

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

NOVEMBER 18, 2013

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 9:00 a.m. in the Indiana Government Center South, Conference Center Room B, 302 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
Andrew Harner, MSW, LCSW, SW Section Chair
Carla Gaff-Clark, Ed. D, LMHC, CADAC-IV, LCAC, AC Section Chair
Sherry Rediger, Ph.D., LMFT, MFT Section Chair
Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Steven Douglas, JD, Consumer Member

Board Members Not Present:

Roger Reeves, Consumer Member
Vacant, Social Work Member
Vacant, Marriage and Family Therapist Member
Vacant, Psychiatric Physician 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.

STOCKTON/GAFF-CLARK

Motion carried 6-0-0

*Mr. Richardson was not present for the vote because he was attending a settlement conference hearing.

III. ADOPTION OF THE MINUTES FROM SEPTEMBER 23, 2013 MEETING

A motion was made and seconded to adopt the minutes from the September 23, 2013 meeting of the Board, as edited.

STOCKTON/GAFF-CLARK

Motion carried 7-0-0

IV. PROGRAM APPEARANCES

A. Cheryl Warner, Ph.D.

Director, Mental Health Counseling Program
Indiana University-Purdue University Columbus
Re: New mental Health Counseling Program

Dr. Warner introduced Darren Carr and George Towers, associates at IUPU Columbus. She spoke to the Board regarding their new graduate program in mental health counseling. This program began in the fall of 2012 and estimates a graduating class of eight (8) in 2014. Dr. Warner questioned the board about their procedure for course review. Ms. Hollcraft explained that applicants would need to submit a partial application with the application fee, official transcript and course syllabi for the Board to review. She also inquired as to the requirements for accreditation of their program. The Board assured her that the current statutes and rules cover the description for accredited programs and that a program does not specifically have to be CACREP accredited.

B. Paula Dranger

Valparaiso University
Re: clinical Addiction Counselor Education Component

Ms. Dranger appeared with her associate to discuss with the Board's questions regarding their addiction program at Valparaiso University. She explained that she wanted to ensure that the program they offer will meet the Board's requirements for licensure.

V. PERSONAL APPEARANCES

A. Application

1. Hanna Zimmerman Cowles, LCSW Applicant

Ms. Cowles appeared before the Board, at her request, regarding her application for licensure as a clinical social worker. She stated that she has not met the timeframe as required by the application instructions; however, she believes she does meet the requirements based on her doctoral internships during her PhD program where she helped develop a textbook with her program mentor, although she was not doing any clinical or counseling work during this time. Ms. Cowles has completed 3,000 hours in a twenty-one (21) month timeframe making her short three (3) months. She is requesting the Board to accept her time assisting her mentor to make up the lacking three (3) months.

Board action: A motion was made and seconded to approve Ms. Cowles application for clinical social worker licensure allowing her to count her doctoral internship to meet the requirements.

HARNER/REDIGER
Motion carried 7-0-0

2. Michael Scott Dockery, LMFTA Applicant

Mr. Dockery appeared before the Board, as requested, regarding his application for licensure as a marriage and family therapist associate.

Board action: A motion was made and seconded to approve Mr. Dockery's application for marriage and family therapy associate licensure.

REDIGER/DOUGLAS
Motion carried 7-0-0

3. Mark John Maluga, LMHC Applicant

Mr. Maluga appeared before the Board, at the Board's request, regarding his application for licensure as a mental health counselor. The Board asked Mr. Maluga to appear to discuss issues concerning his application for licensure and the manner in which he spoke to the staff of the Indiana Professional Licensing Agency. He stated he following: felt he was victimized as he was told some of his coursework were not Masters level and that his Illinois license was substandard. Mr. Maluga was told that his courses appeared to be undergraduate courses, but the Board would have to review the file to make that determination. He said he felt the IPLA staff was hiding something from him when an email they had sent was recalled because of an error. He consistently told the IPLA staff that they were incompetent. The Board expressed concern regarding his demeanor towards the staff and wondered whether he could appropriately counsel the public. Ms. Hollcraft clarified the situation regarding his transcript and the email that was recalled and resent as corrected. The Board expressed concern that he sent an email to Ms. Vaught questioning the competency of the Behavioral Health and Human Services Licensing Board. The Board referred the file to Mr. Richardson for review.

4. Ricardo Williams, LSW Applicant

Mr. Williams appeared before the Board, as requested, regarding his application for licensure as a social worker. Mr. Williams answered yes to questions 1, 2, and 4B that asks "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?", "Have you ever been denied license, certificate, registration or permit to practice medicine, osteopathic medicine or any regulated health occupation in any state (including Indiana) or country?" and "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that in 2000 he was arrested, charged, convicted and incarcerated due to health care fraud in the State of Illinois. He stated he never practiced as a clinician, but instead was a property owner who knew a clinician was committing fraud. Since his conviction, he said he completed his Masters of Social Work degree and believes what he has been through will make him a better social worker in the future.

Board action: A motion was made and seconded to approve Mr. Williams' application for social worker licensure.

HARNER/REDIGER
Motion carried 7-0-0

B. Examination Attempts

1. Kevin C. Short, LCSW Applicant

Mr. Short was not able to stay for his appearance to request Board approval to take the Clinical Examination for the fourth time. The Board will table the Mr. Short's request until January 2014.

2. Thomas C. Walters, LMHC Applicant

Mr. Walters appeared before the Board, as requested, regarding application for approval to take the examination for the fourth time. On Mr. Walters's first examination attempt he missed passing by 5 or so points. Mr. Richardson advised Mr. Walters to take a look at the prep program offered online by Indiana University. Mr. Walters stated he would like to have the opportunity to retake the examination to become licensed as it is his ultimate goal to help individuals in the mental health area.

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

RICHARDSON/REDIGER
Motion carried 7-0-0

C. Probationary

1. Tadd Whallon, LCAC, License No. 87000325A
Administrative Cause No. 2012 BHSB 011

Mr. Whallon appeared before the Board, as requested, regarding his ongoing probationary status. Mr. Whallon stated he has been working with Rick Gustafson. He is currently working with Dr. Grant, psychologist. He has not submitted any reports as required by his Final Order issued December 6, 2012. He asked the Board what the reports should include. Dr. Stockton explained that the requirements can be found in his Order. Mr. Whallon is not currently working as a clinical addiction counselor; he has been working with fundraising at Progress House. Mr. Whallon has been advised by the Board to submit a request for approval for Dr. Grant to supervise him. Mr. Whallon is scheduled to appear March 24, 2014

D. Reinstatement

There were no reinstatement appearances before the Board.

VI. ADMINISTRATIVE HEARINGS

- A. State of Indiana vs. George T. Donelson, LMHC, License No. 39000743A**
Administrative Cause No. 2013 BHSB 008
Re: Complaint

Administrative Hearing Continued

- B. State of Indiana vs. Jennifer R. Peverly, LCSW, License No. 34004893A**
Administrative Cause No. 2013 BHSB 011
Re: Complaint and Request for Continuance

Participating Parties:

Respondent was not present, nor represented by Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

Mr. Brenner, Board Chair (Hearing Officer)
Mr. Richardson
Mr. Harner
Ms. Rediger
Ms. Gaff-Clark
Mr. Douglas, JD

Case Summary: On or around October 8, 2013, a complaint was filed. Respondent is currently incarcerated and asks for a continuance until she is no longer incarcerated. Respondent's earliest release date is scheduled for September 2014. The State requests the Board deny her request for a continuance on this principal, but would agree to a continuance if she is seeking counsel to show on her behalf.

Board action: A motion was made and seconded to grant the continuance in the matter of Ms. Peverly's clinical social worker license.

DOUGLAS/REDIGER
Motion carried 6-0-0

- C. State of Indiana vs. Angela Yvette Duncan, LSW, License No. 33003950A**
Administrative Cause No. 2013 BHSB 009
Re: Complaint

Participating Parties:

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

Participating Board Members:

Mr. Brenner, Board Chair (Hearing Officer)
Mr. Richardson
Mr. Harner
Ms. Rediger
Dr. Stockton
Ms. Gaff-Clark

Mr. Douglas, JD

Case Summary: On or around September 26, 2013, the State filed a complaint in the matter of Respondent's social worker license alleging Respondent violated IC 25-1-0-4(a)(1)(A) in that Respondent has engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, as evidenced by Respondent's failure to disclose her July 2008 termination from Wishard on her April 2010 license renewal (Count I); violated IC 25-1-9-4(a)(1)(B) in that Respondent engaged in fraud or material deception in the course of professional services or activities, as evidenced by Respondent's failure to indicate that she was terminated from her position at Wishard on her job application for a position at St. Vincent (Count II); violated IC 25-1-9-4(a)(4)(A) in that Respondent has become unfit to practice due to professional incompetence that may include the undertaking of professional activities that Respondent was not qualified by training or experience to undertake, as evidenced by Respondent's violation of 839 IAC 1-3-4(b)(3), which states that a social worker "may not practice beyond the practitioner's competence." Specifically, Respondent conducted psychosocial assessments while employed at Wishard without the required clinical social worker license (Count III); violated IC 25-1-0-4(a)(4)(B) in that Respondent has become unfit to practice due to a failure to keep abreast of current professional theory or practice, as evidenced by Respondent's violation of 839 IAC 1-3-4(b)(2) by misrepresenting her practitioner qualifications, training, or experience. Specifically, Respondent misrepresented that she was a licensed clinical social worker in an interview and in discussions about continuing education with Washington Harris Group (Count IV); and violated IC 25-1-9-4(a)(4)(B) in that Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice, as evidenced by Respondent's violation of 839 IAC 1-3-4(b)(3) by practicing beyond her competence and failing to make appropriate referrals when client's needs exceeded her competency level (Count V). Specifically, Respondent's completed psychosocial evaluations despite not being licensed as a clinical social worker. The State moved to dismiss Count II of the complaint. The Board agreed. The State called Barbara Greene, a case analyst with the Office of the Attorney General. She charged with investigation complaints for the Medical Licensing Board and the Behavioral Health and Human Services Licensing Board. The State entered Exhibit A, a copy of a letter to Respondent from Wishard regarding her termination by Wishard Health Services; Exhibit B, a copy of Respondent's application for a job at Washington-Harris Group dated February 4, 2009; Exhibit C, a copy of the second interview evaluation form from Washington-Harris Group dated February 12, 2009; Exhibit D, a copy of a job offer letter from Washington Harris Group dated January 29, 2009; Exhibit E, a copy of email correspondence between Joan Landry Foley and Kyeshea Bashir; Exhibit F, a copy of Respondent's renewal application form from the 2008 renewal period; Exhibit renewal application for 2010; Exhibit H, employment application from St. Vincent's Hospital; Exhibit I, a copy of the letter Respondent received from St. Vincent; and Exhibit J, a copy of the email received by IPLA regarding Respondent's licensure indicating she had been practicing clinical social work since 1992 requesting exemption from the clinical examination for a clinical social worker license based on her experience. Respondent explained that she did not ever state she was a clinical social worker. Respondent also stated she did not answer the question on the 2010 renewal form indicating she had been terminated or losing privileges at any facility. Respondent also stated she worked as an LSW performing psychosocial assessments as there was not an LCSW on staff. She explained that the position name was LCSW

although she only has the social worker license. She was required to obtain her clinical social worker license within two (2) years of employment. The State feels they have presented evidence showing Respondent is guilty of Counts I, III, IV and V. Respondent maintains she is not guilty of practicing as an LCSW as she sent the email in error stating she was a clinical social worker and maintains she is not an LCSW, only an LSW.

Board action: A motion was made and seconded to find Ms. Duncan guilty of Count I.

DOUGLAS/HARNER
Motion carried 5-2-0
*Ms. Rediger and Ms. Gaff-Clark opposed

Board action: A motion was made and seconded to find Ms. Duncan innocent of Count III.

HARNER/DOUGLAS
Motion carried 7-0-0

Board action: A motion was made and seconded to find Ms. Duncan innocent of Count IV.

STOCKTON/REDIGER
Motion carried 6-1-0
*Mr. Richardson opposed

Board action: A motion was made and seconded to find Ms. Duncan innocent of Count V.

HARNER/DOUGLAS
Motion carried 6-1-0
*Mr. Richardson opposed

Board action: A motion was made and seconded to issue a Letter of Reprimand and a fine in the amount of one hundred dollars (\$100.00) payable within thirty (30) days of the Board's Order.

STOCKTON/GAFF-CLARK
Motion carried 7-0-0

D. State of Indiana vs. Katherine Weeter Clagett
Administrative Cause No. 2013 BHSB 010
Re: Order to Show Cause – Motion for Order to Cease and Desist

Participating Parties:
Respondent was present, without Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:
Mr. Brenner, Chairman (Hearing Officer)

Mr. Richardson
Ms. Rediger
Mr. Harner
Ms. Gaff-Clark
Mr. Douglas, JD

Case Summary: On or around September 25, 2013, the State filed a Motion for Order to Cease and Desist. The Motion alleges Respondent practiced social work in the state of Indiana without the proper license to do so pursuant to IC 25-23.6-4(1)(5) as evidenced by her application for licensure submitted to Kentucky.

Board action: A motion was made and seconded to grant the Cease and Desist in the matter of Katherine Weeter Clagett.

DOUGLAS/REDIGER
Motion carried 6-0-0

- E. Matthew Heatherly, LMFT, License No. 35001674A**
Administrative Cause No. 2012 BHSB 007
Re: Request for Withdrawal of Probation

Participating Parties:

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

Participating Board Members:

Mr. Brenner, Chairman (Hearing Officer)
Mr. Richardson
Ms. Rediger
Mr. Harner
Ms. Gaff-Clark
Mr. Douglas, JD

Case Summary: On or around April 12, 2012, the Board placed Petitioner's marriage and family therapist license on Indefinite Probation with terms and conditions after a personal appearance regarding a positive response on Petitioner's renewal application form. Petitioner states he has met all conditions of the criminal probation and the Board's Final Order in the matter of his marriage and family therapy license. Ms. Rediger was concerned that he has not submitted a report detailing his competency as a licensed marriage and family therapist, work habits, an explanation of ability to work with others, and details regarding the relationship between him and his supervisor.

Board action: A motion was made and seconded to deny the withdrawal of probation in the matter of Mr. Heatherly's marriage and family therapist license.

DOUGLAS/REDIGER
Motion carried 7-0-0

- F. State of Indiana vs. Lindsay Anne Dings, LSW, License No. 33005569A**
Administrative Cause No. 2013 BHSB 012

Re: Complaint

Administrative Hearing Continued

VII. SETTLEMENT AGREEMENT

There were no Settlement Agreements before the Board.

VIII. NOTICE OF PROPOSED DEFAULT

1. **State of Indiana vs. Elizabeth Covington, LCSW, License No. 34005521A**
Administrative Cause No. 2012 BHSB 010
Re: Notice of Proposed Default and Response

Participating Parties:

Respondent was present, without Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Laura Salm, Legal Intern for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

Mr. Brenner, Chairman (Hearing Officer)
Mr. Richardson
Ms. Rediger
Mr. Harner
Ms. Gaff-Clark
Mr. Douglas, JD

Case Summary: Respondent was not present for the previous administrative hearing. The Board is to consider Respondent's response and make the determination to hold Respondent in Default. Respondent stated she was not able to enter the room alone and did not have counsel present. She states she felt vulnerable and was not comfortable in appearing without counsel.

Board action: A motion was made and seconded to not find Ms. Covington in Default.

DOUGLAS/REDIGER
Motion carried 6-0-0

IX. DISCUSSION

A. Rule Re-Adoption

LSA Document #13-273

839 IAC 1-1 Definitions

839 IAC 1-2-3 Verification; Board Authority

839 IAC 1-4-4 Standards for the Competent Practice of Marriage
and Family Therapy

839 IAC 1-4-7 Examination Exemption for Marriage and Family

- Therapists
- 839 IAC 1-5-4 Exemption from Examination for Mental Health Counselors
- 839 IAC 1-5-5 Standards for the Competent Practice of Mental Health Counseling
- 839 IAC 1-6-4 Continuing Education

Board action: A motion was made and seconded to re-adopt 839 IAC 1-1, 839 IAC 1-2-3, 839 IAC 1-4-4, 839 IAC 1-4-7, 839 IAC 1-5-4, 839 IAC 1-5-5, and 839 IAC 1-6-4.

DOUGLAS/HARNER

Motion carried 6-0-0

*Dr. Stockton was not present for the vote

B. Abram Thomas Sinn, LMFTA Applicant
Re: Special Accommodation for Examination

Mr. Sinn corresponded with the Board regarding a request for special accommodations for the marriage and family therapist examination. He indicated that the AMFTRB did not assign him a qualified reader for the previous examination. Mr. Sinn has been told by the IPLA that he needs to discuss that particular issue with the AMFTRB.

Board action: A motion was made and seconded to grant Mr. Sinn special accommodations for time and one-half and a proficient reader.

REDIGER/DOUGLAS

Motion carried 6-0-0

C. Mary Jo Monahan, LCSW
Chief Executive Officer
Association of Social Work Boards
Re: ASWB Masters Examination

The Board discussed a letter received by Ms. Monahan that indicates there was an incorrect answer on an examination offered in the past. The issue has been corrected. This was included for informational purposes only.

D. Deanne R. Collins
Re: Request for Extension of Time to Accrue Supervisor
Hours as a Mental Health Counselor

Ms. Collins appeared before the Board, at her request, to ask the Board if her volunteer hours will count towards her clinical hour requirement. The Board stated that the volunteer hours will count, but she will need to be supervised during that time for the hours to count. Ms. Collins stated she is seeking clarification on how to count the hours and asked if she sees a group of people, does she count one (1) hour per person in the group for the session. The Board stated no, it is one (1) clock hour no matter how many people participate in the group session for that hour. Mr. Richardson also stated she can count time preparing for the clinical experience

practice and can only count hours she actually completes preparing for the patient. They explained to her that as long as the research is specific to her patients, she could count that as well.

X. 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/HARNER

Motion carried 6-0-0

*Dr. Stockton was not present for the vote

XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Indiana Youth Institute

The Board reviewed the application submitted by Indiana Youth Institute to be approved as a continuing education provider.

Board action: A motion was made and seconded to grant the approval to Indiana Youth Institute as a continuing education provider.

HARNER/RICHARDSON

Motion carried 6-0-0

*Dr. Stockton was not present for the vote

B. Midwest Regional Network for Intervention with Sex Offenders (MRNISO)

The Board reviewed the application submitted by MRNISO to be approved as a continuing education provider.

Board action: A motion was made and seconded to approve MRNISO as a continuing education provider upon clarification of whether or not they want to include addiction and clinical addiction counselors.

HARNER/REDIGER

Motion carried 6-0-0

*Dr. Stockton was not present for the vote

XII. OLD/NEW BUSINESS

- Ms. Gaff-Clark reported to the Board that she has spoken with Ronnie Saunders (former assistant director) and he mentioned he would be interested in applying for the Consumer Member position of the Behavioral Health and Human Services Licensing Board.

XIII. ADMINISTRATOR'S REPORT

Ms. Vaught reported that she attended the ASWB conference in Nashville, Tennessee at the end of October. She stated they are expanding their office and staff. Representation was present by forty-two (42) states and Canada. There was little conversation regarding electronic supervision or counseling. Indiana falls behind with online applications, but is ahead in the online renewal area.

XIV. ADJOURNMENT

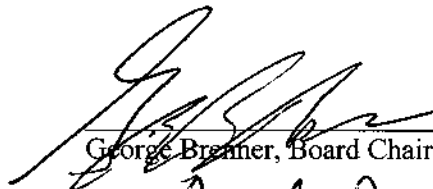
There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 2:30 p.m.

Board action: A motion was made seconded to adjourn the meeting of the Behavioral Health and Human Services Licensing Board at 2:30 p.m.

DOUGLAS/REDIGER

Motion carried 6-0-0

*Dr. Stockton was not present for the vote


George Breiner, Board Chair

LC SW, LMFT, LCAC

1-27-14
Date


Kimble Richardson, Board Vice-Chair

1-27-2014
Date

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
LSA #13-273
Rule Re-Adoption Analysis
November 18, 2013

On November 18, 2013, in Room B, of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, the Behavioral Health and Human Services Licensing Board re-adopted the following:

- 839 IAC 1-1 Definitions
- 839 IAC 1-2-3 Verification; board authority
- 839 IAC 1-4-4 Standards for the competent practice of marriage and family therapy
- 839 IAC 1-4-7 Examination exemption

Vote: Douglas/Harner 6/0/0

**BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
RULES FOR READOPTION
LSA #13-273
Rule Re-Adoption Analysis
November 18, 2013**

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Definitions

839 IAC 1-1-1 Applicability

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 1. The definitions in this rule apply throughout this article. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-1; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

- *Does not impose requirements or costs on small businesses, as this rule only defines that the definitions apply throughout this article.*

839 IAC 1-1-2 "CMFT" defined (Repealed)

Sec. 2. (*Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516*)

839 IAC 1-1-3 "CCSW" defined (Repealed)

Sec. 3. (*Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516*)

839 IAC 1-1-3.2 "Graduate" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-4-2; IC 25-23.6-5-2; IC 25-23.6-6-2

Sec. 3.2. "Graduate" means an applicant who has obtained the required degree for social worker, clinical social worker, marriage and family therapist, or mental health counselor licensure. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.2; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1633; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

- *Does not impose requirements or costs on small businesses, as this rule only defines the term "graduate".*

839 IAC 1-1-3.3 "Graduate accumulating experience" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-4-2; IC 25-23.6-5-2; IC 25-23.6-6-2

Sec. 3.3. A "graduate accumulating experience" required for licensure includes applicants who have failed the required examination. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.3; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1633; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

- *Does not impose requirements or costs on small businesses, as this rule only defines the term of "graduate accumulating experience".*

839 IAC 1-1-3.5 "LCSW" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3.5. "LCSW" means a licensed clinical social worker licensed under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1503; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

- *Does not impose requirements or costs on small businesses, as this rule only defines what "LSCW" means.*

839 IAC 1-1-3.7 "LMHC" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3.7. "LMHC" means a licensed mental health counselor licensed under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.7; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1503; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

- *Does not impose requirements or costs on small businesses, as this rule only defines what "LMHC" means.*

839 IAC 1-1-3.8 "LSW" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3.8. "LSW" means a licensed social worker licensed under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.8; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

- *Does not impose requirements or costs on small businesses, as this rule only defines what "LSW" means.*

839 IAC 1-1-3.9 "LMFTA" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3.9. "LMFTA" means a licensed marriage and family therapist associate under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.9; filed Jun 29, 2011, 9:12 a.m.: 20110727-IR-839090811FRA*)

- *Does not impose requirements or costs on small businesses, as this rule only defines what "LMFTA" means.*

839 IAC 1-1-4 "Practitioner" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. "Practitioner" means a social worker, a clinical social worker, a marriage and family therapist, or a mental health counselor licensed under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-4; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

- *Does not impose requirements or costs on small businesses, as this rule only defines the term of "practitioner".*

839 IAC 1-1-5 "CSW" defined (Repealed)

Sec. 5. (*Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516*)

839 IAC 1-2-3 Verification; board authority

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5; IC 25-23.6-8

Sec. 3. An applicant, by submitting an application, authorizes the board to investigate or contact persons to verify information in the application. The board may request that the applicant provide additional verification or documentation to aid in the board's decision making. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-2-3; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

- *Does not impose requirements or costs on small businesses, as this rule only defines what the board authority is to verify information upon submission of an application.*

839 IAC 1-4-4 Standards for the competent practice of marriage and family therapy

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. (a) Marriage and family therapists shall not exploit the trust and dependency of clients. Marriage and family therapists shall avoid dual relationships with clients that could impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, business or close personal relationships with clients.

(b) Marriage and family therapists shall respect the right of clients to make decisions and help them to understand the consequences of these decisions. Marriage and family therapists shall clearly advise a client that a decision on marital status is the responsibility of the client.

(c) Marriage and family therapists shall continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.

(d) Marriage and family therapists shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.

(e) Marriage and family therapists may use client and/or clinical materials in teaching, writing, and public presentations only if a written waiver has been received from the client or when appropriate steps have been taken to protect client identity.

(f) Marriage and family therapists shall store or dispose of client records in ways that maintain confidentiality.

(g) Marriage and family therapists shall seek to remain abreast of new developments in family therapy knowledge and practices through both educational activities and clinical experiences.

(h) Marriage and family therapists shall not attempt to diagnose, treat, or advise on problems outside their competence.

(i) Marriage and family therapists shall not offer or accept payment for referrals.

(j) Marriage and family therapists shall disclose the marriage and family therapist's fee structure to clients at the onset of treatment.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-4; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2459; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA)

- *Does not impose requirements or costs on small businesses, as this rule only defines what the standards of for the competent practice of marriage and family therapy.*

839 IAC 1-4-7 Examination exemption for marriage and family therapists

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-13

Sec. 7. An examination shall be considered to be substantially equivalent, as used in IC 25-23.6-8-13, if:

- (1) the examination is the same examination used by the board; or
- (2) the board, after reviewing the examination, finds it comparable to the examination used by the board.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-7; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507, eff Jul 1, 1999; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA)

- *Does not impose requirements or costs on small businesses, as this rule only defines what the examination exemption is for marriage and family therapists.*

839 IAC 1-5-4 Exemption from examination for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5-12

Sec. 4. (a) As used in IC 25-23.6-8.5-12, "exempted by the board from the examination requirement" means the board will not grant blanket reciprocity to applicants for licensure as a mental health counselor under this section. Minimum standards for licensure set by the other state

at the time the applicant's mental health counselor licensure was granted in that state will be compared for equivalency with the minimum standards for Indiana licensure. The board will review each applicant for licensure as a mental health counselor by examination exemption on an individual basis.

(b) As used in IC 25-23.6-8.5-12, "engaged in the practice of mental health counseling" means the applicant has worked at least five (5) hours per week, averaged over the entire time the applicant has been in practice, with no more than a one (1) year's absence from the practice of mental health counseling, except the following:

- (1) If the applicant has more than one (1) year's absence from practice of mental health counseling, the board will review the reason for such absence on an individual basis.
- (2) If the applicant has taught mental health counseling, the applicant may count the hours spent teaching as hours of active practice of mental health counseling, provided such teaching was in courses in the same or similar field of mental health counseling as the competency area claimed by the applicant. Teaching shall include time spent in preparation, in meeting with students, and in related activities. Teaching of mental health counseling shall not count for more than seventy percent (70%) of the number of active practice hours claimed by the applicant.

(c) An examination shall be considered to be substantially equivalent, as used in IC 25-23.6-8.5-12, if the examination is either the same examination used by the board or an examination that tested the clinical skills and knowledge of the applicant. The board will review all examinations other than the one used by the board to determine equivalency.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-5-4; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1510; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA)

- *Does not impose requirements or costs on small businesses, as this rule only defines what the examination exemption is for mental health counselors.*

839 IAC 1-5-5 Standards for the competent practice of mental health counseling

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 5. The licensed mental health counselor must comply with IC 25-23.6 governing the practice of mental health counseling and shall abide by the following standards:

- (1) A mental health counselor's primary professional responsibility is to the client. The mental health counselor shall make every reasonable effort to advance the welfare and best interests of the client, including respecting the rights of those persons seeking assistance and making reasonable efforts to ensure that the mental health counselor's services are used appropriately.
- (2) The mental health counselor shall act in accordance with the highest standards of professional integrity and competence. The mental health counselor is honest in dealing with clients, students, trainees, colleagues, and the public. The mental health counselor seeks to eliminate incompetence or dishonesty from the profession.
- (3) The mental health counselor holds in confidence information obtained in the course of professional service; the mental health counselor safeguards client confidences as permitted by law.
- (4) The mental health counselor respects the rights and responsibilities of professional colleagues and, as the employee of an organization, remains accountable as an individual to the ethical principles of the profession. The mental health counselor treats colleagues with respect and good faith and relates to the clients of colleagues with full professional consideration.

- (5) When using assessment instruments or techniques, the mental health counselor shall make every effort to promote the welfare and best interests of the client. The mental health counselor guards against the misuse of assessment results, and respects the client's right to know the results, the interpretations, and the basis for any conclusions or recommendations.
- (6) The mental health counselor recognizes that research activities must be conducted with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research must be voluntary unless it can be demonstrated that involuntary participation will have no harmful effects on the subjects and is essential to the investigation.
- (7) The mental health counselor adheres to professional rather than commercial standards when making known his or her availability for professional services. The mental health counselor shall provide information that accurately informs the public of the professional services, expertise, and techniques available.
- (8) The mental health counselor shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.
- (9) The mental health counselor is aware of anything that might interfere with the counselor's effectiveness and shall refrain from any activity that might lead to inadequate performance or harm to anyone, including himself or herself and the client.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-5-5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1510; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA)

- ***LLDoes not impose requirements or costs on small businesses, as this rule only defines what the standards for the competent practice of mental health counseling.***

839 IAC 1-6-4 Continuing education audit

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. The board may require additional evidence demonstrating the license holder's compliance with the continuing education requirements of this rule. This additional evidence shall be required in the context of a random audit. It is the responsibility of the license holder to verify that the CEUs obtained to meet the continuing education required for the renewal of their license have been approved by the board. It is the responsibility of the license holder to retain or otherwise produce evidence of compliance.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-6-4; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1515; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA)

- ***Does not impose requirements or costs on small businesses, as this rule only specifies what is required of the licensee for a continuing education audit.***