

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

SEPTEMBER 28, 2009

I. CALL TO ORDER AND ESTABLISH QUORUM

Kimble Richardson called the meeting to order at 9:06 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:

Geneva Osawe, MSW, L.M.F.T., L.C.S.W., MFT Section Chair, Vice-President
Kimble Richardson, M.S. L.M.H.C., L.C.S.W., L.M.F.T., MHC Section Chair
Michael Aemmer, MA, L.S.W., L.M.F.T.
Rex Stockton, Ed.D, L.M.H.C., L.C.S.W., L.M.F.T., Psychologist, MHC Section Chair
Ruth Hallett, Consumer Member

Members Absent:

Andrew Harner, MSW, L.C.S.W., President
Vacant, SW Section Chair
Vacant, Consumer Member
Vacant, Psychiatrist Member

Staff Present:

Valerie Jones, Board Director
Ronnie Saunders, Assistant 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/OSAWA
Motion carried 5-0-0

III. APPROVAL OF MINUTES FROM JULY 27, 2009

A motion was made and seconded to approve the minutes of the July 27, 2009 meeting of the Board, as amended.

OSAWE/STOCKTON
Motion carried 5-0-0

IV. PERSONAL APPEARANCES

A. Jendayi Mayibuye, LSW Applicant

Ms. Mayibuye appeared before the Board to address the positive responses on her application for licensure as a social worker in the State of Indiana. Ms. Mayibuye responded "yes" to the following questions:

"Are you now being, or have you ever been treated for drug or alcohol abuse?"

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

Ms. Mayibuye stated that she was formally addicted to heroine and shoplifted to support her habit. Her last conviction was in 1985. She stated that she had one relapse after leaving prison in 1985. She has been drug free since 1997.

Ms. Mayibuye has worked with formally incarcerated individuals, the homeless, and has focused on helping the community. She attends 12-step group 3-4 times per week and has an active sponsor.

Ms. Mayibuye plans to continue working in the field of HIV education. She currently works with the Ryan White HIV project focusing on minority care.

The board questioned Ms. Mayibuye regarding her numerous last names. Ms. Mayibuye explained in detail her name changes. The board was satisfied with her explanation regarding her name change. In addition, she explained how she transitioned from the prison culture.

A motion was made to approve Ms. Mayibuye's application to sit for the ASWB master level exam.

STOCKTON/OSAWA
Motion carried 5-0-0

B. Susan Coffman, LCSW Applicant

Ms. Coffman appeared before the Board to discuss the reasons she has been unable to pass the ASWB clinical examination.

Ms. Coffman stated that she is not a good test taker and has test anxiety. Ms. Coffman stated that she has attended study groups, completed supervisory hours, seminars, and received study materials and studied with other applicants that have passed the exam.

Ms. Coffman discussed her strategy with the Board. She stated that she has taken a 2-day seminar to prepare for the exam.

The Board questioned Ms. Coffman as to whether she had taken a psychopathology course. Ms. Coffman stated that she had not taken a course in psychopathology.

A motion was made and seconded to require Ms. Coffman to take a course that meets the psychopathology/DSM IV course prior to being allowed to retake the ASWB clinical examination.

OSAWA/ AEMMER
Motion Carried 4-0-1

Ms. Hallett abstained.

C. Troy Pedersen, License #39000352A

Mr. Pedersen appeared before the board to discuss the reasons that he allowed his license to expire. Mr. Pedersen submitted a letter stating that his license had been expired longer than 3-years because he did not receive a license renewal.

Mr. Pedersen is a licensed attorney however does not currently practice. If renewed, Mr. Pedersen is hoping to work with a chiropractor to set up counseling sessions. In the last 10 years Mr. Pedersen has had only 2 years of clinical practice. Mr. Pedersen informed the Board that he has had mostly administrative clinical practice.

A motion was made and seconded to require Mr. Pedersen take a semester long advanced clinical experience practicum/internship and the jurisprudence examination for mental health counselors.

STOCKTON/HALLETT
Motion carried 5-0-0

D. Vicki Marie Muffley, License #39000815A

Ms. Muffley appeared before the Board to discuss the reasons that she allowed her license to lapse.

Ms. Muffley stated that after moving to Indianapolis, her private practice ended. Since ending her practice, Ms. Muffley informed the Board that she has been out of practice assisting her husband in his business and working as a full-time mom.

Ms. Muffley informed the board that she would like to go back into private practice.

Prior to moving to Indianapolis, Ms. Muffley spent 9 years in clinical practice at a hospital.

A motion was made and seconded to require Ms. Muffley to take the jurisprudence exam for mental health counselors prior to renewing her license to practice.

AEMMER /STOCKTON
Motion Carried 5-0-0

V. DELIBERATION AND POSSIBLE ISSUANCE OF FINAL ORDER

A. In the Matter of Nancy K. Fromm

Administrative Cause No. 2008 BHSB 0007
Re: ALJ Recommended

Case Summary: Ms. Fromm's license was denied at the June 23, 2008 board meeting. Ms. Fromm submitted a timely notice appealing the denial of her renewal application.

Ms. Fromm's attorney, Mr. Katz, gave an opening statement before an ALJ panel of the Board on July 27, 2009 stating that Ms. Fromm was the subject of a federal investigation leading to a plea agreement. Mr. Katz requested that the Board consider renewing Ms. Fromm's license on probation.

Ms. Fromm testified to her history as a social worker. Ms. Fromm started her own agency in 1997. Mr. Katz presented 10 exhibits to the ALJ panel. All exhibits were admitted without objections.

The ALJ panel reviewed the exhibits. Ms. Fromm read a statement informing the board of her personal journey through her legal process.

Mr. Katz informed the board of the level of cooperation that Ms. Fromm gave to the US Attorney's Office.

The ALJ panel expressed concerns about her conduct and her direct service practice and the events that led to her conviction.

Mr. Katz made a brief closing statement requesting that Ms. Fromm's license be renewed.

Board Action: The Board deliberated the ALJ Recommended Findings issued on August 6, 2009. The ALJ panel recommended that Ms. Fromm be placed on probation with the following terms and conditions:

1. Respondent is placed on probation for an indefinite period of time. Respondent may petition the Board for withdrawal of probation at the time her criminal probation is completed.
2. Respondent shall notify the Board of any change in her current home address, mailing address, or employment.
3. Respondent's professional practice shall be supervised by a licensed clinical social worker, who shall submit quarterly reports to the Board.

The supervision shall include face-to-face meetings at least monthly. Respondent shall ensure that the supervisor submits the reports.

4. Respondent shall comply with the terms of her criminal probation.
5. Respondent shall comply with all laws and rules regulating the practice of clinical social work, including completion of continuing education requirements, as well as the general statutory provisions which apply to all the health professions.
6. Failure to comply with the requirements of probation may subject Respondent to a show cause hearing before this Board and the imposition of further sanctions.

A motion was made and seconded to affirm the ALJ Recommended findings.

STOCKTON/HALLETT
Motion carried 5-0-0

B. In the Matter of Thomas W. Evans

Administrative Cause No. 2006 BHSB 0024
Re: ALJ Recommended

Case Summary: The Respondent, Mr. Evans, was placed on Probation by the Board. Mr. Evans requested that the Board withdraw the probation from his license. Mr. Evans informed the Board that he is no longer on his court ordered probation.

The Board questioned Mr. Evans about his compliance with his Probation Order. Mr. Evans informed the board that his therapist informed him that he no longer should attend therapy.

In a closing statement Mr. Evans requested that his probationary status be terminated.

The ALJ panel recommended that Mr. Evans request to have his probation withdrawn be denied.

The Board deliberated the ALJ Recommended Findings issued on August 3, 2009.

A motion was made and seconded to affirm the ALJ Recommended findings.

HALLETT/OSAWA
Motion carried 5-0-0

VI. OLD/NEW BUSINESS

A. Reinstatement for Licenses Expired for Three-Plus Years

1. Carole Suzanne Holton, License # 34001572A

The Board reviewed documentation from Ms. Holton regarding her request to renew her expired license to practice clinical social work. Ms. Holton's license has been expired since April 1, 2006. Ms. Holton submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Holton submitted a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to reinstate her expired license to practice clinical social work.

STOCKTON/OSAWA
Motion carried 5-0-0

2. Tracey Carrel Klein, License #34003335A

The Board reviewed documentation from Tracey Klein regarding her request to renew her expired license to practice clinical social work. Tracey Klein's license has been expired since April 1, 1996. Tracey Klein submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Tracey Klein submitted a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to reinstate her expired license to practice clinical social work.

STOCKTON/ AEMMER
Motion carried 5-0-0

3. Donald J. Amidei, License #33001184A

The Board reviewed documentation from Mr. Amidei regarding his request to renew his expired license to practice social work. Mr. Amidei's license has been expired since April 1, 2006. Mr. Amidei submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Mr. Amidei submitted a letter detailing the reasons for failing to renew his license.

A motion was made and seconded to reinstate his expired license to practice social work.

OSAWA/STOCKTON
Motion carried 5-0-0

4. Natalie Joy Newlin, License # 33003726A

The Board reviewed documentation from Ms. Newlin regarding her request to renew her expired license to practice clinical social work. Ms. Newlin's license has been expired since April 1, 2004. Ms. Newlin submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Newlin submitted a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to require Ms. Newlin to personally appear before the Board to determine the nature and location of her work since her license expired on April 1, 2004.

HALLETT/AEMMER
Motion carried 5-0-0

B. Request for Reinstatement of Retired License

1. Karen Elaine Smith, License # 33004143A

Ms. Smith requested that her retired license be reinstated. Ms. Smith submitted the required number of continuing education hours required for reinstatement.

A motion was made and seconded to reinstate her retired license to practice social work.

STOCKTON/AEMMER
Motion carried 5-0-0

A motion was made and seconded to delegate the reinstatement of retired licensees, which meet the requirements for reinstatement, have no positive responses, and has been retired less than 10 years, to the staff of the Indiana Professional Licensing Agency.

OSAWE/STOCKTON
Motion carried 5-0-0

C. Addiction Counselor Update

Director Jones informed the board that the Notice of Intent had been filed with the Indiana Register. Director Jones further informed the board of the grandfathering requirements and the need for a committee. A committee was formed of Andrew Harner, Kimble Richardson, and Geneva Osawe. A meeting will be scheduled following the board meeting.

D. Auditing Graduate Courses for Continuing Education Credit

The Board discussed whether auditing a course can be counted toward the continuing education requirements.

The Board expressed concerns with the use of audited courses by students that have not officially registered for the course to qualify as continuing education. The board determined that the person would accept audited courses for which they were officially registered.

A motion was made and seconded to accept formally audited courses as Category I continuing education.

STOCKTON/OSAWE
Motion carried 5-0-0

E. LMFT Qualified Supervisor Discussion

The Board discussed the qualified supervision requirements for university programs.

A motion was made and seconded that the equivalent supervision definition should be applied to post degree supervision and experience.

OSAWE/AEMMER
Motion carried 5-0-0

F. ASWB Exam Fee Increase Discussion

The Board discussed the exam fee increase proposed by the Association of Social Work Boards.

A motion was made and seconded vote against the fee increase.

A roll call vote was taken.

Dr. Stockton abstained
Ms. Hallett – voted against the fee increase.
Mr. Richardson – voted against the fee increase.
Mr. Aemmer – voted in favor of the fee increase.
Osawe – voted against the fee increase.

Motion carried 3-1-1

Dr. Stockton abstained

VII. CE SPONSOR APPLICATION REVIEW

- A. A motion was made and seconded to request additional information on the continuing education sponsor application of Michiana Behavioral Health.

HALLETT/AEMMER
Motion carried 5-0-0

- B. A motion was made and seconded to approve the continuing education sponsor application of Family & Children's Services, Inc.

HALLETT/STOCKTON
Motion carried 5-0-0

- C. A motion was made and seconded to approve the continuing education sponsor application of Community and Heart of Art Studio.

HALLETT/RICHARDSON
Motion carried 5-0-0

- D. A motion was made and seconded to request additional information on the application of Imago.

HALLETT/STOCKTON
Motion carried 5-0-0

VIII. 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.

HALLETT/STOCKTON
Motion carried 5-0-0

IX. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Social Worker, Marriage and Family Therapist and Mental Health Counselor Board adjourned at 12:06 p.m.

**Kimble Richardson, M.S. L.M.H.C., L.C.S.W., L.M.F.T., MHC Section Chair
Behavioral Health and Human Services Licensing Board**