

MINUTES
BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
May 23, 2011

I. CALL TO ORDER AND ESTABLISH QUORUM

Kimble Richardson called the meeting to order at 9:27 a.m. in Room W064, 402 West Washington Street, Indianapolis, Indiana and declared a quorum, 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., Board President
George Brenner, L.C.S.W., L.M.F.T., L.C.A.C., Board Vice President
Andrew Harner, M.S.W., L.C.S.W., Social Work Section Chair
Rex Stockton, Ed.D., L.M.H.C., L.C.S.W., L.M.F.T., Psychologist
Michael Aemmer, M.A., L.S.W., L.M.F.T., Section Chair
Geneva Osawe, M.S.W., L.M.F.T., L.C.S.W., M.F.T.,
Ruth Hallett, Consumer Member

Members Absent:

Carla Gaff-Clark, Ed.D., L.M.H.C., CADAC-IV, L.C.A.C., Section Chair
Vacant, Social Work Member
Vacant, Consumer Member
Vacant, Psychiatrist Member

Staff Present:

Valerie L. Jones, Board Director
Donna Sembroski, Legal Counsel, Office of the Attorney General

II. ADOPTION OF AGENDA

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

HALLETT/BRENNER
Motion carried 7-0-0

III. APPROVAL OF MINUTES FROM JANUARY 24, 2011.

A motion was made and seconded to approve the minutes of the January 24, 2011 meeting of the Board.

HARNER/BRENNER
Motion carried 7-0-0

IV. PERSONAL APPEARANCES

A. Cheryl L. Gay, License #34004806A

Re: Probation Appearance

Ms. Gay appeared before the Board to fulfill a requirement of her probation. Ms. Gay informed the Board that she is currently conducting intakes and home therapy for the Department of Children Services (“DCS”). In her role at DCS she has been going to meetings and court. Ms. Gay informed the Board that she has not had a title change and is primarily working with children and conducting family therapy. Ms. Gay specifically stated she is now required to do personal therapy. The Board questioned Ms. Gay about who her client is and she stated that the children are the designated client.

The Board asked Ms. Gay to discuss any potential boundary issues she has faced since her job responsibilities have changed at DCS. Ms. Gay stated that she could not think of any and asked the Board if they knew of any boundary issues she could face. When asked what she has learned since being on probation, Ms. Gay discussed her review of her case and how she should not befriend a client.

The Board expressed concern with Ms. Gay's understanding of professional boundaries and how they will affect her ability to practice. Additionally, the Board was concerned that Ms. Gay has not accepted responsibility for her past behavior.

After discussion and review of Ms. Gay's probation file, a motion was made and seconded to require Ms. Gay to appear before the Board for a show cause hearing.

OSAWA/HALLETT
Motion carried 7-0-0

B. Sylvia I. Fernandez, LCSW Applicant

Re: Exam Attempts

Ms. Fernandez appeared before the board after failing to pass the ASWB clinical exam three (3) times.

Ms. Fernandez informed the Board that she is not a good test taker. She stated that she has gone to workshops and studied however she has remained unsuccessful. The Board questioned Ms. Fernandez about the LSW exam and she stated that she has attempted but failed that exam as well.

The Board encouraged Ms. Fernandez to think about the LSW prior to attempting the LCSW. In addition, the Board recommended that Ms. Fernandez obtain some additional supervision and possibly request special accommodations.

After discussion, a motion was made and seconded to approve Ms. Fernandez's repeat exam application to sit for the ASWB clinical exam.

HARNER/STOCKTON
Motion carried 7-0-0

C. Cynthia Evans, LCSW Applicant

Re: Exam Attempts

Ms. Evans appeared before the board after failing to pass the ASWB clinical exam five (5) times.

Ms. Evans informed the Board she currently works in the school district and has practiced social work for the past twenty (20) years. She further informed the Board that she has anxiety and is not a good test taker.

After discussion, a motion was made and seconded to approve Ms. Evans' repeat exam application to sit for the ASWB clinical exam.

HARNER/BRENNER
Motion carried 7-0-0

D. Rachel Weaver, LCSW Applicant

Re: Positive Response

Ms. Weaver appeared before the Board to discuss the positive response on her initial application for licensure. Ms. Weaver answered "yes" to the following questions:

"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"?

"Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care facility in which you have trained, held staff membership or privileges or acted as a consultant."

Prior to reviewing questioning Ms. Weaver's application the Board determined that she has met the requirements necessary to sit for the examination necessary for licensure as a mental health counselor.

The Board questioned Ms. Weaver about her positive response. Ms Weaver stated that she had difficulty in balancing paperwork and home based work at her previous employment. She stated that she worked for 2 years in the position and had problems with time management. Ms. Weaver informed the Board that she believed it was a job fit issue because her clinical performance was fine.

After discussion, a motion was made and seconded to allow Ms. Weaver to sit for the mental health counselor examination.

OSAWA/HARNER
Motion carried 7-0-0

E. Lisa McConnell Lewis, LCAC Applicant
Re: Exam Attempts

Ms. Lewis appeared before the Board to discuss the positive response on her initial application for licensure. Ms. Lewis answered "yes" to the following question:

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

Ms. Lewis informed the Board that she was arrested in 2009 for an OWI. She was placed on probation in 2009 and completed her one (1) year probation term. The Board questioned Ms. Lewis regarding her substance abuse evaluation performed by the courts and Ms. Lewis' failure to check "yes" on her renewal application to the same question when renewing her LCSW in 2010.

The Board expressed concerns with the evaluation documentation submitted. After review and discussion, a motion was made and seconded to require Ms. Lewis to submit a substance abuse evaluation from a licensed professional or certified addiction counselor.

HALLETT/OSAWA
Motion carried 7-0-0

Mr. Brenner abstained

F. Jamia Jasper Jacobsen, License #34002287A & 35000016A
Re: License Reinstatement

Ms. Jacobsen appeared before the Board to discuss the reasons she allowed her license to expire and the continuing education submitted with her application. Ms. Jacobsen's license has been expired since April 1, 2000.

The Board questioned Ms. Jacobsen about the continuing education hours submitted specifically related to the courses she taught for CE credit. Ms. Jacobsen discussed the courses she taught, when she taught, and the course content of each course with the Board.

After review and discussion, a motion was made and seconded to reinstate her expired LCSW and LMFT.

HARNER/BRENNER
Motion carried 7-0-0

V. **ADMINISTRATIVE HEARING**

A. **In the Matter of Karen Duncan**

Administrative Cause No. 2010 BHSB 014
Re: Complaint

Parties and Counsel Present:

Akia Haynes, Office of the Attorney General
Karen Duncan, Respondent
Belle Choate, Counsel for the Respondent

Participating Board Members:

Mr. Harner (Hearing Officer)
Mr. Brenner
Ms. Osawe
Ms. Hallett
Dr. Stockton

Non-Participating Board Members:

Mr. Richardson

Case Summary: An administrative complaint was filed against Karen Duncan on December 13, 2010 alleging that she was in violation of the social work regulations and is unfit to continue her practice as a social worker and marriage and family therapist.

Counsel for the State of Indiana, made an opening statement regarding the complete terms of the conditions and asked the Board to consider at least a 5-year suspension.

Counsel for the Respondent, Ms. Choate, made an opening statement defending Ms. Duncan's actions and informed the Board that she had no objection to Exhibits 1-9 and that the Respondent stipulates to all counts listed in the complaint except count 3 and count 7.

All nine (9) exhibits were admitted without objections.

Ms. Haynes questioned Ms. Duncan regarding the information listed in the exhibits and Ms. Choate objected on the grounds that the documents spoke for themselves. After further questioning by the Ms. Haynes, Ms. Choate directed the Respondent to plead the 5th on the grounds that she may incriminate herself with her responses.

The Board then took a recess to review all exhibits and asked minimal questions to the Respondent.

The State gave a closing argument regarding the stipulations and evidence, and requested that the Board revoke the Respondents license to practice social work and marriage and family therapy.

Counsel for the Respondent made a closing statement requesting that the Board give the Respondent some time away from the profession and not revoke her license.

The Board discussed the evidence, testimony, and each count.

Board Action: After review and discussion, a motion was made and seconded to recommend that Count 3 was not proved.

BRENNER/HALLETT
Motion carried 5-0-0

As to count VII, a motion was made and seconded to recommend that the Respondent violated Ind. Code § 25-1-9-6.7 (3) in that the Respondent performed services in reckless

disregard of the best interest of a patient, a client, or the public, as evidenced by the Respondent writing a check to herself for \$1,200 out of her client's account without authorization, disclosing a client's name and personal information in her PowerPoint presentation at a conference, and continuing in a therapeutic relationship after the client professed romantic feelings and made repeated romantic advances towards her.

STOCKTON/HALLETT
Motion carried 5-0-0

A motion was made and seconded to recommend that Ms. Duncan is violation of all counts except Count III.

STOCKTON/BRENNER
Motion carried 5-0-0

A motion was made and seconded to recommend the revocation of Ms. Duncan's licenses.

OSAWA/HALLETT
Motion carried 5-0-0

VI. ALJ Recommendations

A. In the Matter of James Henry Grace

Administrative Cause No. 2010 BHSB 004
Re: Request for Probation Withdraw

After review and discussion, a motion was made to affirm the ALJ recommendation to withdraw probation on the license of James Henry Grace.

HALLETT/HARNER
Motion carried 6-0-0

B. In the Matter of D. Andrew Puntney

Administrative Cause No. 2010 BHSB 006
Re: Request for Probation Withdraw

After review and discussion, a motion was made to affirm the ALJ recommendation to withdraw probation on the license of D. Andrew Puntney.

HARNER/HALLETT
Motion carried 6-0-0

C. LSA Document #09-811

After a final review, a motion was made and seconded to adopt LSA #09-811.

OSAWA/HARNER
Motion carried 6-0-0

D. Exam Candidate Recommendations

A motion was made and seconded to approve all ALJ recommendations of exam candidates.

HARNER/STOCKTON
Motion carried 6-0-0

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

A motion was made and seconded to approve all ALJ recommendations of 3+ expired licensure applications.

HARNER/STOCKTON
Motion carried 6-0-0

F. CE Sponsor Application Recommendations

A motion was made and seconded to approve all CE Sponsor application ALJ recommendations.

HARNER/STOCKTON
Motion carried 6-0-0

VII. OLD/NEW BUSINESS

A. Request for Work Experience Extension of Time

1. Janice J. Croft, LMHC Applicant

Ms. Croft submitted a letter to the Board requesting additional time to complete her supervision and experience hours.

After review and discussion, a motion was made to allow Ms. Croft twelve (12) additional months to finish her post graduate supervised work experience.

STOCKTON/OSAWA
Motion carried 6-0-0

B. Pending University Accreditation Discussion

1. Brandon Bower, LCAC Applicant

Mr. Bower submitted a packet to the Board requesting a review of his Master's degree program accreditation. After review and discussion the Board determined that the Education Training Counsel is not an accreditation body that the Board recognizes.

A motion was made and seconded to send a letter explaining that the accreditation body is not recognized by the Board

HARNER/HALLETT
Motion carried 6-0-0

C. LAC & LCAC Grandfathering Documentation Discussion

Director Jones informed the Board of the upcoming end to grandfathering for the LAC and LCAC license types and the need to make a final determination relating to when documentation must be submitted in order for a person to be eligible for grandfathering.

After discussion, a motion was made and seconded to post the following requirements on the website:

1. In order to be eligible for grandfathering, an applicant must submit either his/her transcripts or a letter from the university stating that the applicant has completed his/her degree requirements prior to July 1, 2011.
2. In order to be eligible for grandfathering, applicants must have completed all employment experience requirements prior to July 1, 2011.

3. In order to be eligible for grandfathering, an applicant must submit a letter from the certification/testing organization stating that all requirements to sit for the exam have been met prior to July 1, 2011.

BRENNER/HARNER
Motion carried 6-0-0

VIII. CE SPONSOR APPLICATION REVIEW

- A. A motion was made and seconded to approve the continuing education sponsor application of Diane A Burks, LLC and Strides to Success, Inc.

HALLETT/HARNER
Motion carried 6-0-0

- B. A motion was made and seconded to approve the continuing education sponsor application of Rehabcare Group c/o Community.

HALLETT/HARNER
Motion carried 6-0-0

IX. FORMAL ADOPTION OF APPLICATION REVIEW

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.

STOCKTON/HARNER
Motion carried 6-0-0

X. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 2:08 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**