

**BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD  
MINUTES**

**December 5, 2022**

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

Mr. Richardson called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-14-1-12(a).

**Board Members Present:**

Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Board Chair  
Andrew Harner, MSW, LCSW, SW Section Chair, Board Designee  
Stephan Viehweg, MSW, LCSW  
Kelley Gardner, LMFT  
Jon Ferguson, LMFT  
C. Martin Justice, LMHC  
Dr. Dianna Cooper-Bolinskey, LCAC

**Board Members Not Present:**

Jacqueline Eitel, RN, Consumer Member  
Vacant – Clinical Addiction Counselor  
Vacant - Physician

**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/Justice  
Motion carried 7-0-0

**III. APPROVAL OF MINUTES**

There were no minutes for review.

**IV. PERSONAL APPEARANCES**

**A. Probation**

1. **John DeMarsilis, LMHC, License No. 39003327A**  
Cause No. 2021 BHSB 0017

Mr. DeMarsilis appeared as requested to discuss his ongoing probation. He informed the Board that things are going well, and he has maintained sobriety for one (1) year and four (4) months.

The Board noted that they have not received his quarterly reports. He stated that he does not currently have a personal counselor as he does not have health insurance to pay for the sessions. He stated that he is waiting until he has a sustainable employment before he is able to provide counselor reports.

The Board inquired about reports from his twelve (12) step meetings. He stated that his sponsor emailed him the letter this morning. The Board noted that he is required to attend his twelve (12) step meetings twice a week. Mr. DeMarsilis stated that he was unable to do that as he was out of town. Board reminded him that twelve (12) step meetings are available online which allow for virtual attendance. The Board advised him to look into virtual meetings if he is going to be out of town. His first 12-Step report was received on December 4, 2022.

Mr. DeMarsilis stated that he has not completed the required continuing education as outlined in the Board order, as of this date.

Other reports that were not submitted were signed order by employer, supervisor reports and employment information. Mr. DeMarsilis submitted a personal report due to not being employed.

The Board inquired on his lack of attendance at his probation appearance on September 26, 2022. He stated that he was unable to attend. Mr. DeMarsilis stated that he has taken a step back from his career in order to do more self-assessing. He stated that he submitted a request for license renewal, and requested the Board accept his appearance for his probation, to also be for his license renewal.

**Board Action:** A motion was made and seconded, to renew Mr. DeMarsilis' mental health counselor license. His license will remain on probation.

Justice/Cooper-Bolinsky  
Motion carried 7-0-0

2. **Andrew Hertel, LAC, License No. 86000352A**  
Cause No. 2022 BHSB 0019

Mr. Hertel was not present for his first probation appearance. Based upon information received, Mr. Hertel has been charged on September 6, 2022, with possession of methamphetamine and unlawful possession of a syringe which has occurred since his license was placed on probation.

**Board Action:** A motion was made and seconded to issue an Order to Show Cause to Mr. Hertel for failure to appear and the new charges filed on September 6, 2022.

Harner/Viehweg  
Motion carried 7-0-0

3. **Cara Juarez, LBSW, License No. 33900293A**  
Cause No. 2022 BHSB 0023

Ms. Juarez appeared as requested to discuss her ongoing probation. She informed the Board that her criminal charges are still pending. She stated that she was hoping to have them resolved in September, but they pushed her pre-trial case to March 2023. The Board informed her that once she has the completed documents for her pre-trial, to submit them for her file.

Ms. Juarez stated that she is working to complete the required continuing education hours per her order. She indicated that she has completed one course. The Board stated that they do not have a copy of her certificate of completion and requested that she submit copies of her certificates prior to the meeting in order to discuss at her probationary appearances.

Ms. Juarez stated that she has not moved and is currently on maternity leave from her employment at Community Health in Anderson. She stated that her work is going smoothly.

**4. Jacob Mauck, LMHCA, Temporary Permit No. 99102099A**  
Cause No. 2020 BHSB 0028

Mr. Mauck appeared as requested to discuss his ongoing probation. He stated that he has submitted a request to withdraw his probation and that he has completed the required continuing education. The Board questioned him on what he has learned by completing the courses.

Mr. Mauck's counselor has submitted reports on his progress, and he feels that the counseling is going well. He stated that he has changed his personal activities and friends to ensure that he does not relapse. Reports from his employer, Jeff Romer, were submitted and reviewed by the Board. Mr. Mauck stated that his work is going well.

Mr. Mauck discussed his work progress with the Board, and the impact the changes has made to his life. He discussed the program he completed at Fairbanks, and discussed how that program was set up. The Board reminded him that he needs to ensure he completes a program that has drug screening procedures as that is a requirement of his order. If the program is not providing drug screens, he may need to locate another program.

Mr. Mauck stated he has completed his clinical and supervision hours for his mental health clinical license. He asked as to whether he could take the NCMHCE examination on probation. The Board stated he would be eligible to apply and take the examination.

**5. Margaret (Heine) Parker, LMFT, License No. 35002100A, 88000617A**  
Cause No. 2021 BHSB 0007

Ms. Parker appeared as requested to discuss her ongoing probation. She stated that she has been attending her personal counseling in person as she did not find virtual counseling helpful for her. She stated that her work is going well and is currently supervising associates. Ms. Parker stated that she has a potential job prospect next month.

She stated that she has submitted her quarterly counselor and employer reports for the Board to review. The Board noted that the detail was sparse and provided Ms. Parker details of what items should be reflected in the reports to show her progress.

Ms. Parker stated that she submitted her fitness for duty report completed by Dr. Higgenbottom, HSPP. She discussed with the Board the importance of supervision and the trust between a supervisor and the supervisee.

**6. Scott H. Peterson, LMHC, License No. 39001409A**  
Cause No. 2020 BHSB 0009

Mr. Peterson appeared as requested to discuss his ongoing probation. Mr. Peterson was also scheduled for an Order to Show Cause hearing later on today. The Board stated that they will address his probation compliance at the time of the hearing.

7. **Nathaniel Wagner, LMHC, License No. 39003306A**  
Cause No. 2022 BHSB 0022

Mr. Wagner appeared as requested to discuss his ongoing probation. He stated that he has completed all terms of his court probation. He stated that his criminal court requirement for anger management was modified as he voluntarily entered personal counseling. He stated that the final hearing for the criminal matter was in August. He stated that his personal counseling is going well, and his private practice is going well. Mr. Wagner stated he is no longer employed at Indiana State. His current employer is Talk Space. He stated that he does have a colleague to discuss cases with for his private practice. He provided the Board information on his self-care routine and provided the Board with his updated contact phone number. He informed the Board that he has completed thirty-two (32) hours of continuing education in the area of domestic violence, and he is going to work on completing the professional boundaries continuing education soon. The Board discussed what he has learned in completing the continuing education.

**B. Reinstatement**

There were no reinstatements for review.

**C. Application**

1. **Jebadiah Bond (LCSW)**

Mr. Bond appeared as requested to provide clarification on his work history. The Board noted that he submitted supervision forms that indicate he cannot locate his supervisor as his supervisor is deceased. He additionally provided an employment form that could not be verified by the employer as the company was purchased by another entity. The Board stated that they need someone besides him to verify that the hours he completed occurred. The Board inquired if his current work from 2013 to now can be verified. Mr. Bond stated that he did not have a LCSW supervisor available. He stated that his current employment does not have an LCSW on staff. The Board stated that he could contract with a supervisor, because his RN supervisor cannot provide supervision for his hours. The Board stated that they cannot accept his hours as submitted. They advised Mr. Bond that he could work at his current job under contracted supervision by an LCSW for additional time, he could see if he could get his time verified at his previous employers and supervisors based upon the records that were kept, or he could have colleagues provide letters of support that know he completed the hours that he cannot verify.

**Board action:** The Board tabled Mr. Bond's application pending submission of additional information.

2. **Jodi Brumbaugh (LMHCA)**

Ms. Brumbaugh's application was rescheduled for January 23, 2023.

3. **Tayka Gotay-Santana (LMHCA)**

Ms. Gotay-Santana did not appear.

4. **Daniel Teske (LMHC)**

Mr. Teske's application was rescheduled for January 23, 2023.

5. **Christina Thacker (LSW) (LCSW)**

Ms. Thacker appeared as requested to provide more clarification on her work history. Ms. Thacker provided documentation that she was self-employed as a social worker under the supervision of Kelly McNeal. Ms. Thacker stated that Ms. McNeal was her supervisor of her overall job, and she had another supervisor for a year. Ms. Thacker stated that she then started her own agency her second year. The Board informed Ms. Thacker that what she is describing is private practice, and she cannot have a private practice until she is a clinical social worker. Ms. Thacker stated that there is no license requirement to own her own practice. She provided the Board with details of the types of clients she sees, and the services she provides. She stated that the business she started only requires two (2) years of experience and a high school degree. The Board stated that what she is claiming for her application should be clinical work completed, and if you are providing clinical work, you must be supervised by a clinical social worker and not in your own private practice. Ms. Thacker stated that the care plans are not completed by her, but by facilitators. She stated that they do not do CBT but do strength-based models that require you to have a certificate of training. The Board is still unsure how the employment and supervision are organized. Ms. Thacker stated that the supervisor is not contracted. She stated that the employees are a part of the division of mental health that requires two years of experience in the field and a high school diploma. They then have to pass a background check, and if they pass then they are given an examination. The Board is still not clear on what work she has completed that she considers clinical. She stated that she handles the clients that require mental health diagnosis and medication evaluations. She stated that the employees do not handle those cases, just her. The Board inquired what would occur if there needed to be corrective action for her clinical work. Ms. Thacker stated that if a client is not satisfied with her work, then they contact the facilitators, who then contacts Meridian Health Services who the facilitator is contracted through. She stated that she always tries to encourage people to reach out to her first to try to resolve the issue, or if she can direct them to a better fit for therapy. The Board stated they have more concerns on the clinical aspect rather than poor service. Ms. Thacker stated that she can provide work summaries to show what services she provides. The Board stated that what she has described does not sound like clinical work. They stated that she has documented eighteen (18) months of clinical work they can accept, but they cannot accept seven (7) months as it is not clinical work.

**Board action:** The Board tabled Ms. Thacker's application pending submission of an additional seven (7) months of clinical work.

6. **James Woodard (LCACA)**

Mr. Woodard appeared as requested to discuss his LCACA application. The Board noted for his application that the educational criteria for psychopharmacology and family dynamics do not appear to be met. The Board informed him that they will accept a letter from his program director, or his syllabi for review. The Board noted that they also do not see a completed practicum form from his school. Mr. Woodard stated that he will submit that additional information. The Board accepted his response regarding his past arrests, but they cannot move his application until he submits additional information.

Mr. Woodard provided information on his struggle with the NCE exam for his LMHCA application. Board staff indicated that they have received his emails regarding the issue and stated that the exam service must resolve first before the Board can address options.

**Board action:** The Board tabled Mr. Woodard’s application pending submission of additional information.

## V. ADMINISTRATIVE HEARINGS

### A. Phillisha Brown, LSW, License No. 34006895A

Cause No. 2022 BHSB 0003

Re: Administrative Complaint and Proposed Settlement Agreement

#### **Parties Present:**

Respondent was present

Respondent’s Attorney – Ms. Brown is not represented and waives

Jeremy Waddell, Deputy Attorney General, Office of the Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

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

Kimble Richardson, LMHC (Hearing Officer)

Andrew Harner, LCSW

Stephan Viehweg, LCSW

Kelley Gardner, LMFT

Jon Ferguson, LMFT

C. Martin Justice, LMHC

Dr. Dianna Cooper-Bolinsky, LCAC

**Case Summary:** On or about March 4, 2022, an Administrative Complaint was filed against Ms. Brown with allegations that she did not remain current with the current standards of competent professional practice, and that she failed to provide sufficient information on the services she provided by not maintaining adequate records of care. On or about November 4, 2022, a Proposed Settlement Agreement was presented to the Board with the following terms:

- Both parties waive their rights to a public hearing in this matter,
- Both parties agree that the Proposed Settlement will resolve any and all claims or allegations in this matter.
- Ms. Brown’s license shall be placed on Indefinite Probation for a minimum of one (1) year.
- Ms. Brown shall pay a fee of \$5.00 to be deposited in the Health Records and Person Identifying Information Protection Trust Fund.

- Prior to petitioning to come off probation, Ms. Brown agrees to complete five (5) hours of continuing education in the area of professional boundaries and five (5) hours of continuing education in the area of record keeping/practice organization. She shall submit proof of completion to Professional Licensing Agency.
- Ms. Brown's practice of social work while on probation shall be governed by the following terms and conditions:
  - Shall maintain her current home address and contact information with the Board. Any changes to her information should be sent and notified to the Board within seven (7) days.
  - Ms. Brown shall notify the Board of her employment, and employment contact information. If a change should occur with her employment, Ms. Brown shall notify the Board within seven (7) days of the change and the new contact information.
  - Ms. Brown shall provide a copy of all Board orders imposing discipline or limiting her practice to her social work employer. Her employer shall sign and return a copy of the order to the Board with employer letterhead, and/or business card attached within seven (7) days of employment or receipt of this order. Should her employment change, she shall submit a copy of the order, signed by her new employer within seven (7) days of commencing her new employment.
  - Ms. Brown shall submit to the Board quarterly supervision reports from all her social work employers that address her work performance, attendance, documentation, communication skills, disciplinary action, and/or any complaints made against her. If she is not employed as a social worker, Ms. Brown shall submit personal quarterly reports stating why she is not employed as a social worker, and the current nature of her employment. All reports must be submitted individually at the end of every quarter while her license remains on probation. Her probationary supervision reports shall be completed by Bridget Sibó, or another supervisor approved by the Board should Ms. Sibó be unavailable.
  - While on probation, Ms. Brown shall appear before the Board twice per year.
  - Ms. Brown understands that any violation of the Final Order, or any noncompliance of the Order may lead to further disciplinary action against her license.

Mr. Waddell and Ms. Brown both requested that the Board accept the Proposed Settlement Agreement as read. They feel it addresses the concerns the Board may have regarding the allegations.

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

Viehweg/Justice  
Motion carried 7-0-0

**B. Hossam E.S. Kamal Youssef**

Cause No. 2022 BHSB 0030

Re: Order to Show Cause and Voluntary Agreement to Cease and Desist

**Parties Present:**

Respondent was not present

Autumn Murphy, Deputy Attorney General, Office of the Attorney General  
Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)  
Andrew Harner, LCSW  
Stephan Viehweg, LCSW  
Kelley Gardner, LMFT  
Jon Ferguson, LMFT  
C. Martin Justice, LMHC  
Dr. Dianna Cooper-Bolinskey, LCAC

**Case Summary:** On or about October 6, 2022, a Motion to Cease and Desist was filed in the matter of Mr. Kamal Youssef as he has been providing counseling services without a valid license to practice those services. Ms. Murphy stated that Mr. Kamal Youssef is aware he has been requested to appear before this Board to provide more information regarding his practice. On or around November 21, 2022, he signed a Voluntary Agreement to Cease and Desist. Mr. Kamal Youssef has agreed to modify his website and social media to eliminate the language that he provides mental health counseling services, and to state that he provides spiritual health. Mr. Kamal Youssef has agreed that the Board does have authority in this matter. Ms. Murphy stated that spiritual health counseling aligns with the religious rights for pastoral counseling, and the State does not wish to infringe upon those rights. Mr. Kamal Youssef has now listed himself as a Christian counselor.

**Board Action:** A motion was made and seconded to accept the Voluntary Cease and Desist Agreement as presented in the matter of Kamal Youssef.

Viehweg/Harner  
Motion carried 7-0-0

**C. Jennifer Dyarman, LCSW, LCAC, License No. 34006895A, 87001541A**

Cause No. 2021 BHSB 0027

Re: Petition for Modification of Probation

**Parties Present:**

Respondent was present by phone  
Respondent counsel Elliot Pinky was present  
Autumn Murphy, Deputy Attorney General, Office of the Attorney General  
Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)  
Andrew Harner, LCSW  
Stephan Viehweg, LCSW  
Kelley Gardner, LMFT  
Jon Ferguson, LMFT  
C. Martin Justice, LMHC  
Dr. Dianna Cooper-Bolinskey, LCAC

**Case Summary:** On or about June 20, 2022, a Proposed Settlement Agreement was accepted with the following terms:



- Respondent's Indiana L.C.S.W. and L.C.A.C. licenses shall remain on INDEFINITE PROBATION for a MINIMUM of EIGHTEEN (18) MONTHS.
- While on probation, Respondent's licenses shall be governed by the following terms and conditions:
  - Respondent shall keep the Board informed of her residential address and telephone number at all times.
  - Respondent shall keep the Board informed of her behavioral health employer(s) name, address, and telephone number at all times.
  - Within NINETY (90) DAYS of the date of the Final Order in this cause, Respondent shall have a fitness for duty performed by an HSPP or L.C.S.W. Respondent shall abide by all treatment recommendations made by the provider. The provider shall not be someone with whom Respondent has a prior professional or personal relationship of any kind.
  - Respondent shall make QUARTERLY PERSONAL APPEARANCES before the Board.
  - Respondent shall have all behavioral health employers submit a signed copy of the final order in this matter and any future orders to the Board within ten (10) days of beginning employment, so long as Respondent is on probation.
  - Respondent shall have all behavioral health employers submit quarterly reports to the Board detailing her work performance. If Respondent is not employed as an L.C.S.W. or L.C.A.C., she shall submit quarterly self-reports to the Board detailing her personal circumstances. These reports shall continue so long as Respondent is on probation.
  - If Respondent is self-employed, Respondent shall have a PRACTICE MONITOR audit Respondent's cases on a QUARTERLY basis and submit quarterly reports to the Board of their audit and any other supervision they have provided to Respondent. The practice monitor shall be a practitioner licensed by the Board and not have had any disciplinary sanctions levied against their licensed by the Board. The practice monitor shall not be someone with whom Respondent has a prior professional or personal relationship of any kind.
  - Respondent shall complete twenty (20) additional continuing education hours in boundaries and ethics. Respondent shall submit proof of completion to the Board.
  - Respondent shall not practice social work or clinical addiction counseling in a correctional setting, inclusive of offering services to incarcerated clients.
  - Respondent shall not violate any statutes or rules regulating the practice of behavioral health.
  - shall pay a fee of \$5.00 to be deposited in the Health Records and Person Identifying Information Protection Trust Fund.
  - The Respondent must maintain her licenses in ACTIVE STATUS at all times while the Board's Final Order is in effect. If the Respondent fails to maintain her licenses in active status, the Respondent agrees that any renewal application shall be denied by the Board unless the Respondent agrees to continue the terms of discipline ordered under this cause number on the renewed licenses.
  - Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of behavioral health, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action

pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's licenses.

Mr. Pinky submitted a petition to modify Dr. Dyarman's probationary terms in order to provide clarification of the term of Practice Monitor. He is requesting that the term be reworded to be practice supervisor or similar term to align with the expectations that the Board wants Dr. Dyarman to complete. He reported that Dr. Dyarman is currently self-employed in the practice of clinical social work. She stated that she has searched for a practice monitor online to audit her cases. She is finding it difficult searching for a practice monitor, and that she has also searched using the terms "consultation and supervision". She stated that if she used the specific term, practice monitor, she could not locate anyone. She provided the Board details on her attempts to gain a practice monitor. The Board inquired if anyone she has contacted had reticence with the term of practice monitor. Dr. Dyarman stated that some did after she explained the term to them. She stated that no one she contacted had heard that term used in the profession. The Board clarified that a practice monitor is someone who provides supervision to individuals in a private practice, and they monitor the clinical and administrative processes. Primarily they focus on the administrative processes. Mr. Pinky stated that if the term is changed, it will help her find someone to do that supervision for her and meet the requirements of her Order. The State indicated they had no objections to the change in term as long as the case requirement for reviews and reports are met.

**Board Action:** A motion was made and seconded to modify Dr. Dyarman's probation due to changed circumstances and to change the term "Practice Monitor" to "Practice Supervisor" to the following:

If Petitioner is self-employed, Petitioner shall have a PRACTICE SUPERVISOR audit Petitioner's cases on a QUARTERLY basis and submit quarterly reports to the Board of their audit and any other supervision they have provided to Petitioner. The Practice Supervisor shall be a practitioner licensed by the Board and not have had any disciplinary sanctions levied against their license by the Board. The Practice Supervisor shall not be someone with whom Petitioner has a prior professional or personal relationship of any kind.

Viehweg/Harner  
Motion carried 7-0-0

**D. Joy E.P. Bell, LMHC, License No. 39001547A**

Cause No. 2021 BHSB 0008

Re: Petition for Withdraw of Probation

**Parties Present:**

Respondent was present

Autumn Murphy, Deputy Attorney General, Office of the Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)

Andrew Harner, LCSW

Stephan Viehweg, LCSW

Kelley Gardner, LMFT

Jon Ferguson, LMFT

C. Martin Justice, LMHC

Dr. Dianna Cooper-Bolinskey, LCAC

**State Witness:**

Cindy Vaught, Board Director, Indiana Professional Licensing Agency

**Case Summary:** On or about September 21, 2021, a Settlement Agreement was reached to address the violation that Ms. Bell failed to report to the department of child services or local law enforcement agency suspected child abuse. Ms. Bell agreed to the following terms:

- Respondent's L.M.H.C. license shall remain be placed on INDEFINITE PROBATION for a MINIMUM of ONE (1) YEAR from the date of the final order. Respondent may petition to withdraw the probation after ONE (1) YEAR from the Board's final order.
- While on probation, Respondent's license shall be governed by the following TERMS AND CONDITIONS:
  - Respondent shall complete TWELVE (12) CONTINUING EDUCATION HOURS in professionalism/ethics and law. Respondent shall submit proof of completion to IPLA.
  - Respondent shall provide a copy of all Board orders, including this one, imposing discipline or limiting practice to any behavioral health employer who shall sign and return a copy of such orders to the Board and the OAG within ten (10) days of employment or receipt of the Order. Should Respondent's employer change, Respondent shall submit a new, signed copy of the Board's Final Order accepting the Agreement from the new employer within ten (10) days of Respondent beginning employment.
  - If Respondent is self-employed, Respondent shall have a PRACTICE MONITOR audit Respondent's cases on a QUARTERLY basis and submit quarterly reports of their audit to the Board. The practice monitor shall be a Licensed Mental Health Counselor or a Licensed Clinical Social Worker in Indiana, be approved by the Board, and not have had any disciplinary sanctions levied against their license by the Board.
  - The Applicant must keep the Board apprised of the following information in writing and update it as necessary:
    - Respondent's current home address, mailing address, e-mail address and residential telephone number.
    - Respondent's place of employment, employment telephone number, employment e-mail address and name of supervisor.
  - Respondent shall comply with all statutes and rules regulating the practice of mental health counseling and report any future arrests, instances of substance abuse, work discipline or terminations to the Board immediately in writing.
  - Respondent shall have TWO (2) PERSONAL APPEARANCES before the Board.
  - shall pay a fee of \$5.00 to be deposited in the Health Records and Person Identifying Information Protection Trust Fund.
  - Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.
  - Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of behavioral health, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's licenses.

On or about October 3, 2022, a petition to withdraw probation was submitted. Ms. Murphy stated that the practice monitor and \$5.00 fee have been verified as completed by the Attorney General's Office. Ms. Bell stated that she understands she was bullied by her management to follow their policy regarding reporting, rather than the State's requirements. She stated that her practice monitor was Steven Jerrel who did not find any concerns when he reported to the Board. She stated that she completed the required continuing education in the area of ethics. She stated that she has been working in private practice and received a number of self-referrals. She stated that she is keeping herself up to date with the current laws and practices. Ms. Bell is looking forward to accepting a new part-time position once her probation is withdrawn.

The State called Cindy Vaught as witness. Ms. Vaught confirmed receipt of twelve (12) hours of continuing education, completed quarterly reports, and completed two Board appearances in March and August 2022.

The State concluded that they have no objections to Ms. Bell's request to withdraw probation.

**Board Action:** A motion was made and seconded to grant Ms. Bell's petition to withdraw probation.

Justice/Gardner  
Motion carried 7-0-0

**E. David Moore, LCSW, License No. 34007612A**

Cause No. 2016 BHSB 0015

Re: Petition for Withdraw of Probation

**Parties Present:**

Respondent was present

Ryan Eldridge, Deputy Attorney General, Office of the Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)

Andrew Harner, LCSW

Stephan Viehweg, LCSW

Kelley Gardner, LMFT

Jon Ferguson, LMFT

C. Martin Justice, LMHC

Dr. Dianna Cooper-Bolinsky, LCAC

**State Witness:**

Cindy Vaught, Board Director, Indiana Professional Licensing Agency

**Case Summary:** On or about August 24, 2016, Mr. Moore's clinical social work license was placed on probation as he was found in violation of professional incompetence by performing duties outside his scope of training and failure to keep abreast of current practice standards. Mr. Moore is required to meet the following terms and conditions:

- Shall be placed on Indefinite Probation for no less than two (2) years, and may not petition no sooner than April 14, 2018
- While on probation, Respondent agrees to the following terms:

- Respondent shall keep the Board informed of any change in his home address, telephone number, e-mail address, or place of employment.
- Respondent shall not violate any laws regulating the practice of social work.
- Respondent shall make quarterly personal appearance before the Board.
- Respondent shall practice under the supervision of a licensed clinical social worker.
- Respondent shall provide a copy of orders to his supervisor for signature and shall submit a copy of this signed order to the Board.
- Respondent shall cause his supervisor to submit quarterly reports to the Board advising the Board of Respondent's professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.
- Respondent shall complete twenty (20) hours of continuing education hours per renewal cycle in the areas of ethics, trauma, and boundaries.

On or about August 29, 2022, Mr. Moore submitted a petition to withdraw his probation. He stated that he has completed over twenty hours of continuing education in ethics and boundaries. Mr. Moore stated he found volunteer employment to work and obtain the required supervision required by his order. He stated that during his previous appearances before the Board discuss was held regarding issues, he had with completing the supervision. Mr. Moore submitted Exhibit 1, which is a letter from his supervisor. The State did not object to the letter but noted that it was not signed. The Board had concerns with accepting the exhibit as it is not signed by his supervisor. Mr. Moore stated he does not know why it is not signed, but his supervisor provided her phone number if they have concerns. The Board accepted the Exhibit.

Mr. Moore stated that he started his own practice, David Moore Counseling Services, in May/June and has been working there. He indicated that he was working at Ryan's Place and Lifeline Youth previously. He stated that he worked at Ryan's Place at an average of five (5) to ten (10) hours per week. Mr. Moore stated that his supervisor is still supervising his practice at his current employment and has submitted quarterly reports. He stated that he has paid his \$5.00 fee.

The State called Cindy Vaught as witness. Ms. Vaught reported that she has received his quarterly reports, completed CEU certificates, and has made his Board appearances.

The State concluded that while Mr. Moore has met requirements, he has only provided six (6) months of documented supervision. The State concluded that it is up to the discretion of the Board, if they feel he has met all deficiencies that placed him on probation.

**Board Action:** A motion was made and seconded to approve Mr. Moore's petition to withdraw probation.

Viehweg/Harner  
Motion carried 7-0-0

**F. Jennifer Vickers**

Cause No. 2022 BHSB 0033

Re: Order to Show Cause – Cease and Desist

**Parties Present:**

Respondent was present

Ryan Eldridge, Deputy Attorney General, Office of the Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)  
Andrew Harner, LCSW  
Stephan Viehweg, LCSW  
Kelley Gardner, LMFT  
Jon Ferguson, LMFT  
C. Martin Justice, LMHC  
Dr. Dianna Cooper-Bolinsky, LCAC

**State Witness:**

Carolyn Rowe, Case Analyst, Office of the Attorney General

**Case Summary:** On or about November 14, 2022, a Motion to Cease and Desist was filed against Ms. Vickers with allegations that she has been practicing as a clinical therapist without a license. Ms. Vicker's is currently employed at Mid America Mental Health and lists her as practicing as a LMHC.

The State called Ms. Rowe as a witness. Ms. Rowe stated their office received a complaint of unlicensed practice. She stated that she requested copies of employment records from Mid-America and looked to see if Ms. Vickers currently held a license from the free license lookup on the Indiana Professional Licensing Agency's (IPLA) homepage. Ms. Rowe stated that Ms. Vicker's LCAC license is listed as expired in 2018. Ms. Rowe stated that she subpoenaed IPLA's records of Ms. Vicker's application. Ms. Vickers submitted an LMHCA application in 2016 that is abandoned, and an LMHC application on February 24, 2022, that is abandoned.

The State submitted Exhibit A which are screenshots of Mid-America's website. Ms. Vickers stated that she had no objections with the Exhibit. The Board accepted the Exhibit. Ms. Rowe stated that the website now shows Ms. Vickers as a practice coordinator. She stated that this title conflicts with the employment reports received. Ms. Rowe stated that the employment reports show her job title is mental health therapist, but her bio on the website lists her as practice coordinator.

The State submitted Exhibit B which are employment records that have business notarization indicating a true copy. Ms. Vickers did not object to the exhibit. The Board accepted the exhibit.

Ms. Rowe stated that according to her employment records she is required to gather information on needs for her clients, conduct evaluations and clinical assessments, make treatment plans, conduct counseling sessions, and modify treatment plans. She stated that her employment records list her as a PH.D candidate.

Ms. Rowe submitted Exhibit C which is a copy of the current law of IC 25-23-5.6 regarding unlawful practices. Ms. Vickers did not object but stated that she is not a law student. The Board accepted the exhibit.

The Board inquired to Ms. Rowe when she last looked at Mid-America's website. Ms. Rowe stated that it was earlier today, and that it now lists Ms. Vickers as practice coordinator with no bio.

Ms. Vickers stated that she does not have control over the website as the content is handled by a third-party. She stated that she has not seen her employment record before, and she is working on looking into what is in there. The Board inquired if she had seen the job description. Ms.

Vickers stated that she thought the position was administration, and she had not seen the description Ms. Rowe stated. She stated that her employment told her that as long as she was supervised, she did not need a license. She stated that she did not renew her LCAC license as she had owed State taxes. The Board inquired if she ever saw the bio on the website. Ms. Vickers stated that she did not as it was outsourced. She informed the Board that she has been reaching out to several individuals to have it removed. She stated that since this has occurred, her caseload has been reduced to eight (8) clients.

Mr. Eldridge concluded that Ms. Vickers had admitted to working without a license, and she is talking about a gray area of practice that is not true. It is not true that she can practice under supervision without a license. He stated that a tax hold should not impact her work, and she knew she needed a license to work, and she needs should be aware of her own bio information before it is posted on a website. He stated that the title of practice coordinator is not her job title according to her employment records, and from what she has indicated, there may be others in a similar practice situation.

Ms. Vickers stated that she only did unlicensed practice at Mid-America for four (4) years, not six (6) as her license expired. She stated that her employment informed her that as long as she was supervised, she could work.

**Board Action:** A motion was made and seconded to issue a Cease and Desist against Ms. Vickers based upon the unlicensed practice of mental health counseling.

Justice/Harner  
Motion carried 7-0-0

A motion was made and seconded for the Board to file a complaint against Mid-America Psychology and Mid-America Mental Health for allowing the unlicensed practice.

Harner/Gardner  
Motion carried 7-0-0

**G. Scott H. Peterson, LMHC**  
Cause No. 2020 BHSB 0009  
Re: Order to Show Cause

**Parties Present:**

Respondent was present  
Ryan Eldridge, Deputy Attorney General, Office of the Attorney General  
Heather Orbaugh, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)  
Andrew Harner, LCSW  
Stephan Viehweg, LCSW  
Kelley Gardner, LMFT  
Jon Ferguson, LMFT  
C. Martin Justice, LMHC  
Dr. Dianna Cooper-Bolinskey, LCAC

**State Witness:**

Lauren Judd, Case Analyst, Office of the Attorney General

**Case Summary:** On or about November 12, 2022, an Order to Show Cause was filed against Mr. Peterson based upon the concerns that he failed to comply with his license probation terms. On or about April 8, 2021, Mr. Peterson agreed to the following Settlement terms:

- Both parties execute the Agreement voluntarily
- Both parties agree that the terms of the Settlement will resolve any and all pending claims or allegations.
- The Parties both waive their rights of have a public hearing in this matter
- Respondent's license shall be placed on Indefinite probation for a minimum of one (1) year.
- Respondent shall complete twenty (20) additional Category 1 continuing education units in the topics of ethics and/or assessment and submit proof of completion to the Board.
- Prior to petitioning for withdrawal of the probationary status of his license, Respondent shall undergo a fitness for duty evaluation from a Health Service Provider in Psychology ("HSPP") and submit the results of the evaluation to the Board.
- While on probation Respondent agrees to the following terms and conditions:
  - Respondent shall provide the Board with his current home address, mailing address, email address, and direct or residential telephone number and notify the Board of any change within seven (7) days.
  - Respondent must notify the Board of his place of employment, employment telephone number, employment e-mail address and name of supervisor and notify the Board within seven (7) days of any change. Notifying the Board of any change includes notifying the Board of any termination or suspension.
  - Respondent shall provide a copy of all Board orders imposing discipline or limiting practice to any employer within Respondent's practice as a mental health counselor. The employer shall sign and return a copy of such orders to the Board with employer letterhead, and/or business card attached within seven (7) days of employment or receipt of this order. Should Respondent's employment change, she shall submit a copy of the Board order signed by his new employer within (7) days of commencing employment with the new employer.
  - Respondent shall submit to the Board quarterly supervisory reports from all employers within Respondent's practice as a mental health counselor that address the Respondent's work performance, his attendance, documentation, communication skills, disciplinary actions, and/or any complaints made against Respondent. These employer reports must be completed by a professional licensed by the Board:
  - Respondent shall appear before the Board quarterly during the term of his probation to update the Board on his current status.
  - shall pay a fee of \$5.00 to be deposited in the Health Records and Person Identifying Information Protection Trust Fund.
  - Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.
  - If Respondent requests withdrawal of the probationary status of his license, Petitioner's attorney assigned to the hearing may examine Respondent's file maintained by the Indiana Professional Licensing Agency.
  - Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a



new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

Mr. Peterson stated that there have been three (3) complaints filed against him, and he submitted his response to the complaints each time. Mr. Peterson stated that his supervisor, Ms. Jacobsen, claimed that he did not give notice for leaving his employment. He submitted an email to Ms. Vaught with information regarding the situation. Mr. Peterson provided an overview of his situation to the Board, stating that he was seeking employment elsewhere to improve his financial situation and for a better working environment. The Board inquired if he was aware of what his supervisor's credentials were. Mr. Peterson stated that he did not know, as his role is a clinical therapist providing assessments. The Board inquired if he is currently working, and when he last worked as a LMHC. Mr. Peterson stated that he is not at present working and does not remember when he last worked as an LMHC. He stated that he did not renew his license as he got confused on how to renew it online. He stated that he did not call the Board to ask for assistance in completing that step. The Board inquired if he understands what his order says. Mr. Peterson stated that he is not sure.

The State called Lauren Judd as witness. Ms. Judd is the case analyst for the complaint filed against Mr. Peterson. Ms. Judd noted that Mr. Peterson's license expired April 1, 2022. She stated that during her the investigation for his case she subpoenaed his previous employer's, America Behavioral Counseling, records.

The State submitted Exhibit A, which is a copy of the employment records. Mr. Peterson did not have any objections and the Board accepted the exhibit. Ms. Judd stated that it is known that Mr. Peterson abandoned his clients as he had left on vacation, and he did not return to work. He provided no notice at his employment and the clients were not notified of his leaving. Ms. Judd stated that during this process, that was when it was discovered that Mr. Peterson was working for a different employer.

The State submitted Exhibit B which is a copy of the Settlement Order. Mr. Peterson stated no objections, and the Board accepted the exhibit.

Mr. Peterson concluded with the Board that he left on bad terms with is previous supervisor as he believed she was working in bad faith. He stated that he would like to keep his license and would like the Board to let him know what he needs to do in order to keep it.

The State concluded Mr. Peterson has not shown his practice issues have been remedied, and he has provided the Board with no documentation in order to show the Board that he is complying with order that he has agreed to.

**Board Action:** A motion was made and seconded that the Respondent has failed to meet the burden of proof. Mr. Peterson is found to be in violation of Indiana statue.

Harner/Justice  
Motion carried 7-0-0

A motion was made and seconded to indefinitely suspend Mr. Peterson's license with the following terms:

- Shall be suspended for a minimum of twelve (12) months.
- Prior to the reinstatement of his license, Mr. Peterson shall complete the following:

- Obtain a duty evaluation from an HSPP, provide the evaluation to the Board, and follow all treatment recommendations in the evaluation.
- Shall present a practice plan to return to practice which should include at a minimum, a secured clinical supervisor and a signed employment contract.
- Shall keep the Board up to date with his contact information.
- Shall immediately cease and desist practicing as an LMHC and submit to the Board sufficient documentation that he has ceased practice.
- Any further violation of the order, or Indiana's statute and rules may result in further action, including revocation of his license.

Cooper-Bolinsky/Harner  
Motion carried 7-0-0

## VI DISCUSSION

The Board discussed the increase in applicants who have provided information and communication of unlicensed practice. They discussed methods that they can implement to provide more clarity on what is considered unlicensed practice. The Board stated that they have been lenient in the past in order to not impose sanctions; however, they discussed if the need to impose sanctions is necessary now due to the increase. The Board discussed the pros and cons of such a step.

The Board additionally discussed practitioners without an independent clinical license opening their own LLCs for practice as a contractor. They discussed how this practice is starting to become more common and how that would impact licensure, and the profession. They stated that more research will need to be done for this practice.

## VII. APPLICATIONS FOR REVIEW

### 1. Jil Jensen (LCSW)

Ms. Jensen submitted an LCSW application by reciprocity. She graduated with her Master of Social Work in 1989 and is currently licensed in Washington, DC, and the state of Maryland. She took the ASWB Master Level B examination in 1989. Her examination was submitted to the Board to determine if her examination is considered an equivalent examination to the ASWB Clinical examination. The Board stated that they will need to reach out to the ASWB for additional information on the examination.

**Board action:** The Board tabled Ms. Jensen's application pending additional information from the ASWB.

## VIII. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General's office reported to the Board that they have 138 open complaints and they have closed 76 since the beginning of the year. The average age of the open complaints is 7.8 months. There are currently 25 open litigation cases with only 18 closed this year. The average duration of the litigation cases are 10.1 months.

## IX. FORMAL ADOPTION OF APPLICATION REVIEWS

A motion was made and seconded to formally adopt the application reviews.

Cooper-Bolinsky/Ferguson  
Motion carried 7-0-0

**X. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW**

There were no continuing education sponsor applications for review.

**XI. OLD/NEW BUSINESS**

The Board discussed selecting a new Board Chair and Vice Chair. Dr. Dianna Cooper-Bolinsky was selected to become the new Board Chair and Jon Ferguson was selected to become the new Vice Chair.

**XII. ADMINISTRATORS' REPORT**

Ms. Vaught informed the Board that IPLA Executive Director Deborah Frye has retired. The new IPLA Executive Director is now Lindsay Hyer.

**XIII. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 3:35 p.m. by general consensus.

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

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Date