

**BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
MINUTES
DECEMBER 6, 2021**

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Richardson called the meeting to order at 8:04 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
Jacqueline Eitel, RN, Consumer Member
C. Martin Justice, LMHC, LCAC
Jon Ferguson, LMFT

Board Members Not Present:

Elizabeth Cunningham, D.O., Psychiatric Physician Member
Diana Cooper-Bolinskey, LCSW, LCAC
Kelley Gardner, LMFT (signed off at 12:00 p.m.)
Jacqueline Eitel, RN, Consumer Member (signed off at 2:30 p.m.)

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.

Viehweg/Justice
Motion carried 8-0-0

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 appeared as requested to discuss her ongoing probation. The Board noted that she was not present for her last probationary appearance. She stated that the hospital she was working at was short staffed and forgot about her Board appearance. She stated that she is still working with the same supervisor and is doing better with her filing and time management. She stated that she is doing better about prioritizing requests by clients.

2. **Lisa Pacheco, LMHC, License No. 39001143A, 87001221A**
Cause No. 2018 BHSB 0010

Ms. Pacheco appeared as requested to discuss her ongoing probation. She stated that she has submitted a copy the report from her psychiatrist, and she has completed all the terms of her probation. She is not currently seeing a personal therapist at this time, but she is attending SMART meetings if she needs to. She stated that she likes those meetings as they are more flexible for her situation, and she feels more connected when she attends them. She is currently working three (3) days a week, and she is seeking a work partner. She has been three (3) years sober and is maintaining a good work/life balance. She is still on her criminal probation. The Board noted that her order states that she is required to submit quarterly reports from her therapist. If her therapist has released her from treatment, then the therapist needs to submit a formal report to that effect. Ms. Pacheco stated that she had switched therapists since the last report and asked clarification which one needed to provide the report. The Board stated that they would need a report from her original therapist for the quarters of June and September, and then they need a report from her current therapist who has determined her release from therapy.

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

Mr. Peterson did not appear as required. He will be reset for the January 24, 2022

B. Reinstatement

1. **Emma Meredith, LCSW, License No. 34000434A**
Cause No. 2020 BHSB 0010

Ms. Meredith appeared as requested to discuss the reinstatement of her license that was retired in 2017. She submitted copies of her continuing education certificates and a letter of what she has been doing since her retirement. Ms. Meredith stated that she left the profession to be a primary care giver to her parents. She would like to return to the profession and assist with elder care by volunteering at her parish.

Board Action: A motion was made and seconded to reinstate Ms. Meredith's license pending the completion of the jurisprudence examination.

Harner/Viehweg
Motion carried 8/0/0

C. Application

1. Amanda Fields (LSW)

Ms. Fields did not appear as requested. This is the third time she has been scheduled. Since she has not appeared she will not be rescheduled at this time, but she will need to contact the Board when she is ready to appear.

2. Nancy Laurita (LSW)

Ms. Laurita did not appear as requested. She will be rescheduled for January 24, 2022.

3. James Moore (LSW)

Mr. Moore appeared as requested to discuss why he did not disclose his background. Mr. Moore is attempting the ASWB Master exam for the third (3) time. Mr. Moore is 2006 graduate of the University of Louisville. The Board asked why he keeps failing to disclose. Mr. Moore stated that his background reveals his traffic violation from 2008 and they have been dismissed. He does not know why that incident keeps being reported. Mr. Moore informed the Board of his study plan to ensure a passing of the examination and that he is taking a test prep course in Louisville.

Board Action: A motion was made and seconded to approve Mr. Moore's application to take the ASWB Master examination for a third (3) time.

Harner/Viehweg
Motion carried 8/0/0

4. Pamela Green (LMHC)

Ms. Green appeared as requested to discuss her work history as it appears she has been working without a license since 2013. Ms. Green is a 2002 graduate of Fort Valley State University. Ms. Green stated that she has been working at DCS as a contractor which did not require a license. As she is a contractor through DCS that exempts her from licensure. The Board stated that they understand that working for DCS that is considered exempt, but they are unsure if the requirements allow that someone be contracted for DCS can apply. The Board consulted with their counsel and stated they will accept the hours for her case but advised her that if she is working in the State of Indiana, she must have a license. Ms. Green stated that when she was hired she was told that a license was preferred but not required.

Board Action: A motion was made and seconded to approve Ms. Green to sit for the NBCC NCMCHE examination and have her complete the jurisprudence examination.

Viehweg/Harner
Motion carried 7/0/0 (Eitel not present.)

5. **Annabelle Henriquez (LSW)**

Ms. Henriquez appeared per her request to discuss a 90-day waiver in order to sit for the ASWB Master examination. Ms. Henriquez has applied for her fifth attempt to take the examination, with her last attempt occurring in September 2021. She stated that her temporary permit is expiring, and she would like to take the examination again before her temporary permit runs out. She has hired a tutor to help her study, and she sets aside two (2) hours a day. Ms. Henriquez stated that she is going to reach out to the ASWB about any accommodations for which she might qualify.

Board Action: A motion was made and seconded to approve Ms. Henriquez’s request for a 90-day waiver and approve her to retake the ASWB Master examination.

Harner/Viehweg
Motion carried 6/0/0 (Gardner and Eitel not present)

6. **Amy Holbert (LMHCA)**

Ms. Holbert appeared as requested to discuss her yes response to the questions “Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?”, “Do you have any condition or impairment (including a history of alcohol or substance abuse) that currently interferes, or if left untreated may interfere with your ability to practice in a competent and professional manner?”, “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 “Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended, or subjected to any restrictions, probation or other type of discipline or limitations?” Ms. Holbert submitted a statement and supporting documents for the Board to review. Her information has previously been addressed in her Licensed Clinical Addiction Counselor application. She stated that there have been no changes since the Board last reviewed her information.

Board Action: A motion was made and seconded to approve Ms. Holbert to take the NBCC NCE examination and place her LMHCA license on probation status with the same terms of her LCACA application should she pass the examination for license issuance.

Brenner/Justice
Motion carried 7/1/0 Eitel abstain

7. **Jasmine Ortiz (LSW)**

Ms. Ortiz appeared as requested to discuss why she did not disclose her background. Ms. Ortiz is a graduate of the University of Texas. She submitted a statement and supporting documents for the Board to review. She informed the Board that her incident occurred in 2013, and that she was not formally arrested, just detained. She stated it was not her intention to deceive the Board.

Board Action: A motion was made and seconded to approve Ms. Ortiz's application to sit for the ASWB Master examination.

Harner/Viehweg
Motion carried 8/0/0

V. ADMINISTRATIVE HEARINGS

A. Keith Wygle, L.C.S.W., License No. 34005872A

Cause No. 2021 BHSB 0032

Re: Petition For Summary Suspension

Parties Present:

Respondent was not present

Matt Kubacki counsel for Respondent

Ryan Eldridge, Office of Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC, Hearing Officer

George Brenner, LCAC

Andrew Harner, LCSW

Stephan Viehweg, LCSW

C. Martin Justice, LMHC

Jon Ferguson, LMFT

Kelley Gardner, LMFT

Jackie Eitel, Consumer Member

Case Summary: On or about December 2, 2021, a Petition for Summary Suspension filed on December 2, 2021, with allegations that Mr. Wygle is a clear and present danger to the public. Mr. Kubacki stated that Mr. Wygle has agreed to a Voluntary Summary Suspension of his license without an evidentiary hearing and without an admission of guilt however the facts would support the issuance of a summary suspension. Both parties have also agreed that a Final Hearing in this matter will be held at a future date once both parties have more information to present, and at this time request the Board accept the Voluntary Suspension of Mr. Wygle's license.

Board Action: A motion was made and seconded to accept the Voluntary Suspension Agreement in the matter of Mr. Wygle.

Viehweg/Harner
Motion carried 8/0/0

B. Courtney Carroll, L.S.W., License No. 33010533A

Cause No. 2021 BHSB 0005

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC, Hearing Officer

George Brenner, LCAC

Andrew Harner, LCSW

Stephan Viehweg, LCSW

C. Martin Justice, LMHC

Jon Ferguson, LMFT

Kelley Gardner, LMFT

Jackie Eitel, Consumer Member

Case Summary: On or about March 31, 2021, Ms. Carroll's license was placed on probation based upon her initial application. The terms of Ms. Carroll's probation are the following:

- Her license shall be placed in indefinite probation for no less than six (6) months.
- She may not request to withdraw her probation until her criminal charges are complete.
- She must ensure that her current contact information is up to date with the Board.
- She must ensure that the Board has her current employment, their contact information, her work title, and summary of hours worked.
- She shall report of any relapses or arrests to the Board immediately.
- The Board may request an appearance to discuss her progress at their discretion.
- Within three (3) months of applying to withdraw her probation, she shall complete a psychological assessment/fitness for duty evaluation and provide a copy of the evaluation to the Board.

Ms. Carroll stated that she is a recovering alcoholic and had a DUI in 2020. She stated that she has attended personal counseling and has been evaluated as fit for duty by her therapist. Ms. Carroll stated that she participates in AA and other support groups. She informed the Board that she was currently diagnosed with cancer and is not working full time as she is on FMLA. She has maintained her probation terms including appearing as requested for her Board appearances and has kept the Board updated on her contact information. The Board noted that her Order stated that she must have a fitness for duty completed by an HSPP within 3 months of her Order. Ms. Carroll stated that she has contacted some HSPPs, but that she could not get it scheduled within six (6) weeks.

Board Action: A motion was made and seconded to table her request to withdraw her probation until she completes her fitness for duty, or a psychological evaluation done by a psychiatrist with substance abuse training.

Harner/Viehweg
Motion carried 7/1/0 Eitel not present.

C. Erin Clarey, L.C.S.W., License No. 34008591A
Cause No. 2019 BSB 0010
Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC, Hearing Officer
George Brenner, LCAC
Andrew Harner, LCSW
Stephan Viehweg, LCSW
C. Martin Justice, LMHC
Jon Ferguson, LMFT
Kelley Gardner, LMFT

Case Summary: On or about July 31, 2019, Ms. Clarey's LCSW license was placed on probation based upon her initial application. The terms of Ms. Clarey's probation are the following:

- She shall be placed on indefinite probation until her criminal probation has been completed. She will remain on probation until she has provided a written request to withdraw her probation and she has a hearing before the Board.
- She shall keep the Board informed of her current contact information.
- She shall keep the Board informed of the outcome of the disciplinary action pending against her Tennessee license.
- She shall make quarterly appearances before the Board while on probation.
- She shall attend at least two twelve-step meeting per week and provide documentation of attendance prior to her quarterly appearances.
- She shall participate in individual, or group counseling sessions as recommended by her personal counselor or therapist. Her therapist or counselor shall submit quarterly reports on her progress.
- She shall report to the Board of any relapses or arrests.

Ms. Clarey stated that she has met all requirements of her probation, and her Tennessee license is off probation and currently active. She stated that she has completed her quarterly reports, completed her 12-step program reporting, followed the recommendations of her therapist, and

reported to the Board of her relapses. She stated that she has not done any clinical work and has been drug free since November of 2020.

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

Harner/Viehweg
Motion carried 7/0/0

D. Dave Shields, L.C.S.W., License No. 34003290A

Cause No. 2016 BHSB 0014

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present
Carah Rochester, Office of Attorney General
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC, Hearing Officer
George Brenner, LCAC
Andrew Harner, LCSW
Stephan Viehweg, LCSW
C. Martin Justice, LMHC
Jon Ferguson, LMFT
Kelley Gardner, LMFT

State Witness:

Melissa Gustafson

Case Summary: On or about August 12, 2016, Mr. Shields' LCSW license was placed on probation based upon his arrest that he disclosed in his license renewal. The State stated that on or about January 2017 Mr. Shields was found to not comply with the terms of his probation, and his license was suspended. On or about December 2020, Mr. Shield's license was reinstated on probation once he completed a substance abuse treatment program. Mr. Shields' probation terms are currently the following:

- License placed on indefinite probation for no less than one year and will remain on probation until he has provided a written request to withdraw his probation and has a hearing before the Board.
- Mr. Shields shall keep the Board informed of his current contact information, current employment, and employment title.
- Mr. Shields shall make quarterly appearances before the Board.
- Mr. Shields' practice shall be supervised by a licensed clinical social worker, who shall submit quarterly supervision reports to the Board.
- Mr. Shields shall follow the recommendations of his treating psychiatrist, including but not limited to any recommendations regarding abstinence from alcohol or other

substances. If therapy is recommended, he shall engage in therapy with a therapist who is familiar with co-occurring disorders.

- Mr. Shields shall submit quarterly reports from his treating psychiatrist summarizing his treatment and their recommendations.
- Mr. Shields shall submit reports of his homocysteine levels from his annual physical examination.

Mr. Shields stated that he has completed all the terms of his probation and is still at the same employment, Kenosis Counseling. He informed the Board that he is still under supervision from Robin Shapiro, and still attending counseling. The Board asked for more clarification on Ms. Shapiro's credentials. Mr. Shields stated that Ms. Shapiro works at Kenosis Counseling and is licensed in Washington State. He stated that their supervision sessions centered around discussing case work, clients and treatment plans. He stated that Ms. Shapiro has provided quarterly reports on his supervision.

Mr. Shields reviewed his homocysteine levels with the Board, and how that impacts his work. He stated that he sees his psychiatrist every three (3) months and they review his current status and medication levels.

The State inquired about the current criminal charges that were filed against him on or about July 2021. Mr. Shields stated that they are still pending in the courts, but he has been formally charged. The Board asked clarification if he was drinking during the incident that led to his arrest in July and Mr. Shields did admit to drinking alcohol. The Board inquired if his psychiatrist was aware of his consumption of alcohol and how that would impact his medications. Mr. Shields stated that his psychiatrist is aware and allowed small amounts of alcohol. The Board stated that Mr. Shields did not disclose the arrest to them in his August appearance. Mr. Shields stated that he wanted to have the criminal charges resolved before he reported to the Board.

The State called Melissa Gustafson as witness. Ms. Gustafson is an investigator for the Office of Attorney General. The State submitted Exhibit A which is a copy of the current criminal charges that are pending against Mr. Shields. Mr. Shields did not object to the Exhibit, and it was accepted by the Board. Ms. Gustafson stated that currently the case is set to have a pre-trial hearing December 16th.

The State submitted Exhibit B which are screenshots from Robin Shapiro's website. Mr. Shields did not object to the Exhibit, and it was accepted by the Board.

The State informed the Board that it is Mr. Shield's burden of proof to show that he has remedied the issued that placed him on probation. At this time, the State does not believe that he has met the burden of proof and recommends that the Board do not accept Mr. Shields request at this time. The State said that at this time, Mr. Shield can request a modification of his probation if he feels his circumstances have changed.

Board Action: A motion was made and seconded to deny Mr. Shields' petition for withdrawal of probation.

Harner/Viehweg

Motion carried 7/1/0 (Ferguson not present)

Board Action: A motion was made and seconded to modify Mr. Shields probation with the following terms:

1. Respondent's license to practice clinical social work is placed on indefinite probation.
2. Respondent's license shall remain on probation until the Board withdraws the probation after a hearing.
3. Prior to petitioning for the probationary status to be withdrawn, Respondent shall:
 - a. Comply with all terms and conditions in the Board's December 10, 2020 Order.
 - b. Complete any and all criminal matters, including any criminal sentences imposed.
 - c. Report in writing, within seventy-two (72) hours, any new criminal matters.
 - d. Report in writing, within seventy-two (72) hours, any updates in open criminal matters.
 - e. Identify a Clinical Social Worker licensed in Indiana to provide clinical supervision. A plan of supervision shall be submitted to the Board for consideration at Respondent's next appearance before the Board.
 - f. Undergo a comprehensive psychiatric and substance use disorder examination by a psychiatrist who specializes in co-occurring disorders.
 - g. Provide a copy of the psychiatrist's report to the Board and follow any and all recommendations made as a result of the evaluation.
4. Respondent must maintain his license in active status at all times while this order is in effect. If Respondent fails to maintain his license in active status, the Board shall deny any renewal application filed by the Respondent unless Respondent agrees to continue the terms of discipline ordered under this cause number on the renewed license.

Harner/Viehweg

Motion carried 6/2/0 (Ferguson and Gardner not present.)

E. Kristen Grilliot

Cause No. 2021 BHSB 0028

Re: Appeal for Review of Board's Denial of Application for Licensure

Parties Present:

Respondent was present

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC, Hearing Officer

George Brenner, LCAC

Andrew Harner, LCSW
Stephan Viehweg, LCSW
C. Martin Justice, LMHC
Jon Ferguson, LMFT

Case Summary: On or about October 21, 2021, Ms. Grilliot's LSW license was denied due to failing the ASWB Master exam. Ms. Grilliot requested an appeal of the examination. She stated that she has taken the examination five (5) times, and she was only three (3) points short of passing for her last attempt. She stated that she has put a lot of time studying for the examination, and she has high anxiety with taking the examination. She stated that she has requested accommodations from the ASWB, but they have denied her request. She stated that she has been in the mental health field for six years and has spent \$2000 in examination fees in attempts to pass the examination.

Board Action: A motion was made and seconded to deny Ms. Grilliot's petition for appeal of the examination for licensure.

Harner/Viehweg
Motion carried 6/0/0

F. John DeMarsillis, L.M.H.C., License No. 39003327A

Cause No. 2021 BHSB 0017

Re: Administrative Complaint and Extension of Summary Suspension

Parties Present:

Respondent was not present
Carah Rochester, Office of Attorney General
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC, Hearing Officer
George Brenner, LCAC
Andrew Harner, LCSW
Stephan Viehweg, LCSW
C. Martin Justice, LMHC
Jon Ferguson, LMFT
Kelley Gardner, LMFT

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. The State informed the Board that Mr. DeMarsillis had no intention to appear as a Settlement Agreement has been reached. Mr. DeMarsillis has agreed that he did violate Ind. Code § 25-1-9-4(a)(4)(D) where he continued to practice although he had become unfit to practice. Mr. DeMarsillis and the State have proposed the following Settlement terms:

- Both parties waive their rights to have a public hearing in this matter and agree that the Settlement will resolve all violations and allegations relating to the disciplinary action against Mr. DeMarsillis' license.
- Mr. DeMarsillis' license shall be placed on Indefinite probation for no less than one year.
- Mr. DeMarsillis shall maintain one year of continuous employment with a Behavioral Health employer prior to his request to withdraw probation.
- While on probation Mr. DeMarsillis agrees to make quarterly appearances before the Board.
- While on probation Mr. DeMarsillis agrees that he shall obtain a personal counselor and meet with them at least two (2) times a month once insurance is obtained. This counselor shall provide quarterly reports to the Board regarding Mr. DeMarsillis' progress.
- Mr. DeMarsillis shall attend two (2) twelve-step meetings per week and maintain a sponsor. He shall provide proof of attendance to the Board on a quarterly basis.
- Mr. DeMarsillis shall provide a copy of all Board orders, including his 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.
- Mr. DeMarsillis shall have his behavioral health employer provide quarterly supervisory reports to the Board addressing his responsibilities, character, and performance in his professional capacity.
- If Mr. DeMarsillis is not employed in the behavioral health field, he shall submit quarterly self-reports to the Board stating why he is not employed as an LMHC and the nature of his employment.
- Mr. DeMarsillis agrees that all his quarterly reports must be submitted individually at the end of every quarter while he remains on probation.

The Board inquired about a fitness for duty evaluation. The State informed the Board that as Mr. DeMarsillis is not present to agree to the modification, they cannot change the current Settlement.

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

Viehweg/Brenner
Motion carried 7/0/0

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

Parties Present:

Respondent was not present
Respondent counsel not present
Ryan Eldridge, Office of Attorney General
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC, Hearing Officer
George Brenner, LCAC
Andrew Harner, LCSW
Stephan Viehweg, LCSW
C. Martin Justice, LMHC
Jon Ferguson, LMFT
Kelley Gardner, LMFT

Case Summary: On or about June 18, 2021, Ms. King’s license was suspended based upon the allegations that she is a clear and present danger to the public. Her suspension was extended in September 2021 and November 2021. The Office of Attorney General’s office is requesting an additional extension of the suspension until a Final Hearing can be arranged or until there is a clear resolution of the criminal charges.

Board Action: A motion was made and seconded to extend the summary suspension in the matter of Ms. King.

Brenner/Viehweg
Motion carried 7/0/0

H. Felicia Snell

Cause No. 2021 BHSB 0030
Re: Order To Show Cause – Cease and Desist

Parties Present:

Respondent was present
Ryan Eldridge, Office of Attorney General
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC, Hearing Officer
George Brenner, LCAC
Andrew Harner, LCSW
Stephan Viehweg, LCSW
C. Martin Justice, LMHC
Jon Ferguson, LMFT
Kelley Gardner, LMFT

State Witness:

Carol Rowe

Case Summary: On or about November 30, 2021, a Cease and Desist was issued to Ms. Snell for the alleged practice of unlicensed practice of marriage and family therapy or any behavioral specialist without the required license. Ms. Snell has been advised that she is welcome to have counsel, and stated that she would proceed without counsel. The State informed the Board that Ms. Snell is the owner of Sunstone Counseling Center and has been practicing for ten (10) years without a license as a Marriage and Family Therapist. It was noted that she has applied to obtain a license twice, but a license has not been granted. Ms. Snell stated that she worked from 2011 to 2017 under supervision. She informed the Board that her business closed in 2021 and only saw a dozen individuals for therapy. She stated that her health prevented her from completing the process of obtaining a license.

The State called Caroline Rowe as witness. Ms. Rowe stated that she is a case analyst for the Office of Attorney General. She stated that their office received two Administrative Complaints against Ms. Rowe regarding unlicensed practice. She stated that she subpoenaed her employment records, licensing application records, reviewed the Sunstone Counseling website, and utilized the free search and verify license search on the IPLA website.

The State submitted Exhibit A which is a copy of Ms. Snell's response and employment records from Sunstone Counseling. Ms. Snell did not have objections to the Exhibit and the Board accepted the Exhibit. The employment records show that she was working and calling herself a pre-licensed MFT from 2011 to 2021. She is listed as the owner of Sunstone Counseling and saw 218 clients.

The State submitted Exhibit B which is a screen shot of Sunstone Counseling's website. Ms. Snell did not have objections to the Exhibit and the Board accepted the Exhibit.

Ms. Snell stated that she has closed that business due to health reasons, and the website will be taken down at the end of the week. She stated that she does life coaching via phone and was not aware she could not call herself pre-license MFT. She stated that she has had clients remain in contact with her that she has referred out since she is no longer on supervision. She stated that she was under supervision from 2011 to 2017. She stated that she has been a life coach since 2006. The Board asked clarification if her clients knew she was not a LMFT. She stated that some of her clients might know but is unsure about all of them.

The State concluded that Ms. Snell has stated that she was working without a license and was aware of the requirements for licensure. She continued to practice without a license.

Ms. Snell stated that she used the term pre-licensed LMFT upon the advice of her supervisor, and that she tried to obtain a license in 2011 and 2017. She informed the Board that she does not understand the Cease and Desist as she is not currently working.

Board Action: A motion was made and seconded to issue the Cease and Desist in the matter of Ms. Snell.

Viehweg/Harner
Motion carried 7/0/0

I. Michael Eugene Russ, L.C.S.W., License No. 34009434A
Cause No. 2021 BHSB 0031
Re: Petition For Summary Suspension

Parties Present:

Respondent was not present
Kiely Kessler, Office of Attorney General
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC, Hearing Officer
George Brenner, LCAC
Andrew Harner, LCSW
Stephan Viehweg, LCSW
C. Martin Justice, LMHC
Jon Ferguson, LMFT
Kelley Gardner, LMFT

State Witness:

Zach Leib

Case Summary: On or about November 30, 2021, a Petition to Suspend Mr. Russ' LCSW license was submitted with allegations that he is a clear and present danger to the public based upon his arrest in October 2021 with allegations of child molestation. The Office of Attorney General has attempted to contact Mr. Russ to address the allegations by email, post mail, and phone. They have attempted to contact his last known employer as well. At this time, we have not received a response back from Mr. Russ. It is understood that he is currently in jail, but he can post bail at any time, or can obtain counsel to ~~respond~~ assist with addressing the allegations.

The State called Zach Leib as witness. Mr. Leib is an investigator for the Office of Attorney General.

The State submitted Exhibit 1 which is a screenshot of Mr. Russ' website that shows his professional profile listing that he is EMDR trained. The Board accepted the exhibit.

The State submitted Exhibit 2 which is a letter of termination letter of employment for Mr. Russ. The Board accepted the exhibit.

The State submitted Exhibit 3 which is a copy of the Grant Country Criminal Records for Mr. Russ. The Board accepted the exhibit.

The Board asked for clarification on who reported Mr. Russ. The State explained that IPLA received a letter from Mr. Russ' employer, and they filed the Complaint on their behalf.

Board Action: A motion was made and seconded to summarily suspend Mr. Russ' license.

Harner/Viehweg
Motion carried 7/0/0

J. Tim Edward Hirschy, L.C.S.W., L.C.A.C., License No. 34003624A, 87001109A

Cause No. 2021 BHSB 0019

Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was not present
Counsel Todd Ess for Respondent not present
Nick Hart, Office of Attorney General
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC, Hearing Officer
George Brenner, LCAC
Andrew Harner, LCSW
Stephan Viehweg, LCSW
C. Martin Justice, LMHC
Jon Ferguson, LMFT
Kelley Gardner, LMFT

Case Summary: On or about August 30, 2021, an Administrative Complaint was filed against Mr. Hirschy with allegations of that he committed three (3) violations of professional trust and dependency by committing act(s) that were detrimental to a client. On or about December 2, 2021 a Proposed Settlement was reached with the following terms:

- Both parties waive their rights to have a public hearing in this matter and agree that the Settlement will resolve all violations and allegations relating to the disciplinary action against Mr. Hirschy's license.
- A letter of Reprimand shall be issued against Mr. Hirschy's license.
- Mr. Hirschy shall pay a fee of \$5.00 to be paid into the Health Records and Personal Identifying Information Protection Trust Fund.

Mr. Hirschy submitted copies of CE of boundary and ethics training for the Board to review as an Exhibit.

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

Viehweg/Justice
Motion carried 7/0/0

VI DISCUSSION

There were no discussion items.

VII. APPLICATIONS FOR REVIEW

A. Candiss L. Hollie (LBSW)

Ms. Hollie's application for Bachelor of Social by reciprocity was submitted for Board review. She indicated that she has obtained her Master of Social Work degree in 2017 from Miami University, but she has only taken the ASWB Bachelor level examination. IPLA stated that she does not qualify for reciprocity as the license level and education she has does not match the reciprocal requirements. The Board stated that they do not want to issue a Bachelor Social Work license to someone with a Master of Social Work degree. The Board stated they would like more clarification on what her intentions are for work as it does not appear she has obtained the License Independent Social Work in the state of Ohio.

Board Action: A motion was made and seconded to table the application fin the matter of Ms. Hollie for more information.

Harner/Viehweg
Motion carried 8/0/0

VIII. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General's office reported to the Board that they have eighty-two open complaints and they have closed 119 since the beginning of the year. The average age of the open complaints is 5.7 months. There are currently twenty-two open litigation cases with only twelve opened this year. The average duration of the litigation cases are 4.5 months.

IX. FORMAL ADOPTION OF APPLICATION REVIEWS

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

Viehweg/Gardner
Motion carried 8/0/0

X. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Charis et Veritas LLC

The Board stated that Charis et Veritas, LLC has created a very extensive presentation.

Board Review: A motion was made and seconded to approve Charis et Veritas, LLC as a CE provider.

Brenner/Harner
Motion carried 8/0/0

XI. OLD/NEW BUSINESS

There was no new old/new business to discuss.

XII. ADMINISTRATORS' REPORT

There was no administrators report.

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 2:52 p.m. by general consensus.

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

Date