper-Bolinsky, LCAC  
Elizabeth Cunningham, D.O.  
Jon Ferguson, LMFT  
Kelley Gardner, LMFT  
Jackie Eitel, Consumer Member

**Case Summary:** On or about November 8, 2021, Ms. Shumate agreed to a Proposed Settlement Agreement to address the allegations in an Administrative Complaint filed against her on or around July 12, 2021. Ms. Shumate agreed to the following Settlement Terms:

- Both parties agree to waive their rights to a public hearing in this matter
- Both parties agree the Settlement resolve any and all allegations in this matter
- Ms. Shumate’s license shall be Suspended for no less than six (6) months from the date of the Final Order.
- Before requesting reinstatement of her suspended license, Ms. Shumate agrees to complete the following:
  - She shall undergo a fitness for duty evaluation from an HSPP psychologist. She shall provide a copy of the Proposed Settlement Agreement and Final order to the evaluator. The evaluation shall occur no more than sixty (60) days prior to Respondent submitting a petition for reinstatement, and Ms. Shumate must follow all recommendations made by the HSPP.
  - Ms. Shumate shall complete twelve (12) hours of continuing education in the area of ethics and boundaries.
- Ms. Shumate once reinstated from suspension status shall be placed on probation for no less than 1 (one) year with the following terms:
  - Ms. Shumate shall make quarterly personal appearances before the Board.
  - Ms. Shumate shall be supervised by an LMHC licensed by this Board. The supervisor shall not have been previously disciplined by the Board. Ms. Shumate shall have weekly supervisory meetings with the supervisor. She shall cause the supervisor to submit quarterly supervisor reports to the Board addressing her duties, responsibilities, character, and performance in her professional capacity.
  - Ms. Shumate shall provide a copy of all Board orders including the Settlement Agreement imposing the limitations and discipline of practice to her employer. The employer must sign the Final Order and return the signed order within ten (10) days of Ms. Shumate’s employment with them. Should her employment change, Ms. Shumate must have her new employer provide a copy of her signed Order within ten (10) days of her new employment.
  - She shall comply with all statute and rules regulating the practice of mental health counseling and reporting any future arrests, criminal charges, instances of substance abuse, work discipline or terminations to the Board immediately in writing.
  - Ms. Shumate shall keep the Board up to date with her current contact information.
  - Ms. Shumate shall keep the Board up to date with her current employment information and their contact information.

- Ms. Shumate shall pay a fee of \$5.00 to be paid into the Health Records and Personal Identifying Information Protection Trust Fund.

The State is requesting that the Board accept the Proposed Settlement Agreement reached with Ms. Shumate.

**Board Action:** A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Shumate.

Brenner/Cunningham  
Motion carried 9/0/0

**H. Shane Lund, L.S.W., License No. 33007923A**

Cause No. 2021 BHSB 0024

Re: Petition for Summary Suspension

**Parties Present:**

Respondent was not present  
Ryan Eldridge, Office of Attorney General  
Amanda Cassidy, Office of Attorney General  
Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC, Hearing Officer  
George Brenner, LCAC  
Stephan Viehweg, LCSW  
Andrew Harner, LCSW  
C. Martin Justice, LMHC  
Diana Cooper-Bolinskey, LCAC  
Elizabeth Cunningham, D.O.  
Jon Ferguson, LMFT  
Jackie Eitel, Consumer Member

**Witnesses for the State:**

Amber Young-Rice  
Brittney Snow  
Rachida Bejja

**Case Summary:** On or about November 10, 2021 a request was submitted to Summarily Suspend Mr. Lund's social work license due to allegations that he is a clear and present danger to the public. The State has attempted to contact Mr. Lund by mail, at three email addresses associated with Mr. Lund and by telephone based upon the contact information on file. At this time, the State has not received a response from Mr. Lund to address the allegations. On or about February 8, 2020, Mr. Lund was hired at Quality Counseling Psychological Services as a therapist. He did disclose to his employer a history of alcohol abuse, and arrests that occurred because of that history. He had informed his employer that he has completed a treatment

program to address that history. During his employment it was suspected that he relapsed. It was reported to the State that Mr. Lund was eventually terminated from his employment due to gross misconduct, harassment of employees, violating ethics and confidentiality, interference, and other egregious actions. The State informed the Board that in the last thirty (30) days Mr. Lund has been arrested twice. One arrest was for the possession of methamphetamine, and the other arrest was for domestic battery and stabbing of a domestic partner.

The State called Brittney Snow as witness. Ms. Snow is employed at the Office of Attorney General's Office as a case analyst and investigator. She stated that she subpoenaed his employment records, criminal history records, and completed witness testimonies in this matter.

The State presented Exhibit A which is a copy of Mr. Lund's employee records at Quality Counseling. It showed that during Mr. Lund's employment there were disciplinary complaints filed against him which led to his termination based upon excessive lateness, failure to document, insubordination, harassment of employees, and ethical and confidential violations. There were reported emails between Mr. Lund and another employee about his belief of being watched by the FBI, and of him sharing graphic violent images that the employee did not wish to see. The employee urged him to reach out to a doctor for assistance, and ultimately had to pursue a protective order against Mr. Lund. Ms. Snow stated that in the copy of Mr. Lund's employment record, it shows that Mr. Lund did violate the protective order which was reported to the police. Ms. Snow stated that she then subpoenaed Mr. Lund's police record.

The State presented Exhibit B and C which is a copy of Mr. Lund's Criminal Records. Ms. Snow stated that Mr. Lund's Criminal Records showed that he was placed on a forty-eight (48) hour psychiatric watch after Mr. Lund accused his employer of starting a conspiracy against him with his ex-wife. Ms. Snow stated that Mr. Lund's history shows he currently has battery and possession of methamphetamine charges filed against him. Ms. Snow reported that Mr. Lund is currently incarcerated in the Hamilton County jail. She stated that she was informed of this information yesterday after she followed up on [www.mycase.IN.gov](http://www.mycase.IN.gov).

The State called Amber Young-Rice as witness. Ms. Young-Rice stated that she is currently employed at Quality Counseling as a subcontractor. She stated that Mr. Lund was one of her co-workers that completed training with her and shadowed her. Ms. Young-Rice described some of the inappropriate texts, phone calls, and emails that Mr. Lund sent her. She stated Mr. Lund initially contacted her to seek clarification on cases, but the calls would become agitated and off task. Ms. Young-Rice stated that the agitated responses she received from Mr. Lund gave her concerns about her safety. She reported to the Board that clients had approached her of Mr. Lund's behavior and reported that he was pushing religious beliefs onto them.

The State called Rachida Bejja as witness. Ms. Bejja is the Clinical Director of Quality Counseling. She stated that she was Mr. Lund's direct supervisor and knew that he was struggling. She stated that she tried to assist him prior to the termination, but Mr. Lund was not receptive to her attempts. She described some of the insubordination incidents to the Board, and her attempts to correct his actions. She stated that before his termination, Mr. Lund



reported to her of an OWI he was involved in, and his intention to not report it on his license renewal. She stated that she urged him to report it and expressed concerns when he arrived at work the next day with a hangover. She stated that some of their clients suffered from substance use disorder, and she tried to place him in a more administrative role to protect their client's recovery and Mr. Lund's as well. Mr. Lund refused any drug screenings that the company requested and insisted he did not have an issue. Ms. Bejja stated that based upon the behavior Mr. Lund exhibited she had concerns that his behavior was of a mental health condition. She stated that she expressed fears of his behavior against others and cooperated with the protection order issued by the courts. She stated that she does not believe he can practice at this time.

The State concluded that Mr. Lund is a clear and present danger to the public. They stated that based upon the reports and testimony, he might be experiencing a mental health or substance use disorder that needs treatment. The State testified that Mr. Lund should at this time be focusing on helping himself before he can focus on helping the public. The State requests that the Board summarily suspend Mr. Lund's license and request that before he comes off suspension, he completes a fitness for duty evaluation and resolve his current criminal court allegations.

**Board Action:** A motion was made and seconded to summarily suspend Mr. Lund's social work license.

Harner/Brenner

Motion carried 8/0/0 (Cooper-Bolinsky and Gardner not present.)

**Board Action:** A motion was made and seconded to have Mr. Lund complete a fitness for duty evaluation under a board-certified psychiatrist who has assessment and treatment knowledge for co-occurring substance use disorder.

Cunningham/Brenner

Motion carried 8/0/0 (Gardner and Eitel not present)

## VI. MOTION TO DISMISS

### A. **Mary C. Wring, L.M.H.C., License No. 39003278A**

Cause No. 2020 BHSB 0013

Re: Motion to Dismiss Without Prejudice

#### **Parties Present:**

Respondent was not present

Ryan Eldridge, Office of Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

#### **Participating Board Members:**

Kimble Richardson, LMHC, Hearing Officer

George Brenner, LCAC

Andrew Harner, LCSW

C. Martin Justice, LMHC  
Diana Cooper-Bolinskey, LCAC  
Elizabeth Cunningham, D.O.  
Jon Ferguson, LMFT  
Kelley Gardner, LMFT  
Jackie Eitel, Consumer Member

**Case Summary:** On or about July 9, 2020, an Administrative Complaint was filed against Ms. Wring. The State is requesting the Board to dismiss without prejudice currently pending in this matter. Ms. Wring does not hold a current license with the Board. Based upon current court rulings, the Board can only pursue actions against practitioners with current active status. The State informed the Board that they may readdress the Administrative Complaint concerns should Ms. Wring seek reinstatement of her license.

**Board Action:** A motion was made and seconded to grant the State's Motion to Dismiss Without Prejudice in the matter of Ms. Wring.

Harner/Cooper-Bolinskey  
Motion carried 8/1/0 Justice recused.

## **VII. DISCUSSION**

No items for discussion.

## **VIII. APPLICATIONS FOR REVIEW**

### **A. Kathleen Jones, LMHC**

Ms. Jones' application was submitted to the Board due to her submitting hours completed as a private counselor. The Board stated they will need to review their statute and rules on what can be accepted for private practice hours before they make a final decision. Application tabled.

## **IX. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL**

The Attorney General's office reported to the Board that they have 104 open complaints and they have closed 111 since the beginning of the year. The average age of the open complaints is 5.5 months. There are currently twenty-one open litigation cases with only eleven opened this year. The average duration of the litigation cases is 5.6 months.

## **X. FORMAL ADOPTION OF APPLICATION REVIEWS**

A motion was made and seconded to formally accept the adoption of application reviews.

Brenner/Harner  
Motion carried 9/0/0 (Viehweg not present.)

**XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW**

- A. Ascension St. Vincent Community Outreach & Human Trafficking
- B. Ireland Home Based Services, LLC
- C. Mental Health America of Monroe County
- D. Valley Professional Community Health Center

The Board reviewed the above CE applications and did not find any concerns with what had been submitted.

**Board Action:** A motion was made and seconded to approve the above CE Applications submitted to the Board.

Harner/Brenner  
Motion carried 9/0/0 (Viehweg not present.)

**XII. OLD/NEW BUSINESS**

Mr. George Brenner, LCAC, informed the Board that he is resigning from his position as a Board Member. He stated that his last meeting with the Board will be December 6, 2021. He informed the Board members that he consult with Board Counsel, IPLA, and Dr. Cooper-Bolinsky to discuss addiction files and rules. The Board accepted his resignation and thanked him for his years of service to the State of Indiana.

**XIII. ADMINISTRATORS' REPORT**

There was no report.

**XIV. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 3:04 p.m. by general consensus.

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Kimble Richardson, MS, LMHC, LCSW,  
LMFT, LCAC, MHC  
Chair

\_\_\_\_\_  
Date