

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

MINUTES

SEPTEMBER 27, 2021

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Richardson called the meeting to order at 8:06 a.m. through virtual video and audio conferencing and stated that the Board could not declare a quorum. The Board declared they will proceed with the proceedings by ALJ in accordance with Indiana Code <insert code>

Board Members Present:

Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Board Chair
Stephan Viehweg, MSW, LCSW
Andrew Harner, MSW, LCSW, Board Liaison, SW Section Chair, Board Designee
Kelley Gardner, LMFT
Elizabeth Cunningham, D.O., Psychiatric Physician Member

Board Members Not Present:

George Brenner, MS, LCSW, LMFT, LCAC, Vice Chair
Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Jacqueline Eitel, RN, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Adam Harvey, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

Could not adopt the agenda.

III. APPROVAL OF MINUTES

There were no minutes to review.

IV. PERSONAL APPEARANCES

A. Probation

1. **Scott H. Peterson, LMHC, License No. 39001409A**
Cause No. 2020 BHSB 0009

Mr. Peterson appeared as requested to discuss his ongoing probation. His contact information has remained the same and he is currently working for Scan, Inc. He stated that he is currently working under supervision that started two (2) years ago. The Board reminded him that we need a copy of his order signed by his new employer, and that the Board has not received any supervision reports from his supervisor. Mr. Peterson stated

that he was unaware that a signed copy of his order from his employer was needed. The Board reminded him to read through his order to ensure that he is following what is in it.

2. **Nathan Smith, L.S.W., License No. 33007819A**
Cause No. 2019 BHSB 0005

Mr. Smith appeared as requested to discuss his ongoing probation. He stated that he is no longer working at Jane Pauly, instead he has working as an independent contractor for the Madison County Correctional system. This change occurred this month. He stated that the Sherriff's Office no longer works with Jane Pauly, so he offered his services to them to maintain his clients. He informed the Board that his current supervisor is the Madison County Sherriff. Mr. Smith brought up the administrative fact that his LCSW license is free and clear; however, his LSW is on probation. Mr. Smith stated that he does talk about his cases with Dr. Steven who is an HSPP. Mr. Smith stated that he has completed the recommended CE, and his criminal probation. He affirmed that he has remained sober for 3 years. The Board stated that if he wishes to remove that probation, it is up to him to request such in writing. The burden of proof is on Mr. Smith to prove that he has met all his probation terms.

3. **Delilah Spriggs, LSW, License No. 33010032A**
Cause No. 2020 BHSB 0027

Ms. Spriggs did not appear. She will be rescheduled.

4. **David Turo-Shields, LCSW, License No. 34003290A**
Cause No. 2016 BHSB 0014

Appeared as requested to discuss his ongoing probation. He stated that he is doing well and maintaining his self-care. He is currently in therapy and practicing with clinical supervision. He informed the Board that he has updated his name to be David Shields. He stated that his medical issues have been resolved, and his supervisor provided a statement for the Board. Mr. Shields stated that they meet once a month and go over case management and his current mental state. The Board recommended that his supervisor provide more details in his report as it does not show much information. Mr. Shields stated that the only issue he has is with billing insurance due to the probation status.

B. Reinstatement

1. **Kelly McClaron, LCSW, License No. 34006735A**

Ms. McClaron requested reinstatement of her license that expired in 2016. She submitted a statement and 40 hours of continuing education for the Board to review. The Board recommended that her reinstatement be approved pending completion of the jurisprudence examination.

C. Application

1. **Crystal Dawn Schultz (LAC)**

Ms. Schultz appeared per her request to discuss her application. Ms. Schultz has submitted hours for her practicum and employment that overlap at the same time. She explained that a practicum was not required for her degree, and the hours that she earned to meet the practicum requirements were earned outside of her normal job duties. She submitted a letter verifying this information for the Board to review. The Board was not able to review the letter before her appearance as Ms. Schultz failed to provide this information to the Board staff in time to add it to her file. She stated that her current supervisor is David Bonnie. The Board stated they need more information for her file, and suggested she reach out to a university about her hours.

V. **ADMINISTRATIVE HEARINGS**

A. **Dee Russell, LCSW, LCAC, License No. 34006134A, 87001352A**

Cause No. 2020 BHSB 0016

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present with counsel Patrick Miller

Office of Attorney General not represented

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Mr. Richardson, LMHC (Hearing Officer)

Stephan Viehweg, LCSW

Andrew Harner, LCSW

Elizabeth Cunningham, D.O.

Kelley Gardner, LMFT

Case Summary: On or about August 10, 2020, Ms. Russell's license was placed on probation based upon her renewal response. She stated that she entered a pre-trial agreement with the courts to address the criminal charges. At this time, she has met all terms set forth by the court, and the case has been dismissed with prejudice. The Board took official notice of her file. Mr. Miller submitted Exhibits A-E. Exhibit's A-D are letters of recommendation attesting to Ms. Russell's character. Exhibit E is a letter from the Ohio Board that shows Ohio is not pursuing action against her Ohio license.

Mr. Miller called Ms. Russell to testify on her behalf. Ms. Russell stated that she was in a toxic relationship with her husband. She has been following up on additional reading and training for those in a similar situation. She stated that she is now divorced, and they no longer work together. She stated that this incident has caused her to be more cautious on her professional boundaries and maintaining those boundaries. She stated that she is currently in counseling. She does do consultation with other professionals but is primarily focusing on obtaining her Ph.D at this time.

Mr. Miller stated that Ms. Russell has met all terms of her probation and is moving forward with her education. He is requesting the Board accept the withdraw of her probation. He stated that Ms. Russell is also struggling with the NPDB as the charges are showing on that report as it currently shows conviction.

Board Action: A motion was made and seconded to recommend that the petition for withdraw of probation be granted in the matter of Ms. Russell.

Harner/Viehweg
Motion carried 5/0/0

B. Catherine Shumate, L.M.H.C., License No. 39002039A
Cause No. 2021 BHSB 0012
Re: Administrative Complaint

The hearing in the matter of Ms. Shumate was continued.

VI. DISCUSSION

There were no discussion items.

VII. APPLICATIONS FOR REVIEW

1. Carolyn Brown (LSW)

Ms. Brown said yes to the question “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” She submitted a statement and supporting documents of what occurred. The Board recommended that an appearance is not required, and she can be approved to take her ASWB Master’s examination.

2. Alicia Dawson (LSW)

Ms. Dawson is requesting approval to retake her ASWB Master’s examination for the fourth time. She submitted a study plan for the Board to review. The Board recommended that she be approved to take her ASWB Master’s examination for the fourth time.

3. JaNai Alexander (LMHC)

Ms. Alexander did not disclose her background on her application. She submitted a statement and supporting documents to the Board for review. The Board recommended to approve Ms. Alexander’s application without an appearance to sit for the NBCC NCHMCE examination.

4. Siarraah Ellenberger (LMHC)

Ms. Ellenberger is requesting for approval to retake her NBCC NCMHCE examination for the fourth time. She submitted a study plan for the Board to review. The Board recommended to approve Ms. Ellenberger’s application without an appearance to sit for the NBCC NCMHCE examination for the fourth time.

5. Troy May (LMHC)

Mr. May is requesting the Board to grant him a 90-day waiver in order to retake the NBCC NCMHCE examination. In order to take his examination early. Mr. May submitted a statement with information on his circumstances. The Board recommended to grant Mr. May's request to be granted the 90-day waiver to take the NBCC NCMHCE examination.

6. Bailey Ritsema (LSW)

Ms. Ritsema said yes to the question ““Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” She submitted a statement and supporting documents for the Board to review. The Board recommended that an appearance is not required, and that her application be approved to take the ASWB Master's examination.

VIII. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General's office reported to the Board that they have 72 open complaints and they have closed 103 since the beginning of the year. The average age of the open complaints is 5.8 months. There are currently 20 open litigation cases with only 9 opened this year. The average duration of the litigation cases are 4.7 months.

IX. FORMAL ADOPTION OF APPLICATION REVIEWS

There was no formal adoption of the application reviews.

X. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

There are no Continuing Education Sponsor applications for review.

XI. OLD/NEW BUSINESS

There was no old/new business to discuss.

XII. ADMINISTRATORS' REPORT

There was no Administrators' report.

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 2:04 p.m. by general consensus.

Kimble Richardson, MS, LMHC, LCSW,
LMFT, LCAC, MHC, Chair

Date