

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

JULY 22, 2013

I. LICENSURE APPLICATION REVIEW

The Board reviewed pending applications to be approved for their respective examinations.

II. PERSONAL APPEARANCES FOR EXAMINATION ATTEMPTS

a. Theresa Ann White, LMHC Applicant

Ms. White appeared before the Mental Health Counselor chairperson to discuss her application to attempt the mental health counselor examination for the fourth time. Mr. Kimble approved Ms. White to sit for the examination.

b. Heather Smith, LMHC Applicant

Ms. Smith appeared before the Mental Health Counselor chairperson to discuss her application to attempt the mental health counselor examination for the fourth time. Mr. Kimble approved Ms. White to sit for the examination.

III. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 9:30 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

George Brenner, M.S., L.C.S.W., L.M.F.T., L.C.A.C., Board Chair
Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C., MHC Section Chair
Andrew Harner, M.S.W., L.C.S.W., SW Section Chair
Sherry Rediger, Ph.D., L.M.F.T., MFT Section Chair
Carla Gaff-Clark, Ed.D, L.M.H.C., CADAC-IV, L.C.A.C., AC Section Chair
Steven Douglas, J.D., Consumer Member

Board Members Not Present:

Rex Stockton, Ed.D. L.M.H.C., L.C.S.W., L.M.F.T
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
Ronald Saunders, Assistant Board Director, Professional Licensing Agency
Donna Sembroski, Deputy Attorney General, Office of the Attorney General

IV. ADOPTION OF THE AGENDA AS AMENDED

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

RICHARDSON/HARNER
Motion carried 6-0-0

V. ADOPTION OF THE MINUTES FROM JUNE 24, 2013 MEETING

Adoption of the minutes from June 24, 2013 will be tabled until the next meeting of the Board.

VI. APPEARANCES

a. REINSTATEMENT OF LICENSE

1. Barbara Anderson, LSW, License No. 33001414A

Ms. Anderson appeared before the Board, as requested, regarding reinstatement of her expired social work license. Ms. Anderson's license expired on April 1, 2010. Ms. Anderson has submitted the appropriate reinstatement application, reinstatement fee, and only 19.5 hours of Category I approved continuing education. The Board requested an additional 20.5 hours of approved continuing education with two of those hours in the area of ethics. The Board also requires anyone that grandfathered in for initial licensure to take and pass the ASWB examination if their license is expired more than three (3) years as well as the Indiana jurisprudence examination.

Board action: A motion was made and seconded to deny reinstatement of Ms. Anderson's social worker license.

HARNER/DOUGLAS
Motion carried 6-0-0

2. Jeffrey C. Darling, CSW, License No. 34000419A

Mr. Darling appeared before the Board, as requested, regarding reinstatement of his clinical social work license. Mr. Darling answered yes to question 1 on the reinstatement application that asks "Since you last renewed, has any health profession license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending?" He explained that he was chosen in the random audit for his Health Facility Administrator license and his HFA license was briefly suspended due to his lack of submitting sufficient continuing education for the audit. Mr. Darling submitted the

required continuing education and the suspension was lifted. Mr. Darling has since let his HFA license expire. Mr. Darling has submitted the reinstatement application, reinstatement fee and sufficient continuing education for his clinical social work license.

Board action: A motion was made and seconded to reinstate Mr. Darling's clinical social worker license.

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

b. APPLICATIONS

1. Jennifer Lynn Dyarman, LCAC
Re: Licensure by Examination

Ms. Dyarman did not appear as requested. She will be scheduled to appear in August.

2. Chiquitha Jean Cornelius, LCSW
Re: Licensure by Endorsement

Ms. Cornelius did not appear before the Board, as requested, regarding her application for a clinical social worker license. This is the third time Ms. Cornelius has been scheduled to appear. The Board has numerous questions regarding her transcript from Indiana University East. Documents received in her application packet. Ms. Cornelius also stated that she was convicted of a False Pretense charge in October of 2002 in Berrien County, Michigan. She was placed on probation. Based upon her criminal background check she was arrested for other charges.

Board action: A motion was made and seconded to deny Ms. Cornelius' application for a clinical social worker license based upon the conviction, not appearing as requested and other issues regarding her transcript and other charges on her CBC.

HARNER/REDIGER
Motion carried 6-0-0

3. Michael Ross, LSW
Re: Licensure by Endorsement

Mr. Ross appeared before the Board, as requested, regarding his application for a social worker license by endorsement. Mr. Ross answered yes to question 4B on the application that asks "Have you ever been convicted of, plead guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that in 2003 he was arrested for Felony Theft. The charge was lessened to a Class B Misdemeanor of Disorderly Conduct. Mr. Ross is currently employed as a crisis and continuity advisor with MESH.

Board action: A motion was made and seconded to grant Mr. Ross a social worker license upon successful completion of the Indiana jurisprudence examination.

Harner/Douglas
Motion carried 6-0-0

VII. ADMINISTRATIVE HEARINGS

There were no administrative hearings before the Board.

VIII. SETTLEMENT AGREEMENTS AND DISMISSALS

- a. **State of Indiana vs. Gregory Sureck, LMFT, License No. 35002474A**
Administrative Cause No. 2012 BHSB 020
Re: Notice of Proposed Dismissal

Parties and Counsel Present:

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:

George Brenner, M.S., L.C.S.W., L.M.F.T., L.C.A.C., Board Chair
Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C.
Andrew Harner, M.S.W., L.C.S.W., SW Section Chair
Sherry Rediger, Ph.D., L.M.F.T., MFT Section Chair
Carla Gaff-Clark, Ed.D, L.M.H.C., CADAC-IV, L.C.A.C., AC Section Chair
Steven Douglas, J.D., Consumer Member

Case Summary: On or about October 3, 2012, a Notice of Noncompliance was issued in the matter of Respondent's Marriage and Family Therapy license after Respondent failed to comply with the audit notice. Respondent corresponded with Tom McGee, Board Director that he would not be able to comply with the Notice of Noncompliance or the audit due to his health. On or about December 17, 2012, the Board issued a Notice of Proposed Dismissal. To date, Respondent has not responded to this notice. Because Respondent has not responded, this leaves the board to dismiss Respondent's appeal and put the Notice of Noncompliance back into effect.

Board action: A motion was made and seconded to grant the dismissal of Mr. Sureck's appeal in the matter of his marriage and family therapy license.

HARNER/DOUGLAS
Motion carried 6-0-0

- b. **Debra Rae Carson, LCSW, License No. 34004372A**
Administrative Cause No. 2013 BHSB 004
Re: Proposed Findings of Fact, Conclusions of Law and Order

Parties and Counsel Present:

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:

George Brenner, M.S., L.C.S.W., L.M.F.T., L.C.A.C., Board Chair

Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C.
Andrew Harner, M.S.W., L.C.S.W., SW Section Chair
Sherry Rediger, Ph.D., L.M.F.T., MFT Section Chair
Carla Gaff-Clark, Ed.D, L.M.H.C., CADAC-IV, L.C.A.C., AC Section Chair
Steven Douglas, J.D., Consumer Member

Case Summary: On or about May 16, 2013, the State filed a complaint alleging Respondent violated IC 25-1-9-4(a)(3) in that Respondent has knowingly violated a state statute or rule regulating the profession question as evidenced by Respondent practicing social work without a valid license to practice, as required by IC 25-23.6-4-1(5) as evidenced by her practice of clinical social work while her license was expired when she facilitated group therapy sessions, assessed patients, and exercised authority in clinical decision-making for patients; 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 as evidenced by Respondent's violation of 839 IAC 1-3-4(b)(2) in that Respondent misrepresented her qualifications, training, and/or experience by stating in her bio on Pro-Active's website that she was a counselor, despite not being licensed as a social worker after her license expired; 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 as evidenced by Respondent's violation of 839 IAC 1-3-4(b)(3) in that Respondent practiced beyond her competence and failed to make appropriate referrals when the client's needs exceeded her competency level as evidenced by Respondent facilitating group counseling sessions, assessing patients, and exercising authority in clinical decision-making for patients, despite not being licensed as a social worker after her license expired. The State presented a Settlement Agreement dated July 22, 2013, between Respondent and the State that orders Respondent to receive a Letter of Reprimand and pay to the Office of the Attorney General a fee of five dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Fund.

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

HARNER/RICHARDSON
Motion carried 6-0-0

IX. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

X. DISCUSSION

a. Foreign Transcripts

The Board received a letter asking if foreign transcripts are acceptable as proof of graduation. The Board stated the transcripts are acceptable if the program is approved. However, the transcripts must come to the Indiana Professional Licensing Agency directly from the university or credentialing service and must be either in English or translated into English.

XI. FORMAL ADOPTION OF APPLICATION REVIEWS

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

RICHARDSON/HARNER
Motion carried 6-0-0

XII. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

a. St. Mary's Health Center

The Board reviewed the application for St. Mary's Health Center in Evansville, Indiana. St. Mary's is requesting blanket approval to be an approved provider by the Board.

Board action: A motion was made and seconded to grant the approval as requested by St. Mary Health Center.

HARNER/RICHARDSON
Motion carried 6-0-0

XIII. OLD/NEW BUSINESS

- The November meeting of the Board has been rescheduled to November 18, 2013.
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- Ms. Rediger nominated and Mr. Harner seconded the nomination of Mr. Richardson for Vice Chair of the Board.

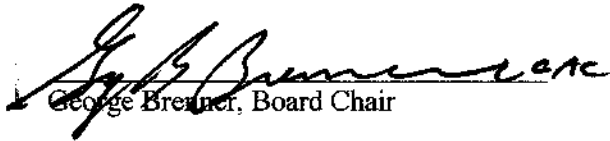
REDIGER/HARNER
Motion carried 6-0-0

XIV. ADMINISTRATOR'S REPORT

Ms. Vaught reported that Mr. McGee's last day with IPLA was on June 28, 2013. She also explained that instead of hiring a new Board Director, the board's that fell under Mr. McGee were distributed throughout the agency and she is the new Board Director for the Behavioral Health and Human Services Licensing Board. That is in addition to the State Board of Dentistry, the Indiana Board of Veterinary Medical Examiners, the Indiana Optometry Board, the Board of Chiropractic Examiners, and the Respiratory Care Committee.

XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 11:30 a.m.


George Brenner, Board Chair

9/23/13
Date

Kimble Richardson, Board Vice Chair

Date