

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

AUGUST 26, 2013

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 9:10 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, 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
Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Steven Douglas, JD, Consumer Member

Board Members Not Present:

Sherry Rediger, Ph.D., LMFT, MFT Section Chair
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.

RICHARDSON/HARNER
Motion carried 6-0-0

III. ADOPTION OF THE MINUTES FROM JULY 22, 2013 MEETING

A motion was made and seconded to adopt the minutes from the July 22, 2013 meeting of the Board, as revised.

RICHARDSON/HARNER
Motion carried 6-0-0

IV. PERSONAL APPEARANCES

A. Reinstatement

There were no reinstatement appearances before the Board.

B. Application

1. Jennifer Lynn Dyarman, LCAC Applicant

Ms. Dyarman appeared before the Board, as requested, regarding her application for a clinical addiction counselor license. Ms. Dyarman did not answer yes to any questions on the application for licensure but a record was found on her criminal background check indicating she had been arrested for Operating a Vehicle While Intoxicated. She explained that in 2005 she was arrested by the Military Police during a wellness check and found her intoxicated in a parked vehicle with the engine running. She stated she was initially charged with an OWI that was pled down to Reckless Driving that was in turn dismissed. Ms. Dyarman is also applying for her clinical social worker license and has been advised she will not need to appear before the Board again once that file is complete.

Board action: A motion was made and seconded to grant Ms. Dyarman a clinical addiction counselor license upon successful completion of the Indiana jurisprudence examination.

STOCKTON/DOUGLAS
Motion carried 6-0-0

C. Examination Attempts

1. Teresa Sue Gee, LSW Applicant

Ms. Gee appeared before the Board, as requested, regarding her request to take the ASWB examination for licensure as a social worker for the fourth time. She is currently employed by St. Vincent New Hope as a behavioral health counselor.

Board action: A motion was made and seconded to approve Ms. Gee to retake the LSW examination for the fourth time.

HARNER/STOCKTON
Motion carried 6-0-0

2. Cynthia Kay Molthan, LCSW Applicant

Mr. Molthan appeared before the Board, as requested, regarding her request to take the ASWB examination for licensure as a clinical social worker for the fourth time. She explained that the first exam attempt, she did not manage her time well; the second exam attempt, she went through the examination too fast; and the third exam attempt, she stated she has ADHD and did not read through the content thoroughly and questioned some of

her answers. Ms. Molthan currently is employed by I.U. Health Bloomington as a bereavement counselor in the hospice department. The Board advised she may want to either contact the ASWB for special accommodations or work on anxiety and relaxation techniques to help her.

Board action: A motion was made and seconded to approve Ms. Molthan to retake the LCSW examination for the fourth time.

HARNER/DOUGLAS
Motion carried 6-0-0

3. Anthony Tobia, LMHC Applicant

Mr. Tobia appeared before the Board, as requested, regarding his request to take the LMHC examination for licensure as a licensed mental health counselor for the fourth time. Mr. Tobia explained that he has been studying flashcards, notes, and other items. He stated when he doesn't feel like he can answer the question correctly then he just does not answer it at all. The Board explained that Indiana University offers an examination review course that he may want to consider.

Board action: A motion was made and seconded to approve Mr. Tobia to retake the LMHC examination for the fourth time.

RICHARDSON/STOCKTON
Motion carried 6-0-0

V. ADMINISTRATIVE HEARINGS

- A. State of Indiana vs. Timothy Dworniczek**
Administrative Cause No. 2013 BHSB 0006
Re: Order to Show Cause

Hearing Continued until September 23, 2013.

- B. State of Indiana vs. Elizabeth Covington, LCSW, License No. 34005521A**
Administrative Cause No. 2012 BHSB 010
Re: Complaint

Parties Present:

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

Participating Board Members:

Mr. Brenner, Hearing Officer
Mr. Richardson
Mr. Harner
Ms. Gaff-Clark
Dr. Stockton

Mr. Douglas

Case Summary: After being called three (3) times by the Board's hearing officer, Respondent did not appear. The State asked for a Notice of Proposed Default.

Board action: A motion was made and seconded to grant the State's request to issue a Notice of Proposed Default and to extend the Summary Suspension for ninety (90) days.

DOUGLAS/RICHARDSON
Motion carried 6-0-0

C. Brooke Randolph, LMHC, License No. 23001908A
Administrative Cause No. 2012 BHSB 005
Re: Petition for Withdraw of Probation

Parties Present:

Petitioner was present and represented by Lorie Brown, Attorney
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

Mr. Brenner, Hearing Officer
Mr. Richardson
Mr. Harner
Ms. Gaff-Clark
Dr. Stockton
Mr. Douglas

Case Summary: On or about August 9, 2012, the Board placed Petitioner's mental health counselor license on indefinite probation with terms and conditions due to a complaint filed by the State in the matter of Petitioner's license. Petitioner feels she has completed all requirements of probation as outlined by the Board's Final Order and is requesting the probation be withdrawn. Ms. Brown entered Exhibit 2, a packet of documents including continuing education certificates, board reports, monitor reports, receipt from the Office of the Attorney General and a letter from her employer. Ms. Brown entered Exhibit 1, a letter to the Board from her practice monitor, Dennis Kinder, psychologist with Children's Resource Group. The State indicated they have no objection to the withdrawal of probation if the Board feels Petitioner has adequately completed her terms and conditions. The Board showed concern over her billing practices and the amount of interest she had been charging.

Board action: A motion was made and seconded to grant Ms. Randolph's petition for the withdrawal of probation in the matter of her mental health counselor license.

RICHARDSON/HARNER
Motion carried 5-1-0
*Ms. Gaff-Clark opposed

VI. SETTLEMENT AGREEMENTS

A. State of Indiana vs. Jessica Gardner

Administrative Cause No. 2013 BHSB 001

Re: Administrative Law Judges' Recommended Findings of Fact,
Conclusions of Law and Order

Case Summary: On or about November 26, 2012, Petitioner submitted an application for licensure as a clinical addiction counselor. On January 31, 2013, Petitioner was notified that her application for licensure was denied because she did not meet the requirement of five (5) years of addiction counseling experience. On February 19, 2013, Petitioner filed a timely petition for review of the Board's denial of her application. On June 24, 2013, the Administrative Law Judges, Andrew Harner, George Brenner and Carla Gaff-Clark, appointed by the Board, held a hearing on the petition for review. Petitioner appeared in person. Petitioner is a licensed clinical social worker and holds a master's degree in social work. Petitioner's application listed relevant employment experience at St. Vincent Hospital from February 2009 through the present, with approximately five (5) hours per week practicing addiction counseling. Petitioner also included an employment verification form for Valle Vista Hospital from August 2005 to February 2007. This employment was not listed in the employment section of the application. The Administrative Law Judges voted to approve Ms. Gardner's application to practice clinical addiction counseling.

Board action: A motion was made and seconded to accept the recommendation of the Administrative Law Judges in the matter of Ms. Gardner's application for licensure as a clinical addiction counselor.

DOUGLAS/GAFF-CLARK

Motion carried 6-0-0

VII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VIII. DISCUSSION

A. National Board for Certified Counselors -- Meeting Update

Mr. Richardson and Ms. Vaught discussed their attendance at the NBCC meeting in Greensboro, North Carolina. Mr. Richardson thinks a couple of things the board should consider would be to change their license names from licensed mental health counselors to licensed professional counselor and licensed clinical professional counselor as well as changing the pre-degree hours required. Currently Indiana requires 1,000 hours but the national average is 700 hours. They also discussed the pre- and post-degree supervision hours should be and/or could be live but not in person via Skype and that if this were to occur the state should only allow a certain number or percentage of hours to be completed electronically. The Board showed concerns regarding the security of electronic supervision. The Board would like to put each of these items on the September agenda for discussion.

IX. 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/DOUGLAS
Motion carried 6-0-0

X. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Youth First, Inc.

The Board reviewed the application for Youth First, Inc. in Evansville, Indiana.

Board action: A motion was made and seconded to grant the approval as requested by Youth First, Inc. upon successful submission of a template of a sign-in sheet and certificate of completion.

HARNER/RICHARDSON
Motion carried 6-0-0

XI. OLD/NEW BUSINESS

- Ms. Vaught discussed with the Board reinstatement applications expired less than and more than three (3) years. Incomplete applications for reinstatement will be reviewed by IPLA staff and anything missing will be requested with a deadline of thirty (30) days to submit. Anyone who does not submit the missing documentation within the thirty (30) day will be scheduled for a personal appearance before the Board and requested to bring in the missing documentation. The Board only has ninety (90) days to act upon a reinstatement once it is received by IPLA. The section chair will review any reinstatements with "red flags" to determine whether or not the individual seeking reinstatement will be required to make a personal appearance.
- Ms. Vaught discussed how the Board would like to handle the scheduling of personal appearances. The Board stated all applications for licensure with positive responses should be forwarded to each section chair for review to determine whether or not the applicant should appear before the Board for approval.
- Ms. Vaught explained to the Board that IPLA staff will be answering all questions of the statutes and rules and the application information and instructions. If the applicant has more questions the staff cannot answer, the person inquiring to the Board will need to submit a completed application for the board to vote on.

XII. ADMINISTRATOR'S REPORT

Ms. Vaught reported that Mr. Saunders is no longer with the Indiana Professional Licensing Agency.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 11:45 a.m. by general consensus.


George Brenner, Board Chair

9/23/13
Date


Kimble Richardson, Board Vice-Chair

9/23/2013
Date