

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

JUNE 29, 2020

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Richardson called the meeting to order at 9:03 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 Chair, SW Section Chair, Board Designee
Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Kelley Gardner, LMFT
Elizabeth Cunningham, D.O., Psychiatric Physician Member
Jacqueline Eitel, RN, Consumer Member (Was present after 10:00 a.m.)

Board Members Not Present:

State Officials Present:

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

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda.

STOCKTON/HARNER
Motion carried 7-0-0

III. APPROVAL OF MINUTES FROM FEBRUARY 27, 2020 & MAY 18, 2020

A motion was made and seconded to adopt the minutes from the February 27, 2020 meeting of the Board, as reviewed and edited by Mr. Richardson.

BRENNER/STOCKTON
Motion carried 7-0-0

IV. PERSONAL APPEARANCES

A. Renewal

1. **Christina Anderson, LCSW, LCAC,**
License No. 34005924A & 87001053A

Ms. Anderson appeared as requested with her legal counsel Courtney Endwright. Ms. Anderson said yes to question number 5 on her renewal “Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline or have you resigned in lieu of discipline or termination?” Ms. Anderson reported that she had been terminated from Indiana University Northwest on April 24, 2019. But since that time has obtained new employment at Hendricks Regional Health for the past year. The Board inquired as to her new employment if she has encountered any concerns or corrective actions, and Ms. Anderson stated that she has not. Ms. Anderson expanded that the initial reason for her termination at Indiana University Northwest was due to a complaint filed against her with the reason that she committed a HIPPA violation. The complaint was investigated and found to be unsubstantiated. She has had no other issues or incidents since. Ms. Anderson continued and said that this incident made her more cautious with HIPPA and if she is in charge of training others, she conveys the seriousness of this issue with them. The Board asked if Indiana University Northwest placed her on the rehire list and Ms. Anderson responded yes that she was eligible for rehire.

Board Action: A motion was made and seconded to renew Ms. Anderson’s license.

HARNER/BRENNER

Motion carried 8-0-0

2. **Diane Heribacka, L.M.F.T.**

License No. 35001728A

Ms. Heribacka withdrew her application for renewal.

3. **Melissa Ketner, L.C.S.W.**

License No. 34005637A

Ms. Ketner appeared as requested regarding her yes response to question 3 on her license renewal: “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” Ms. Ketner was arrested in Vigo County and charge with operating a vehicle while intoxicated in September of 2018. This matter is still pending a final hearing which is currently set for July 22, 2020. Ms. Ketner reported to the Board that the reason that the charge has not been concluded was due to some local politics as the incident occurred in a small town and then COVID hit delaying the final end result even further. Ms. Ketner did inform the Board that she ~~was~~ currently has a counselor and is attending AA meetings. She has also informed the Board that she attended a Mother’s Against Drunk Driving course. Ms. Ketner stated to the Board that this incident was personally and professionally embarrassing for her and has

haunted her since it occurred. The Board asked if she had an assessment done. Ms. Ketner stated that an assessment was completed by a LCSW with a specialization in addictions who has been in the field 30 to 40 years. The Board inquired how she handles alcohol going forward since the incident. Ms. Ketner informed the Board that her family has a history of alcohol and mental issues, so this incident has reinforced that she needs to be more vigilant on her responses. She is currently eating and sleeping better to help mitigate her high stress job. This is the only incident and she is trying to be more aware of her alcohol intake, Ms. Ketner states that there will not be a repeat of this issue.

Board Action: A motion was made and seconded to place Ms. Ketner’s license on probation with the following terms and conditions:

1. Respondent’s license to practice clinical social work is placed on indefinite probation. She may petition the Board for withdrawal of probation after her criminal charges are resolved and she successfully completes any criminal probation or other sentence imposed.
2. Respondent shall remain on probation until the Board withdraws the probation after a hearing.
3. Respondent shall keep the Board informed of any change in her home address, telephone number, e-mail address, place of employment, or occupation title.
4. Respondent shall submit quarterly reports to the Board regarding the current status of her criminal case.
5. Respondent shall immediately notify the Board of any arrest or substance abuse relapse.
6. Respondent shall not violate any laws regulating the practice of clinical social work
7. The failure of Respondent to comply with these terms may subject her to a show cause hearing and the imposition of further sanctions.

HARNER/CUNNINGHAM

Motion carried 7-0-0 (Ms. Eitel was not present for this vote)

4. **Shaine Lund, L.S.W.**
License No. 33007923A

Mr. Lund appeared as requested regarding his yes response to questions 3 “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” and question 5 “ Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have any membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline or have you resigned in lieu of discipline or termination?” Mr. Lund had four (4) invasion of privacy charges – violation

of a protective order that occurred in June of 2018. Mr. Lund informed the Board that during that time he was going through a messy divorce, and that his ex-wife had requested and was granted a protected order against him. Mr. Lund stated that he and his ex-wife have a young son, and he had been trying to get approval to see him for a short time on Father's Day that year. He spoke through a mutual friend to arrange it at their local church. Mr. Lund admitted that this arrangement was a violation of the protection order, however he just wanted to spend just a small amount of time with his son. At the time of the incident Mr. Lund explained that he was working as a home based therapist, and due to the high stress of the job and then the divorce he had to resign. The Board inquired what the end result was to the charge. Mr. Lund informed the Board that was given supervised visits with his son every weekend for 2 hours, and that this arrangement is ongoing. Mr. Lund stated that he currently is not having any communication with his ex-wife and that they have a mediator to arrange times for him to see his son. Mr. Lund stated that he currently is in therapy and working full time as he finds it is better for him to cope if he stays busy. Mr. Lund explained part of his yes response on his renewal that he was convicted of Operating a Vehicle while Intoxicated in April of 2019. For that incident Mr. Lund informed the Board that he had been out drinking and stayed over at a young woman's house. He continued to say that during the incident he does not remember even driving home that night. The Board inquired if he was aware if anyone was with him in the car. Mr. Lund said no one was with him and that he was informed that someone had called to say he was swerving on the road. The charges were concluded with probation and Mr. Lund completed his probation on June 15, 2020. As part of the probation he was required to complete an outpatient program for substance abuse which he completed with Aspire. Mr. Lund stated that he is no longer in treatment with the exception of his ongoing therapy. The Board inquired if he had an assessment done, and Mr. Lund said that he had completed two, one at Aspire as part of his program and an independent one that he completed as part of his divorce proceedings. Mr. Lund said he is currently abstaining from alcohol and that he has looked into shamanism for healthier ways of thinking. The Board is concerned with Mr. Lund's responses and that his main coping mechanism is to work and stay busy. Part of Mr. Lund's current employment is to complete substance abuse evaluations and the Board expressed concerns based upon his history. The Board also expressed concerns that he did not submit copies of either assessment reports. Mr. Lund stated that he tried to get a copy of the assessment from Aspire, however they would only give him the certificate of completion.

Board Action: The Board moved to table Mr. Lund's renewal and have him appear again at the July 27, 2020 meeting with the following documents:

1. Assessment from Aspire.
2. Any other assessment that was completed.
3. Proof of completion of the criminal probation.
4. A detailed timeline which explains what has occurred regarding ~~you're~~ his criminal and work history.
5. Any other information that may support the Board in the renewal of your license.

HARNER/VIEHWEG

Motion carried 8-0-0

Mr. Lund appeared at the end of the Board Meeting to continue the discussion of his renewal; however, the Board informed him that until he submits the documents they have requested they cannot discuss his renewal further.

5. **Melissa Truax, L.C.A.C.**
License No. 87000532A

Ms. Truax appeared as scheduled regarding her yes response to question 3 on her renewal “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” Ms. Truax informed the Board that she had 5 different arrests during the last renewal.

Respondent was convicted of the following offenses since her last renewal: a. She was convicted of conversion in Tippecanoe County in June 2020 and 180-day suspended sentence. She is currently on probation in that case; b. She was convicted of criminal trespass in Hamilton County in December 2019 and received a sentence of 20 days (no probation); c. She was convicted of intimidation in Madison County in February 2020 and is currently on probation. And the other two charges are still pending. Ms. Truax submitted a detailed affidavit of the incidents for the Board to review and her assessment. Ms. Truax admitted that some of the arrests were due alcohol, but some of the incidents were due to the fact that she was undiagnosed with a bipolar disorder per her assessment at St. Vincent. Currently she is on 4 different medications that were recommended by St. Vincent. Ms. Truax explained that since she has started the medication regiment her life is now stable. She is currently living with her sister and no longer homeless. She is currently seeking employment so that she might continue with her self-improvement. Ms. Truax stated that she will be on criminal probation for the next year. As part of her probation she is currently seeing both a therapist and a psychiatrist.

Board Action: A motion was made and seconded to place Ms. Truax on probation with the following terms and conditions:

1. Respondent’s license to practice clinical addiction counseling is placed on indefinite probation. She may petition the Board for withdrawal of probation after her criminal charges are resolved and she successfully completes any criminal probation or other sentence imposed.
2. Respondent shall remain on probation until the Board withdraws the probation after a hearing.
3. Respondent shall keep the Board informed of any change in her home address, telephone number, e-mail address, place of employment, or occupation title.
4. Respondent shall make quarterly appearances before the Board.
5. Respondent shall not consume alcohol during her probationary period.

6. Respondent shall follow the treatment recommendations of her treating psychiatrist and other treating mental health professionals.
7. Respondent shall submit quarterly reports from her treating psychiatrist or other treating mental health professional describing respondent's progress in treatment, with a focus on any issues that would affect Respondent's professional practice.
8. Respondent shall not violate any laws regulating the practice of clinical addiction counseling.
9. The failure of Respondent to comply with these terms may subject her to a show cause hearing and the imposition of further sanctions.

BRENNER/STOCKTON
Motion carried 8-0-0

6. **Dee Russell, L.C.S.W., L.C.A.C.**
License No. 34006134A & 87001352A

Ms. Russell appeared as requested regarding her yes response to question 3 on her renewal "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?" Ms. Russell stated that in May of 2019 she pled guilty to domestic violence in Ohio and was placed on probation for two years. The probation terms will be completed as of May of 2021. Ms. Russell stated that she is currently working in Ohio and the Ohio Board has reviewed this incident and renewed her Ohio license free and clear. Ms. Russell continued to state that she has had no other incidents. The Board asked if this incident has impacted her practice. Ms. Russell explained that it has been difficult since the other party of her domestic incident does work with her; however they have been able to maintain an amicable working relationship. She explained that during the time of the incident she had been going to weekly therapy. She is currently working as an administrative supervisor. Ms. Russell informed the Board that she has since divorced that individual and that she has continued her therapy with her therapist.

Board Action: A motion was made and seconded to place Ms. Russell's license on probation with the following terms and conditions:

1. Respondent's licenses to practice clinical social work and clinical addiction counseling are placed on indefinite probation. She may petition the Board for withdrawal of probation after her criminal probation ends.
2. Respondent shall remain on probation until the Board withdraws the probation after a hearing.
3. Respondent shall keep the Board informed of any change in her home address, telephone number, e-mail address, place of employment, or occupation title.

4. Respondent shall not violate any laws regulating the practice of social work or addiction counseling.
5. The failure of Respondent to comply with these terms may subject her to a show cause hearing and the imposition of further sanctions.

HARNER/BRENNER
Motion carried 8-0-0

7. **Pamela Stacy, L.C.S.W.**
License No. 34006033A

Ms. Stacy appeared as requested regarding her yes response to question number 5 on her renewal “Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline or have you resigned in lieu of discipline or termination?” Ms. Stacy informed the Board that she had been employed at Centerstone in April of 2019 and Adult and Child in 2020. The Board inquired if her employers gave her a reason for her termination. During her employment at Centerstone, Ms. Stacy was told that she was not a good therapist. She stated that she had followed the work guidelines given to her and was informed by her boss that she did not handle cases well. Ms. Stacy informed the Board that at her time of employment at Centerstone she had open heart surgery and had been absent for a period of time. She was then let go one week after she got back from her recovery. During her time at Adult and Child she was not given clear reasons for her termination. She was told the official reason was she was not able to maintain her caseload, however she believes it might have been a case of ageism and the fact that she had high medical issues that kept her from working on her case files. Ms. Stacy is not employed at this time. Ms. Stacy informed the Board that she would like to continue to work, however due to her medical issues she feels she would only comfortably work 10 hours a week. Ms. Stacy stated that she has a passion to help in the mental health field and that she has worked as a Registered Nurse in the past. The Board inquired if the reduced hours would make her successful and Ms. Stacy confirmed that inquiry. She stated that the reduction of hours would reduce her stress and thus reduce any medical issues that would arise from stress.

Board Action: A motion was made and seconded to renew Ms. Stacy’s license.

HARNER/ VIEHWEG
Motion carried 8-0-0

8. **Gregory Ybarra, L.C.S.W., LCAC**
License No. 34006734A & 87000391A

Mr. Ybarra did not appear. He will be rescheduled to appear on August 27, 2020

B. Reinstatement

1. **Elizabeth Gaines, L.C.S.W.,**
License No. 34003037A

Ms. Gaines did not appear as requested.

2. **Tonya Prifogle, L.M.H.C.**
License No. 39001694A

Ms. Prifogle appeared as requested regarding her application for reinstatement of her mental health counselor license. Her license expired on April 1, 2014. Ms. Prifogle informed the Board that she was working part time as a home health aid from 2014 to 2019 but she was not working as a mental health counselor during that time. In February of 2019 her son had passed away. Ms. Prifogle said that she currently working at Community Health Network. Mr. Richardson, the Board Chair, and Dr. Cunningham, Psychiatric Physician Member, currently work there as well. Neither Board Members have met Ms. Prifogle. Ms. Prifogle stated that she would like to work as a mental health counselor again as she has a new job pending her receiving an active license.

Board Action: A motion was made and seconded to grant Ms. Prifogle reinstatement of licensure pending taking and passing of the jurisprudence examination.

VIEHWEG/HARNER

Motion carried 7-0-0 (Ms. Eitel was not present for the vote)

3. **Julie Barnes, L.S.W.,**
License No. 33004823A

Ms. Barnes appeared as requested regarding her application for reinstatement of her social work license. Ms. Barnes' retired her license in 2016 as she had wanted to spend her retirement with her husband and family. Ms. Barnes is requesting to reinstate her license to work in the geriatric field in case management for a grass roots movement.

Board Action: A motion was made and seconded to grant Ms. Barnes reinstatement of licensure pending taking and passing the jurisprudence examination.

HARNER/CUNNINGHAM

Motion carried 7-0-0 (Ms. Eitel was not present)

4. **Kimberly Anderson, L.C.S.W.**
License No. 34004117A

Ms. Anderson appeared as requested regarding her application for reinstatement of her clinical social worker license. Ms. Anderson's license expired on April 1, 2016. Ms. Anderson was a mother raising her children, encountered some medical issues, and went through a divorce. She did not practice or work during that time. Ms. Anderson stated that if her license was reinstated she wanted to work in the medical oncology field.

Board Action: A motion was made and seconded to grant Ms. Anderson reinstatement of her clinical social work license pending taking and passing the jurisprudence examination.

HARNER/BRENNER

Motion carried 7-0-0 (Ms. Eitel was not present)

C. Application

1. Deyon Brumby (LSW)

Ms. Brumby did not appear as requested. He will be rescheduled for July 29, 2020.

2. Alejandra Rangel Jordan (LMFTA)

Ms. Rangel-Jordan did not appear as requested. She will be rescheduled for July 29, 2020.

3. Dayna March (LMHCA)

Ms. March appeared as requested regarding her yes response to question number 4 on the application "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. March informed the Board that she had 4 arrests in her past, however 3 occurred when she was under the age of 18 years old. She stated that she had completed one year of probation and two months of therapy. Ms. March stated that when she was younger she was "a bit of a troublemaker." One incident occurred in a car with a friend. They went on a joyride that ended in a car accident. At that time in her life she had a strict curfew. Her father had told her that if she was not home at a certain time, he would call the police and report her as a runaway. Another incident that occurred when she attended a Halloween party and alcohol was served. The police came and she was charged with minor consumption since she was not yet 21. The last incident was that she was charged with truancy as she kept missing school. She

did eventually go back to school and obtain her GED and then proceeded onto community college. Ms. March informed the Board that she was spoiled as a kid and as she got older she learned that she liked having money. The best way for her to obtain what she wanted was to improve herself and to obtain employment. Ms. March said that she first started as a factory worker, however found that she did not like the work. She went back to school to obtain her degree, and choose the Social Work field as she found that she enjoyed helping her friends. She found herself the go to person when her friends wanted to talk. Ms. March stated that she has learned from her mistakes and that she does not foresee any legal issues as she is now a mom and her outlook has improved as she has gotten older.

Board Action: A motion was made and seconded to approve Ms. March to take the NCE examination.

VIEHWEG/STOCKTON

Motion carried 7-0-0 (Ms. Eitel was not present)

4. **Mallorie Will (LSW)**

Ms. Will appeared as requested regarding social work application because she did not respond yes to question 4 on the application “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. Will stated that she was never arrested, however in 2016 she was charged OWI. At the time of the incident she had been drinking, and her cell phone dropped onto the seat of the car. She had reached for the phone and her car ended up parked in the neighbor’s yard. She stated that her alcohol consumption put her in the range of at least .08 but not more than .15. She completed a course through DADs (Drug and Alcohol Deferral Program) and was told that her record was expunged by the court. Ms. Will stated she had been given bad advice on this matter. She has had no other incidents and learned from the incident that she is not invincible. Since this incident she had learned be more responsible and aware.

Board Action: A motion was made and seconded to approve Ms. Will to take the ASWB Masters examination.

HARNER/GARDNER

Motion carried 7-0-0

5. **Ashlyn Eades (LMHCA)**

Ms. Eades appeared as requested regarding her yes response to question number 4 on the application “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. Eades stated that she stole \$600 from her place of employment as she needed to pay for a surgery and she did not have the funds at the time to pay. The theft was discovered through the Loss Prevention Investigation Team. At the time she did not believe she had any other options as she did not have funds or insurance. Ms. Eades stated that her viewpoint at the time was very “black and white.” She found after the incident there are a lot more grey areas and she did more self-reflecting. During this time of self-reflecting was when she became interested in counseling. She has had a number of different surgeries since that time and has established better communication with her family and has not let pride get in her way when she needed to ask for help. Mr. Richardson also reviewed the courses she selected for the education requirements and stated that MHC 564 would cover better for the Knowledge and Skills. Otherwise her education meets all requirements.

Board Action: A motion was made and seconded to approve Ms. Eades to take the NCE examination.

VIEHWEG/GARDNER
Motion carried 7/0/0

6. Elaisha Williams (LSW)

Ms. Williams appeared as requested regarding her yes response to question number 4 on the application “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. Williams applied for licensure by reciprocity based upon her current license in the state of New York. The incident which occurred was when she and a friend were trying to catch a train. In an attempt to catch the train she helped her friend jump the turnstile. Ms. Williams stated that the police saw them and approached them aggressively. She then attempted to get a badge number from the officer in order to file a complaint. Words were exchanged with the officer and the incident escalated. Ms. Williams informed the Board that she considered that the incident was escalated due to race. Ms. Williams has employment pending at Eskenazi Health pending the approval of her social work license.

Board Action: A motion was made and seconded to approve Ms. Williams' application by reciprocity pending taking and passing the jurisprudence exam.

VIEHWEG/RICHARDSON
Motion carried 7-0-0

V. ADMINISTRATIVE HEARINGS

A. Kevin Pollert, L.C.S.W., License No. 34006077A

Administrative Cause No. 2018 BHSB 0015

Re: Petition To Withdraw Probation

Parties Present:

Respondent was present, without Counsel
Alyssa Servies, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Mr. Richardson, LMHC (Hearing Officer)
Mr. Viehweg, LSW
Mr. Gardner, LMFT
Dr. Stockton, Ph.D., LMHC
Mr. Brenner, LCAC
Mr. Harner, LCSW
Elizabeth Cunningham, D.O., Psychiatric Physician Member
Jacqueline Eitel, RN, Consumer Member

Case Summary: Respondent submitted a request to have his probation withdrawn as he has met the requirements as outline. As part of his probation the Respondent had to submit an assessment and complete his criminal probation. The State inquired as to the credentials of the one who completed the assessment. Respondent said that they were a Licensed Mental Health Counselor. The PLA office was not able to verify that the person held an LMHC license in the State of Indiana. The State asked if the Respondent had completed their criminal probation and stayed in contact with the Board. The Respondent affirmed he had completed both requirements. Based upon his criminal probation he completed twenty hours of community service with the church and passed three drug screenings. Respondent stated that he only has one alcoholic beverage with dinner one or twice a week. The State inquired if he was enrolled with AA and Respondent responded no. The State inquired if he still is taking Zohydro. Respondent replied that is he not and has sought out alternative pain relieving methods rather than using opioids. Respondent said that he is not currently employed as he discontinued working in January to focus on improving himself. He had been working at the VA hospital, however he was dismissed due to not able to maintain his work load. Respondent stated he has not completed his renewal at this time as he was going through a divorce and wanted to focus on family and improvement before renewing his

license. Respondent also wanted to ensure that this current situation with the Board was addressed before renewing his license. Respondent closed saying he would like to have his probation withdrawn so he can support his family. The State concluded that Respondent has shown he has met all terms and recommends that the Probation be lifted.

Board Action: A motion was made and seconded to grant Mr. Pollert's request to withdraw his probation.

HARNER/CUNNINGHAM
Motion carried 8-0-0

B. Danielle Mary Robertson, L.M.F.T., License No. 35001720A
Administrative Cause No. 2019 BHSB 0014
Re: Administrative Complaint

Parties Present:

Respondent was present, without Counsel
Nick Hart, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Mr. Richardson, LMHC (Hearing Officer)
Mr. Viehweg, LSW
Mr. Gardner, LMFT
Dr. Stockton, Ph.D., LMHC
Mr. Brenner, LCAC
Mr. Harner, LCSW
Elizabeth Cunningham, D.O., Psychiatric Physician Member
Jacqueline Eitel, RN, Consumer Member

Case Summary: Respondent does not wish to proceed without Counsel. The State does not object.

Board Action: A motion was made and seconded to continue the hearing in the matter of Ms. Robertson in order for her to obtain counsel.

BRENNER/GARDNER
Motion carried 8-0-0

Let the record reflect the Dr. Cunningham left at Noon.

C. Matthew Heatherly, L.M.F.T., L.C.A.C., License No. 35001674A, 87001556A
Administrative Cause No. 2019 BHSB 0019
Re: Administrative Complaint, Verified Petition to Surrender License and
Objection to Respondent's Verified Petition to Surrender License

Parties Present:

Mr. Heatherly, Respondent
Rodney Sarkovics, Respondents Counsel
Alyssa Servies, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Mr. Richardson, LMHC (Hearing Officer)
Mr. Viehweg, LSW
Mr. Gardner, LMFT
Dr. Stockton, Ph.D., LMHC
Mr. Brenner, LCAC
Mr. Harner, LCSW
Jacqueline Eitel, RN, Consumer Member

Case Summary: On or around June 18, 2020 Respondent filed a Verified Petition to Surrender License on June 19, 2020 pursuant to Indiana Code 25-1-9-14 and requested the Board to accept the surrender of the license. The State filed its Objection to Respondent's Verified Petition to Surrender License on June 26, 2020 which objected to the Respondents Petition. The State opened that an Administrative Complaint was filed against the Respondent in 2016. The complaint was due to a violation of patient relationships, and the State objects to the surrender of the license. Respondent opened by saying that he did authorize the surrender of his license as he is moving to Alabama, and will no longer be using or practicing in the State of Indiana. Respondent said his Indiana license is currently retired and that he is currently working as a pastoral counselor in Alabama.

Board Action: A motion was made and seconded to deny Mr. Heatherly's Verified Petition To Surrender License.

BRENNER/HARNER
Motion carried 7-0-0

The Board will proceed then with the hearing of Respondent's license based upon the Administrative Complaint filed on December 26, 2019. The State inquired if Respondent was aware of all ethical requirements prior to retiring their license. Respondent stated they he was aware of such requirements. Respondent said that he was employed at Sycamore Springs in 2013 as an intensive outpatient clinical therapist. He was in charge of leading group meetings and guided meditation. The patient in question (known as JD) was a patient of his, where he was in charge of her treatment. Respondent informed the Board that he entered into a sexual relationship with JD, 3 weeks after they had left his care and the outpatient treatment center. Respondent informed the Board initially JD had reached out to him as they were experiencing a crisis. During that time they had entered into a sexual relationship. JD was currently undergoing therapy and did inform their therapist of the relationship. Respondent stated

that he was then terminated from Sycamore Springs with the reason that he failed to keep up with his records. During the time of the relationship, his employer was unaware and did not find out until after his termination. Respondent stated that JD reached out to him twice after they left the outpatient program, and he was not their direct therapist. The Board inquired to what steps the Respondent took when JD had a moment of crisis after they left the outpatient program. Respondent was unable to recall specifics of what they took as Sycamore Springs had a tier system of responses if a patient reached out after they have left the outpatient care. Respondent admitted that in the past he has been attracted to clients and he is working this issue out with his therapist. The Respondent admitted to the board that he was wrong in how he handled the situation and that during the relationship he had informed JD their relationship was ethically wrong. Respondent also urged them to compose a letter to state that JD was the one to initiate the relationship. The Board asked how the relationship ended, and the Respondent stated that it dwindled like most relationships do over time. State concluded that Respondent has admitted to having a sexual relationship with JD despite the fact that he knew it was unethical and that JD is said to have initiated the relationship. The State recommends that the Respondent's license be revoked. The Respondent closed with that he has admitted and been upfront with everything in the situation. Respondent admitted that he is aware of his issue and has put measures in place so that a similar incident will not happen again.

Board Action:

Board moved and seconded to find Mr. Heatherly in violation of:

16. By his conduct in admitting to having a sexual relationship with Jane Doe shortly after their therapist-patient relationship ended, Respondent exploited the trust and dependency of Jane Doe and failed to avoid a dual relationship that could impair his professional judgment or increase the risk of exploitation, in violation of 839 IAC 1-4-4(a) and 839 IAC 1-5.58(1), and is therefore subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(3).

HARNER/BRENNER
Motion carried 7-0-0

Board moved and seconded to find Mr. Heatherly in violation of:

17. By his conduct in asking Jane Doe to write a letter stating they only had a professional relationship and not a sexual relationship., Respondent exploited the trust and dependency of Jane Doe and failed to avoid a dual relationship that could impair his professional judgment or increase the risk of exploitation, in violation of 839 IAC 1-4-4(a) and 839 IAC 1-5.5-8(1), and is therefore subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(3).

HARNER/BRENNER
Motion carried 7-0-0

Board moved and seconded to find Mr. Heatherly in violation of:

18. By his conduct in admitting to having a sexual relationship with Jane Doe shortly after their therapist-patient relationship ended, Respondent failed to refrain from any activity that might lead to inadequate performance or harm to anyone, including himself and the client, in violation of 839 IAC 1-5.5-8(11), and is therefore subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(3), proof that he held a sexual relationship with a patient.

HARNER/GARDNER
Motion carried 7-0-0

The Board has determined that the State has met the burden of proof for all three charges filed against Respondent. There is concern that Respondent has admitted to still having current attraction to his clients and in his field as a pastoral counselor it is not regulated well, so there is the potential for hurt to be done both professionally and personally by all involved. A motion was made and seconded to Revoke Respondent's marriage and family therapy license and clinical addiction counselors license.

HARNER/STOCKTON
Motion carried 7-0-0

D. Scott H. Peterson, L.M.H.C., License No. 39001409A
Administrative Cause No. 2020 BHSB 0009
Re: Administrative Complaint

The hearing in the matter of Mr. Peterson was continued.

VI. PROPOSED SETTLEMENT AGREEMENTS

There was no settlement agreements.

VII. NOTICE OF PROPOSED DEFAULT

There was no proposed defaults.

VIII. DISCUSSION

There were no discussion items.

IX. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General's office reported to the Board that they have 79 complaints with an average age of 6 months and the oldest occurred in 2018. Since the beginning of the year they have 128 open cases and closed 80. There are currently 6 open litigation cases no longer than 7 months.

X. FORMAL ADOPTION OF APPLICATION REVIEWS

A motion was made to adopt the application reviews.

XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

There was no CE application for review.

XII. OLD/NEW BUSINESS

There was no new/old business to discuss.

XIII. ADMINISTRATORS' REPORT

There was no administrators report.

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 2:48 p.m. by general consensus.

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

Date

George Brenner, MS, LCSW, LMFT,
LCAC, Vice Chair

Date