

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

MARCH 23, 2015

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 9:10 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

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

Board Members Not Present:

Andrew Harner, MSW, LCSW, SW Section Chair
Stephan Viehweg, Social Work Member
Vacant, Marriage and Family Therapy Member
Vacant, Consumer Member
Vacant, Consumer Member

State Officials Present:

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

II. ADOPTION OF THE AGENDA AS AMENDED

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

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

III. ADOPTION OF THE MINUTES FROM THE JANUARY 26, 2015 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the January 26, 2015 meeting of the Board.

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

IV. PERSONAL APPEARANCES

A. Probationary

1. Thomas A. Dworniczek, L.C.S.W., L.M.F.T.

License Nos. 34001178A and 35000659A
Administrative Cause No. 2012 BHSB 003

Mr. Dworniczek appeared before the Board, as requested, regarding his ongoing probationary status. Mr. Dworniczek reported he has moved his work back to the Munster, Indiana area. He submitted a report from his clinical supervisor, Kevin Komosa, LCSW. Mr. Dworniczek stated he only works clinically ten (10) to twelve (12) hours per week seeing only male patients and two (2) couples. The Board commended him on his progress. Mr. Dworniczek is scheduled to appear at the June 15, 2015 meeting of the Board.

2. Tadd Whallon, L.C.A.C.

License No. 87000325A
Administrative Cause No. 2012 BHSB 011

Mr. Whallon appeared before the Board, as requested, regarding his ongoing probationary status. Mr. Whallon reported there have been no changes since his last appearance. He is still employed at Progress House and meets with psychologist Matthew Grant, PsyD. He also meets with Tony on a weekly basis and has finished the twelve (12) step book approximately two (2) weeks ago. Mr. Whallon is not currently working in a clinical setting and has spoken in depth with Dr. Grant in regards to whether or not he will practice clinically in the future. He states that he enjoys the role he is in now, which is more of an administrative nature versus clinical. The Board is pleased with his progress. Mr. Whallon is scheduled to appear at the June 15, 2015 meeting of the Board.

B. Renewal

There were no renewal appearances before the Board.

C. Reinstatement

1. Eric Rensberger, L.C.S.W., License No. 34002812A

Mr. Rensberger appeared before the Board, as requested, regarding reinstatement of his clinical social worker license. Mr. Rensberger's license expired on April 1, 2010. Mr. Rensberger indicated on his license renewal application that he has engaged in the practice of social work in Indiana since the expiration of his license. He explained that he thought he had renewed his license and did not realize until nearly two weeks ago that he had been practicing on an expired license. He explained that his step-father had passed away around the time the license renewal notifications were sent out via email. He was in charge of the funeral arrangements and family matters. He also stated he had received three (3) email notifications from IPLA during that time to go online and process his license renewal and is just not sure how he missed renewing his license.

Board action: A motion was made and seconded to grant reinstatement of Mr. Rensberger's clinical social worker license on Indefinite Probation for a period of at least six (6) months. Mr. Rensberger may petition to have the probation withdrawn six (6) months from the date of this decision, after providing to the board documentation of compliance with the following terms and conditions:

1. Rensberger shall remain on probation until the Board finds after a hearing that the deficiency that required probation has been remedied.
2. Rensberger shall complete at least twenty (20) Category I continuing education units in the area of ethics during the renewal cycle ending March 31, 2016. These units may also be used to satisfy the Category I continuing education requirement for renewal.
3. Rensberger shall take and pass the Indiana jurisprudence exam.
4. Rensberger shall take and pass the Association of Social Work Boards (ASWB) clinical examination.
5. Rensberger shall not violate any laws regulating the practice of social work.
6. The failure of Rensberger to comply with these terms may subject him to a Show Cause hearing and the imposition of further sanctions.

RICHARDSON/GAFF-CLARK

Motion carried 5-0-1

*Dr. Stockton abstained

D. Application

1. Stacy Beeson (LCSW)

Ms. Beeson appeared before the Board, as requested, regarding her application for clinical social worker licensure. Ms. Beeson did not answer the question on the application affirmatively that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" She explained that on October 27, 2011, she pled guilty to Driving Under the Influence of Alcohol in Henderson, Kentucky with a BAC of .11%. She explained that she has completed all court requirements. The Board is concerned that although this is her only offense, it has happened recently.

Board action: A motion was made and seconded to grant Ms. Beeson permission to sit for the clinical exam with the requirement to obtain a substance abuse evaluation by an individual licensed by this board in the addictions field prior to her license being issued.

RICHARDSON/GAFF-CLARK

Motion carried 6-0-0

2. Silvia Cristine Dyson (LCSW)

Ms. Dyson appeared before the Board, as requested, regarding her application for clinical social worker licensure. Ms. Dyson answered affirmatively to the question on the application that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" Ms. Dyson explained that in December 2012, she was pulled over and charged with Driving Under the Influence of Alcohol in Niles, Michigan. Ms. Dyson stated she has completed all court requirements including a Victim's Impact Panel. The charge was dropped from a DUI to Impaired Driving Under the Influence. Ms. Dyson explained to the Board that she grew up in a poor family, worked five (5) jobs and put herself through college and graduate school. She also explained that she is an 8th grade graduate that passed the GED to enter college. She stated she was in an abusive relationship that she managed to get out of, but succumbed to peer pressure. She went out with friends, and felt she was okay to drive. Due to this conviction, she has also lost her dual citizenship with Canada. Ms. Dyson has accepted a position at Memorial Hospital in South Bend, Indiana.

Board action: A motion was made and seconded to grant Ms. Dyson a clinical social worker license upon successful completion of the Indiana jurisprudence examination and submission of documentation showing proof of an evaluation by a licensed addictions counselor and a copy of her licensure application submitted to Michigan.

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

3. Amy Schaller (LAC)

Ms. Schaller did not appear before the Board, as requested, regarding her application for addiction counselor licensure and her positive response to a conviction. Ms. Schaller will be scheduled to appear at the June 15, 2015 meeting of the Board.

4. Jennifer Lin Vincent (LMHC)

Ms. Vincent appeared before the Board, per her request, regarding her application for mental health counselor licensure. Mr. Richardson has reviewed Ms. Vincent's application file and feels the course she submitted from Capella University, H5221, does not meet the requirement for Contextual Dimensions. Mr. Richardson does feel that the course, COUN5223, would meet the requirement. She states that the course she took has been accepted by this board in the past. It was explained to the board that although a course that was offered previously may have been accepted, the course could have changed over the years since it was previously offered. She stated it is not feasible for her to take a course at this time since she cannot get financial aid and her employer required

her to be licensed within two (2) years and she is now approaching the three (3) year mark.

Board action: A motion was made and seconded to approve Ms. Vincent's application for licensure upon successful completion of a course for Contextual Dimension as approved by Mr. Richardson.

RICHARDSON/STOCKTON
Motion carried 6-0-0

E. Examination Attempts

1. Misty Renee Parks (LCSW)

Ms. Parks appeared before the Board, as requested, regarding her request to attempt the ASWB Clinical examination for the fourth time. Ms. Parks explained that she becomes anxious when it is time to take the examinations. She has used Dr. Sophia Dziegielewski License Exam Preparation Course study material and obtained study material from the ASWB. She is currently employed by Adult and Child Services.

Board action: A motion as made and seconded to grant Ms. Parks' permission to sit for the ASWB Clinical examination for the fourth time.

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

2. Petronella Roberts (LMHC)

Ms. Roberts did not appear before the Board, as requested, regarding her request to attempt the NBCC NCMHCE examination for the fourth time.

3. Elizabeth Stirn (LCSW)

Ms. Stirn appeared before the Board, as requested, regarding her request to attempt the ASWB Clinical examination for the fourth time. Ms. Stirn explained that she has taken Dr. Sophia Dziegielewski License Exam Preparation Course and purchased online study guides to help prepare her for the examination. She stated she has test anxiety. The Board recommended she speak with her supervisor regarding the test anxiety she suffers. She is currently employed at Adult and Child Services working under supervision.

Board action: A motion was made and seconded to grant Ms. Stirn permission to take the examination for the fourth time.

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

4. Megan Whitehead (LSW)

Ms. Whitehead appeared before the Board, as requested, regarding her request to attempt the ASWB Master examination for the fourth time. Ms. Whitehead explained that she has had medical issues that have kept her from attempting the exam since 2011. She stated she is not practicing clinically at this time; she works in a supervisory capacity. She stated she has completed the Dr. Sophia Dziegielewski License Exam Preparation Course workshop and purchased the ASWB workbooks. She stated she will join a study group and speak with her supervisor regarding her test anxiety.

Board action: A motion was made and seconded to grant Ms. Whitehead permission to take the ASWB Master examination for the fourth time.

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

5. Carol Wurtz (LCSW)

Ms. Wurtz appeared before the Board, as requested, regarding her request to attempt the ASWB Clinical examination for the fourth time. Ms. Wurtz explained that she has been preparing for the examination by completing the Dr. Sophia Dziegielewski License Exam Preparation Course and purchasing study materials to assist her. She assured the Board she is working hard to pass the examination.

Board action: A motion was made and seconded to grant Ms. Wurtz permission to take the ASWB Clinical examination for the fourth time.

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

F. Other

There were no other appearances before the Board.

V. ADMINISTRATIVE HEARINGS

- A. **Michael Nugent, L.C.S.W., License No. 34000975A**
Administrative Cause No. 2008 BHSB 0001
Re: Request for Reinstatement of Licensure

Parties Present:

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

Participating Board Members:

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

Case Summary: Petitioner requested a continuance in this matter so she can obtain legal counsel.

B. State of Indiana v. Danielle A. Rhodes, L.C.S.W., License No. 34006302A

Administrative Cause No. 2014 BHSB 011

Re: Complaint

Parties Present:

Respondent was present, with David Jose, Attorney
Laura Sahn, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

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

Case Summary: On or around December 18, 2014, the State filed a Complaint alleging Respondent has violated Ind. Code 25-1-9-4(a)(4)(B) in that Respondent has continued to practice even though she has become unfit to practice due to a failure to keep abreast of current professional theory or practice as evidenced by Respondent's failure to report the rape disclosed to her by a patient as required by law; and has violated Ind. Code 25-1-9-4(a)(3) in that Respondent knowingly violated a state statute or rule regulating the profession in question as evidenced by Respondent's failure to report the rape disclosed to her by a patient as required by law. The State indicated that the Respondent, with the assistance of her attorney David Jose, has written an article on mental health counseling and reporting requirements for child abuse. She has also completed continuing education in ethics. The State presented a proposed Settlement Agreement issuing Respondent a Letter of Reprimand with the requirement to pay a fee of five dollars (\$5.00) to be deposited in the Health Records and Personal Identifying Information Protection Trust Fund. The State and Mr. Jose indicated that Mr. Harner had been a party to the Settlement and recommended the continuing education.

Board action: A motion was made and seconded to accept the Settlement Agreement as proposed by the State in the matter of Ms. Rhodes' clinical social worker license.

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

C. State of Indiana v. Francis J. Deisler, L.C.S.W., L.M.F.T.

License Nos. 34006302A and 35000148A

Administrative Cause No. 2015 BHSB 002

Re: Complaint

Parties Present:

Respondent was present, without Counsel
Amelia Hilliker, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

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

Case Summary: Upon opening the hearing, Dr. Stockton, Dr. Brenner, Dr. Gaff-Clark and Dr. Poor affirmed that they had all received email correspondence regarding this case. On or around March 13, 2015, the State filed a Complaint alleging Respondent has violated Ind. Code 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities as evidenced by his failure to notify the IPLA that he changed his name to Frank John Palani, and his continued renewal of his professional licenses under the name Francis J. Deisler. The State entered Exhibit A, a certified copy of Respondent's original application file and 2014 license renewals; and Exhibit B, a copy of a petition for name change in Allen Circuit Court dated September 15, 1999. The State called Heather Hollcraft, Assistant Board Director of the Behavioral Health and Human Services Licensing Board. Ms. Hollcraft testified that the 2014 license renewals contained in the packet were processed on February 27, 2014. She also testified that for a licensee to change the name on their license, they would need to submit a legal name change document such as a court document for name change, marriage certificate, divorce decree, or a copy of an updated driver's license or social security card. Respondent entered Exhibit 1, a copy of social security benefits showing the name "Deisler"; Exhibit 2, a copy of Respondent's vehicle registrations issued to Francis J. Deisler and a certificate issued to Francis J. Deisler by the North Carolina Department of Corrections; and Exhibit 3, copies books Respondent has authored under the name Francis J. Deisler. Respondent stated the reason the Complaint was filed was due to an issue with the Church of Scientology. He testified that he is harassed daily by private investigators and others regarding this. Respondent currently works at Forensic Training Institute in Indiana. Regarding the name change, he stated that after he went to court to have the name changed, he spoke with his family, which was against him changing his name, and decided to not change his name on all of his personal records.

Board action: A motion was made and seconded to find Mr. Deisler in violation of Ind. Code 25-1-9-4(a)(1)(B) in that he has engaged in fraud or material deception in the course of professional services or activities as evidenced by his failure to notify the IPLA that he changed his name to Frank John Palani in 1999.

RICHARDSON/STOCKTON
Motion carried 6-0-0

Board action: A motion was made and seconded to issue a Letter of Reprimand in the matter of Mr. Deisler's clinical social worker and marriage and family therapist

licenses with the directive that his next renewals are to be completed in his legal name.

RICHARDSON/STOCKTON
Motion carried 6-0-0

- D. State of Indiana v. Robin Paul, L.C.S.W., License No. 34005771A**
Administrative Cause No. 2015 BHSB 003
Re: Voluntary Summary Suspension Agreement

Parties Present:

Respondent was not present, nor represented by Counsel
Laura Sahm, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

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

Case summary: On or around March 19, 2015, the State filed a Motion for Summary Suspension in the matter of Respondent's clinical social worker license upon receiving a consumer complaint indicating Respondent had sent out an email that was derogatory in nature. Respondent is a supervisor in the Seamless Transition Integrated Care Clinic unit of Richard L. Roudebush VA Medical Center that transitions returning military personnel. The State proposed and the Respondent agreed to an Agreement for Summary Suspension of her clinical social worker license for a period of ninety (90) days.

Board action: A motion was made and seconded to accept the Agreement as proposed in the matter of Ms. Paul's clinical social worker license.

OSBORN/POOR
Motion carried 6-0-0

VI. SETTLEMENT AGREEMENT

There were no Settlement Agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

- 1. State of Indiana v. Kris M. Kasting**
Administrative Cause No. 2013 BHSB 007
Re: Notice of Proposed Default and Response to Notice of Proposed Default

Parties Present:

Respondent was present, with Dominic Price, Attorney
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

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

Case Summary: On or around February 3, 2015, the Board issued a Notice of Proposed Default. The State indicated that it is up to Respondent to explain why she was not present at the last hearing that caused the Board to issue the Notice of Proposed Default. Mr. Price indicated that he felt that at the time of the hearing, Respondent's presence was not necessary and he appeared on her behalf to request an extension of her temporary permit to allow her to take the examination. The State does not object to the Board setting aside the Notice of Proposed Default.

Board action: A motion was made and seconded to not find Ms. Kasting in Default and to set this matter for hearing on June 15, 2015.

RICHARDSON/STOCKTON
Motion carried 6-0-0

VIII. DISCUSSION

A. Jerry May

Re: Appeal of Denial of Application for a Licensed Clinical Addiction Counselor

The Board discussed the Mr. May's application which was denied at the January 26, 2015 meeting. Mr. May appealed the denial of the Board, but failed to do so within the time frame allotted by the statutes and rules.

Board action: A motion was made and seconded to deny the request for appeal in the matter of Mr. May's denied application for licensure.

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

B. Association of Social Work Boards

Re: 2014 ASWB Examination Pass Rates

This was included for informative purposes only. There was no discussion in this matter.

C. Association of Social Work Boards

Re: Membership Dues

Ms. Vaught reported that the membership dues are now due and Mr. Rhoad is requiring the Board to vote on whether or not they wish for the dues to be paid.

Board action: A motion was made and seconded to pay the membership dues to the ASWB.

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

D. Association of Marital and Family Therapy Regulatory Boards

Re: Membership Dues

Ms. Vaught reported that the membership dues are now due and Mr. Rhoad is requiring the Board to vote on whether or not they wish for the dues to be paid.

Board action: A motion was made and seconded to request permission to allow the Behavioral Health and Human Services Licensing Board to pay the membership dues to the Association of Marital and Family Therapy Regulatory Boards.

STOCKTON/RICHARDSON
Motion carried 6-0-0

E. James A. Miller, L.S.W., License No. 33005854

Re: Request for Continuing Education Waiver

The Board discussed a request by Mr. Miller to grant a waiver of the continuing education requirements for the 2016 renewal period. Mr. Miller suffers from chronic headaches and states this prevents him from being capable of working as a social worker. Mr. Miller submitted a letter from his physician verifying this information. The Board recommended he place his license in retired status.

Board action: A motion was made and seconded to deny the request for a waiver of continuing education requirements for the 2016 renewal in the matter of Mr. Miller's social worker license.

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

IX. APPLICATION REVIEW

A. Stephen Demien (LMFT)

B. Norman LeClerq (LMFT)

Dr. Osborn reviewed the files for Mr. Demien and Mr. LeClerq and indicated they both meet the requirements for marriage and family therapy licensure.

Board action: A motion was made and seconded to approve Mr. Demien and Mr. LeClerq's applications for marriage and family therapy licensure.

RICHARDSON/GAFF-CLARK

Motion carried 6-0-0

X. PROBATION REVIEW

There were no probation files reviewed by the Board.

XI. FORMAL ADOPTION OF APPLICATION REVIEWS

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

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

XII. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

- A. Optimal Balance Coaching, LLC
- B. Imago Therapists of Indiana
- C. Indiana Association for Addiction Professionals
- D. Newcomer Funeral Home

Board action: A motion was made and seconded to delegate approval of the continuing education applications to Mr. Harner.

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

XIII. OLD/NEW BUSINESS

- The Board changed the next meeting date from May 11, 2015 to June 15, 2015.
- Ms. Vaught brought forth to the Board the language in Ind. Code 25-23.6-8.5-4 and Ind. Code 25-23.6-8-2.7 regarding the language of "first available exam". The Board requested Ms. Vaught and Ms. Hollcraft work with Donna Sembroski in crafting more modern language that aligns with the frequency of the examination being offered.

XIV. ADMINISTRATOR'S REPORT

Ms. Vaught reported that the NBCC is moving their annual meeting to May 2016 instead of August 2015. The NBCC is combining their meeting with the NBCC Foundation meeting.

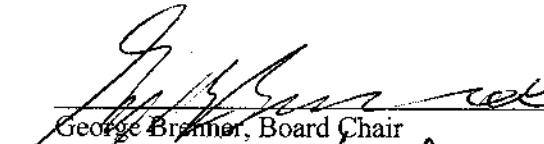
Stephn Viehweg will be joining the Board at the July meeting. He is the new social worker member.


XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 3:30 p.m.

Board action: A motion was made and seconded to adjourn the meeting of the Behavioral Health and Human Services Licensing Board at 3:30 p.m.

RICHARDSON/STOCKTON
Motion carried 6-0-0


George Branner, Board Chair *LCSC, UNPT, LCA* 9/21/15
Date


Kimble Richardson, Co-Chair 9/21/2015
Date