

MINUTES
BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
April 2, 2012

I. CALL TO ORDER AND ESTABLISH QUORUM

Kimble Richardson called the meeting to order at 9:02 a.m. in Room W064, 402 West Washington Street, Indianapolis, Indiana and determined that a quorum could be established, in accordance with IC § 25-23.6-2.

Members Present:

Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C., Board President
George Brenner, M.S., L.C.S.W., L.M.F.T., L.C.A.C., Board Vice President
Andrew Harner, M.S.W., L.C.S.W., SW Section Chair
Rex Stockton, Ed.D., L.M.H.C., L.C.S.W., L.M.F.T, LMHC Section Chair
Carla Gaff-Clark, Ed.D., L.M.H.C., CADAC-IV, L.C.A.C., AC Section Chair
Geneva Osawe, M.S.W., L.M.F.T., L.C.S.W., M.F.T, MFT Section Chair

Members Absent:

Vacant, Marriage and Family Therapy Member
Vacant, Social Work Member
Vacant, Consumer Member
Vacant, Consumer Member
Vacant, Psychiatrist Member

Staff Present:

Thomas McGee, Board Director
Ronnie Saunders III, Assistant Board Director
Gordon White, Legal Counsel, Office of the Attorney General

II. ADOPTION OF AGENDA

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

BRENNER/STOCKTON
Motion carried 6-0-0

III. APPROVAL OF MINUTES FROM JANUARY 23, 2012.

A motion was made and seconded to approve the minutes of the January 23, 2012 meeting of the Board, as amended.

HARNER/OSAWA
Motion carried 6-0-0

IV. PERSONAL APPEARANCES

A. Richard J. Wargel, LMFT Applicant
Re: Exam Attempts

Mr. Wargel was asked to appear before the Board to discuss his application to practice as a Marriage and Family Therapist. Mr. Wargel has previously failed the examination on three attempts. Mr. Wargel sent in an e-mail correspondence to the Board indicating that he would be unable to appear due to his service in the military and his inability to afford to travel to the meeting.

A motion was made and seconded to approve Mr. Wargel to sit for the LMFTA examination.

HARNER/BRENNER
Motion carried 6-0-0

B. David R. Thompson, 87001280A
Re: Probation Appearance

Mr. Thompson appeared for his regularly scheduled probationary appearance before the Board. Mr. Thompson indicated that everything is going well at this time. He continues to work at the Salvation Army without incident.

C. Robert A. Hundt, 34004333A
Re: Probation Appearance

Mr. Hundt appeared for his regularly scheduled probationary appearance before the Board. Mr. Hundt indicated that he is doing well and has complied with all the terms of his probation. He indicated that he has completed 13 CEUs and that his therapy has been very helpful and thorough.

D. Cheryl L. Hoffman-Gay, 34004806A
Re: Probation Appearance

Ms. Hoffman-Gay appeared for her regularly scheduled probationary appearance before the Board. She indicated that she is currently working at Northeastern Center. She indicated that she has considered retiring, but plans to stay on for the foreseeable future. She indicated that she has complied with all the requirements of her probation. The Board complimented Ms. Hoffman for her change in demeanor and greater understanding of the problems that led to her disciplinary action.

A motion was made and seconded to approve her application for LCAC on probation with the same terms and conditions as are on her LCSW license.

Gaff-Clark/Osawe
Motion Carried 6-0-0

E. Dallas Randall Wilson, LSW Applicant
Re: Positive Response on Initial Application

Mr. Wilson indicated that he is currently working in independent practice with a supervisor at his place of employment who also is in private practice at the same location. He indicated there are several professionals at the location but they are independent practitioners. The Board indicated to Mr. Wilson that this would not be appropriate conduct for a licensed professional earning post-graduate clinical experience.

The Board reviewed his court documentation and personal statements and determined that this appeared to be an isolated incident.

A motion was made and seconded to approve his application for licensure as an LSW.

Harner/Stockton
Motion carried 6-0-0

F. Mark Piechowiak, LSW Applicant
Re: Positive Response on Initial Application

Mr. Piechowiak appeared before the Board to discuss his positive response. He presented a letter from his addiction supervisor which indicated that he had engaged in recovery and was receiving adequate recovery support. The Board indicated it had concerns as to why his diagnosis was changed from alcohol abuse to addiction. He indicated that all of his criminal probation has been successfully completed.

A motion was made and seconded to approve his application for licensure as an LSW upon receipt of the completion his criminal probation and completion of his seven required therapy courses.

Harner/Osawe
Motion carried 6-0-0

G. Andrea Marie Lantz, LSW Applicant
Re: Positive Response on Initial Application

Ms. Lantz was asked to appear before the Board concerning her initial application for licensure as a social worker in the State of Indiana. Ms. Lantz answered "Yes" to the question which asks:

Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor, or felony in any state?

Ms. Lantz appeared and indicated that she was wrongly accused of stealing drinks from a bar. She indicated that she was taken outside and roughed up and sexually abused by bouncers and police officers. She pled guilty to some of the charges on the advice of her counsel. She believed the remainder of the charges had been dropped, but recently found out that they may still be pending. She pled guilty to public intoxication and disorderly conduct. She was ordered to pay a fine and complete counseling. She indicated that she has completed her required counseling for anger management. She provided her probable cause affidavit, several letters of recommendation, a letter from her counselor, and court documentation. She indicated that was the only time she has ever been arrested.

A motion was made and seconded to approve her application to sit for the LSW examination.

Harner/Stockton
Motion carried 6-0-0

H. Kimberly Ann Wells, 34004541A
Re: Positive Response on Renewal

Ms. Wells was asked to appear before the Board concerning her renewal application for licensure as a clinical social worker in the State of Indiana. Ms. Wells answered "Yes" to the question which asks:

Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state?

Ms. Wells appeared and indicated that her license in Kentucky currently has charges pending. She had a case in which two children were brought in by Child Protective Services and she was asked to make a recommendation about what should happen with the children due to the biological mother abusing the children. Ms. Wells indicating that she made a recommendation without ever having met the mother. A complaint was then filed with the Kentucky Board of Social Work. She admitted that she practiced outside the scope of her license in that she was not a child custody evaluator. She has entered into an agreed order and is undergoing supervision as a part of the Kentucky agreed order. She has completed 6 months of supervision, and has 6 months remaining.

A recommendation was made and seconded to approve her application to renew her LCSW application.

Harner/Gaff-Clark
Motion carried 6-0-0

I. Kevin Tyrone Beatty, 35001670A
Re: Positive Response on Renewal

Mr. Beatty was asked to appear before the Board concerning his renewal application for licensure as a Marriage and Family Therapist in the State of Indiana. Mr. Beatty answered "Yes" to the question which asks:

Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?

Mr. Beatty failed to appear for his required personal appearance after being called three times. Mr. Beatty was rescheduled for the May meeting.

J. Matthew S. Heatherly, 35001674A
Re: Positive Responses on Renewal

Mr. Heatherly was asked to appear before the Board concerning his renewal application for licensure as a Marriage and Family Therapist in the State of Indiana. Mr. Heatherly answered "Yes" to the question which asks:

Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?

Mr. Heatherly appeared and indicated that he has recently been divorced. His wife made several complaints against Mr. Heatherly during the acrimonious divorce including possession of child pornography, molesting his clients, and voyeurism for photographing his wife in the shower without her consent. He said that all of the charges were dismissed, except the Voyeurism to which he pled guilty. He indicated that the child pornography charges were dismissed prior to proceeding to change of plea. He is on probation for a period of 18 months and he is required to perform community services. He indicated that he has found employment with Wabash Friends.

A motion was made and seconded to renew his license on probation requiring him to successfully complete his criminal probation, keep the board abreast of his current address and place of employment, and provide a letter from his supervisor prior to his coming off probation. He may not petition for withdrawal of probation until he completes his criminal probation. Mr. Heatherly agreed to be placed on probation.

Harner/Gaff-Clark
Motion carried 6-0-0

V. ADMINISTRATIVE HEARING

A. In the Matter of the License of Danny Edward Crossley, 39001068A
Administrative Cause No. 2010 BHSB 012
Re: Notice of Proposed Default; Response

Parties and Counsel Present:
William Lawson, DAG

Participating Board Members:

Mr. Richardson (Hearing Officer)
Mr. Harner
Mr. Brenner
Dr. Stockton

Ms. Osawe
Ms. Gaff-Clark

Non-Participating Board Members:

Case Summary:

The Board reviewed Mr. Crossley's response to the Notice of Proposed Default.

A motion was made and seconded to default Mr. Crossley.

Stockton/Harner
Motion carried 6-0-0

The State asked the board to take judicial notice of its record and the fact that Mr. Crossley had not completed any of the terms and conditions upon his license.

A motion was made and seconded to revoke Mr. Crossley's license

Stockton/Harner
Motion carried 5-1-0

B. In the Matter of the License of Misty Cherish Poole, 99036186A

Administrative Cause No. 2012 BHSB 002

Re: Complaint

Parties and Counsel Present:

William Lawson, DAG

Participating Board Members:

Mr. Richardson (Hearing Officer)
Mr. Harner
Mr. Brenner
Dr. Stockton
Ms. Osawe
Ms. Gaff-Clark

Non-Participating Board Members:

Case Summary:

Ms. Poole failed to appear for the hearing, either in person or by counsel. Based upon Ms. Poole's failure to appear, Mr. Lawson requested that a Notice of Proposed Default in this matter be issued.

A motion was made and seconded to issue a Notice of Proposed Default

Brenner/Stockton
Motion carried 6-0-0

C. In the Matter of the License of Marsha Goin, Denied LCAC Applicant

Administrative Cause No. 2011 BHSB 005

Re: Appeal of Denial

Parties and Counsel Present:

Marsha Goin, Petitioner

Participating Board Members:

Mr. Richardson (Hearing Officer)

Mr. Harner
Mr. Brenner
Dr. Stockton
Ms. Osawe
Ms. Gaff-Clark

Non-Participating Board Members:

Case Summary:

Ms. Goin's application for licensure as an Addiction Counselor was denied by the Board on August 5, 2011 due to her failure to meet the statutory requirements for licensure. Ms. Goin filed an appeal of the denial of her application on August 22, 2011.

Ms. Goin previously appeared before the Board on September 26, 2011 and November 28, 2011. Ms. Goin submitted her Wisconsin certification as a Registered Alcohol Drug Counselor I. Ms. Goin indicated that she is not certain if she has the required Level II equivalency. The Board, at that time, determined to adjourn the hearing and give her the chance to establish that she has the required Level II equivalency.

Ms. Goin again appeared and discussed that she has not been able to show that her Wisconsin registration is equivalent. The Board advised her that she could reapply after she goes to ICAADA and gets the proper certification. They advised her to move quickly to get properly certified as grandfathering may only be open for a short period of time.

A motion was made and seconded to uphold the denial of Ms. Goin's application for licensure as an Addiction Counselor.

Gaff-Clark/Brenner
Motion Carried 6-0-0

D. In the Matter of the License of Daniel Adam Brodsky, 39001770A

Administrative Cause No. 2010 BHSB 011

Re: Request to Withdraw Probation

Parties and Counsel Present:

Daniel Adam Brodsky, Respondent
William Lawson, DAG

Participating Board Members:

Mr. Richardson (Hearing Officer)
Mr. Harner
Mr. Brenner
Dr. Stockton
Ms. Osawe
Ms. Gaff-Clark

Non-Participating Board Members:

Case Summary:

Mr. Brodsky appeared before the Board to discuss his request for withdrawal of his probation. Mr. Brodsky indicated that he has met all the requirements for his probation and wishes to be taken off probation. The Board reviewed his probationary file and had concerns that he had not sent in his last supervisory reports. Mr. Brodsky indicated that he has not been employed during that time and that he did not have a supervisor.

A motion was made and seconded to withdraw the probation on Mr. Brodsky's license.

Gaff-Clark/Stockton
Motion carried 6-0-0

E. In the Matter of the License of Daun M. Bieda, 39001364A
Administrative Cause No. 2011 BHSB 001
Re: Request to Withdraw Probation

Parties and Counsel Present:

Daun M. Bieda, Respondent
William Lawson, DAG

Participating Board Members:

Mr. Richardson (Hearing Officer)
Mr. Harner
Mr. Brenner
Dr. Stockton
Ms. Osawe
Ms. Gaff-Clark

Non-Participating Board Members:

Case Summary:

Ms. Bieda appeared before the Board to discuss her request for withdrawal of her probation. Ms. Bieda indicated that she met all of the requirements of her probation. She has completed and passed the Jurisprudence examination and has completed and passed the licensing examination. She indicated that she is working as a Behavioral Health Coordinator with the Potawatomi Indian tribe.

A motion was made and seconded to withdraw the probation on Ms. Bieda's license.

Harner/Stockton
Motion carried 6-0-0

F. In the Matter of the License of Rick Ritter, 34003766A
Administrative Cause No. 2008 BHSB 004
Re: Order to Show Cause; Notice of Proposed Default

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Mr. Richardson (Hearing Officer)
Mr. Harner
Mr. Brenner
Dr. Stockton
Ms. Osawe
Ms. Gaff-Clark

Non-Participating Board Members:

Case Summary:

A motion was made and seconded to default Mr. Ritter.

Harner/Gaff-Clark
Motion carried 6-0-0

Mr. Mader asked the board to take judicial notice of its record and submitted a copy of Mr. Ritter's response to the Order to Show Cause indicating he no long wished to have a license.

A motion was made and seconded to revoke the license of Mr. Ritter.

Stockton/Harner
Motion carried 6-0-0

G. In the Matter of the License of Susan Ann Cline, 33000980A

Administrative Cause No. 2008 BHSB 008

Re: Order to Show Cause; Notice of Proposed Default

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Mr. Richardson (Hearing Officer)
Mr. Harner
Mr. Brenner
Dr. Stockton
Ms. Osawe
Ms. Gaff-Clark

Non-Participating Board Members:

Case Summary:

A motion was made and seconded to default Ms. Cline.

Harner/Stockton
Motion carried 6-0-0

Mr. Mader asked the Board to take judicial notice of its file in this matter and admitted into evidence a letter from Ms. Cline indicating that she no longer required an LSW at her place of employment and no long wishes to pursue reinstatement of her license.

A motion was made and seconded to revoke Ms. Cline's license.

Stockton/Harner
Motion carried 6-0-0

H. In the Matter of the License of Paul Dugan Mershon, 33002965A & 35001176A

Administrative Cause No. 2001 BHSB 001

Re: Order to Show Cause; Notice of Proposed Default

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Mr. Richardson (Hearing Officer)
Mr. Harner
Mr. Brenner
Dr. Stockton
Ms. Osawe
Ms. Gaff-Clark

Non-Participating Board Members:

Case Summary:

A motion was made and seconded to default Mr. Mershon.

Harner/Stockton
Motion carried 5-0-1

Mr. Mader asked the board to take judicial notice of its record. The Board indicated that he has taken no action to meet the terms and conditions of his probation since being placed on probation.

A motion was made and seconded to revoke the license of Mr. Mershon.

Harner/Stockton
Motion carried 5-0-1

VI. CE SPONSOR APPLICATION REVIEW

- A. A motion was made and seconded to approve My Cyber Guardian Educational Services as a Continuing Education Sponsor.

HARNER/BRENNER
Motion carried 6-0-0

- B. A motion was made and seconded to approve Schneck Medical Center as a Continuing Education Sponsor.

HARNER/BRENNER
Motion carried 6-0-0

- C. A motion was made and seconded to approve University of Kentucky College of Social Work Continuing Education Program as a Continuing Education Sponsor.

HARNER/BRENNER
Motion carried 6-0-0

- D. A motion was made and seconded to approve Indiana Resource Center for Autism at the Indiana Institute as a Continuing Education Sponsor.

HARNER/BRENNER
Motion carried 6-0-0

- E. A motion was made and seconded to approve IN-AJSOP as a Continuing Education Sponsor.

HARNER/BRENNER
Motion carried 6-0-0

- F. A motion was made and seconded to approve Elkhart County Suicide Prevention Coalition as a Continuing Education Sponsor.

HARNER/BRENNER
Motion carried 6-0-0

- G. A motion was made and seconded to approve Home Health Depot as a Continuing Education Sponsor.

HARNER/BRENNER
Motion carried 6-0-0

VII. 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.

Gaff-Clark/Brenner
Motion carried 6-0-0

VIII. OLD/NEW BUSINESS

A. Licensure Reinstatement for Licenses Expired for Three-Plus Years Recommendations

1. Debra McLaughlin Page, 34002519A & 35000935A

After review and discussion, a motion was made and seconded to approve her application for reinstatement contingent on her passing the Jurisprudence examination.

HARNER/BRENNER
Motion carried 6-0-0

2. Abigail Mae McIntire, 33004209A

After review and discussion, a motion was made and seconded to approve her application for reinstatement contingent on her passing the Jurisprudence examination.

HARNER/STOCKTON
Motion carried 6-0-0

3. Paul R. Tamburro, 34004551A

After review and discussion, a motion was made and seconded to approve his application for reinstatement contingent on his passing the Jurisprudence examination.

BRENNER/HARNER
Motion carried 6-0-0

4. Marita Kay Barthuly, 33003412A

After review and discussion, a motion was made and seconded to approve his application for reinstatement contingent on his passing the Jurisprudence examination.

HARNER/BRENNER
Motion carried 6-0-0

5. James Mark Yoder, 34000856A

After review and discussion, a motion was made and seconded to approve his application for reinstatement contingent on his passing the Jurisprudence examination.

HARNER/BRENNER
Motion carried 5-0-1

B. Continuing Education Waiver Request

1. E. Veronica Lenard, 34001657A

After review and discussion, the Board determined to grant a waiver upon receipt of medical documentation of her condition.

2. Kathleen J. Hardwick, 39000377A

After review and discussion, the Board determined to recommend that her waiver would be granted upon receipt of evidence of her graduate credits.

3. Elizabeth A. Kern, 34000061A

After review and discussion, the Board determined to grant her an extension of the time required to complete her 2010/2012 continuing education units to June 30, 2012 upon receipt of a letter from her physician documenting her illness. These credits will not count towards her 2012/2014 continuing education cycle.

4. Jill Ann Bartle, 33003517A

After review and discussion, the Board determined to grant her an extension of the time required to complete her 2010/2012 continuing education units to June 30, 2012 upon receipt of a letter from her physician documenting her illness. These credits will not count towards her 2012/2014 continuing education cycle. The Board will note in the letter that they can be completed online

C. Approved Marriage and Family Therapy Supervisor Discussion

The Board considered the documentation provided by Jennifer Herschberger concerning a potential supervisor application. The Board reviewed the documentation and a motion was made and seconded to approve Terri Parke as an equivalent LMFTA supervisor.

Brenner/Gaff-Clark
Motion carried 4-0-0

D. Continuing Education Audit

After a discussion, the Board resolved to conduct a continuing education audit of 1% of all renewal applications for the 2010 through 2012 renewal cycle.

IX. BOARD DIRECTOR'S REPORT

Mr. McGee presented to the Board regarding the legislation passed during the preceding legislative session that impacted the Board. Mr. McGee indicated that starting July 1, 2012, all new applicants would be required to undergo a criminal background check as a part of the licensure process. Also, starting July 1, 2012, LMFTA's could begin accruing their two years of post-graduate experience from the date of graduation rather than from the date the LMFTA was granted. Mr. McGee also indicated that LAC and LCAC grandfathering had been reopened through the end of the year or when the licensure examination became available. Mr. McGee updated the Board on the LAC, LCAC, and LMHCA rule and indicated that the Board was still awaiting approval from State Budget to proceed.

X. PRESENTATIONS FROM ADDICTION COUNSELOR AND CLINICAL ADDICTION COUNSELOR EXAMINATION PROVIDERS

Indiana Counselors Association on Alcohol & Drug Abuse (ICAADA) presented before the Board concerning its interest in providing the IC&RC Alcohol & Drug Counselor and Advanced Alcohol & Drug Counselor examinations as the Board approved examination for licensure as an LAC and LCAC in Indiana.

Indiana Association of Addiction Professionals (IAAP), in association with the National Association of Alcoholism and Drug Abuse Counselors (NAADAC), presented before the Board concerning its interest in providing the National Certification Examinations for Addiction Counselors as the Board approved examination for licensure as an LAC and LCAC in Indiana.

XI. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 4:45 p.m.

**Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C., Board President
Behavioral Health and Human Services Licensing Board**