

**MINUTES  
BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD  
May 24, 2010**

**I. CALL TO ORDER AND ESTABLISH QUORUM**

Andrew Harner called the meeting to order at 9:12 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:**

Andrew Harner, MSW, L.C.S.W., President  
Kimble Richardson, M.S. L.M.H.C., L.C.S.W., L.M.F.T., MHC Section Chair  
Geneva Osawe, MSW, L.M.F.T., L.C.S.W., MFT Section Chair, Vice-President  
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  
George Brenner, L.C.S.W., L.M.F.T., L.C.A.C.  
Carol Gaff-Clark, Ed.D., L.M.H.C., CADAC-IV, L.C.A.C.  
Ruth Hallett, Consumer Member

**Members Absent:**

Vacant, SW Section Chair  
Vacant, Consumer Member  
Vacant, Psychiatrist Member

**Staff Present:**

Valerie Jones, Board Director  
Ronnie Saunders III, 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/RICHARDSON  
Motion carried 8-0-0

**III. APPROVAL OF MINUTES FROM APRIL 19, 2010**

A motion was made and seconded to approve the minutes of the April 19, 2010 meeting of the Board, as amended.

RICHARDSON/STOCKTON  
Motion carried 8-0-0

**IV. ADDICTION COUNSELOR DEGREE DISCUSSION**

The Board re-discussed the types of degrees that should be accepted for licensure as clinical addiction counselors through the grandfathering process. The Board previously voted to accept all degrees however, Ms. Gaff-Clark and Mr. Brenner expressed concerns about the quality of care citizens would receive by those licensed with degrees unrelated to Behavioral Health or Human Services.

Kendra Ballenger, Assistant Deputy Director of the FSSA/ Division of Mental Health (DMHA) and Addiction informed the Board that the DMHA would like to see an all inclusive process when it comes to degrees.

Ms. Ballenger described the process as it relates to the qualifications of those providing addiction services. Ms. Ballenger further expressed concerns about the huge gap in services if individuals with non-traditional degrees would not be accepted. The Board asked questions of Ms. Ballenger about the criteria individuals are required to meet in order to receive the DMHA certification.

Ms. Ballenger explained the processes that the DMHA has put in place to ensure that individuals practicing with addictions will be qualified to practice.

The Board discussed which degrees should be accepted for licensure.

After discussion the Board determined that the current policy would stay in place of accepting all Master's Degrees with the caveat that each file will be reviewed on a case by case basis.

## **V. PERSONAL APPEARANCES**

### **A. Janet S. Pottoroff, License #33005287A**

Re: Positive Response on Renewal Application

Ms. Pottoroff appeared before the Board to discuss the positive response on her renewal application. Ms. Pottoroff answered "yes" to the following questions:

"Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline?"

Ms. Pottoroff informed the Board that her positive response was the result of an unintentional breach in confidentiality violation. Specifically, Ms. Pottoroff pulled the wrong chart on the wrong client during a client session and confidentiality was inadvertently breached.

After the session, Ms. Pottoroff intended to call her supervisor to inform him of the breach however she stated that she was unable to call due to a busy work day. The client then called Ms. Pottoroff's supervisor to inform him of the breach. As a result, Ms. Pottoroff was terminated.

The Board reviewed the administrative law judge decision made by the Compensation Board. The Compensation Board determined that Ms. Pottoroff was terminated for unjust causes.

Ms. Pottoroff has been unemployed for five (5) months. Ms. Pottoroff stated that she regrets her decision and does not believe that she will repeat the mistake.

After discussion, a motion was made and seconded to renew her license to practice social work.

STOCKTON/GAFF-CLARK  
Motion carried 8-0-0

### **B. Karin Heidi Metcalf, License #34003269A**

Re: Positive Response on Renewal Application

Ms. Metcalf appeared before the Board to discuss the positive response on her renewal application. Ms. Metcalf answered "yes" to the following questions:

"Since you last renewed, have you been denied a license, certificate, registration, or permit in any state?"

Ms. Metcalf informed the Board that her positive response was the result of her application for licensure as a LCSW in the State of California being denied.

The complaint in California came from the father of a child patient. Ms. Metcalf stated that the complaint was the reason why her California licensure was denied. She further stated that she has appealed the denial.

Ms. Metcalf currently holds a temporary license in California and has been working under supervision. However, in order to gain full licensure she will be required to go through courses for ethical misconduct.

Ms. Metcalf was cleared of all charges from the NASW after attending a mediation and edited her initial report.

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

RICHARDSON/HALLETT  
Motion carried 8-0-0

**C. Dana Elaine Cochran Wiley, License #33002583A**

Re: 3+ Years Expired Renewal Application

Ms Wiley appeared before the Board to discuss the reasons she failed to renew her license and what she has done to keep abreast of the changes within the profession of social work. Ms. Wiley's license has been expired since April 1, 1998.

Ms. Wiley informed the Board that she was a stay-at-home mom while out of practice. Ms. Wiley stated that she did not think about re-entering the profession while working as a stay-at-home mom.

Ms. Wiley was originally grandfathered into the profession and took her initial licensing exam in New York.

Ms. Wiley began volunteering at Wishard Senior Care in November.

A motion was made and seconded to reinstate Ms. Wiley's license once she passes the Indiana jurisprudence exam.

RICHARDSON/BRENNER  
Motion carried 8-0-0

**D. Brenda Elander Comer, LCSW Applicant**

Re: Repeat Exam Attempts

Ms. Comer appeared before the Board to discuss the reason she believes that she has failed to pass the ASWB clinical exam.

Ms. Comer currently holds a temporary license with the Board. She has failed the exam three (3) times. Ms. Comer explained the issues she has faced while sitting for the exam.

Ms. Comer discussed her study plan with the Board which includes taking time off from her current employer.

After discussion, a motion was made and seconded to allow Ms. Comer to sit for the exam.

BRENNER/OSAWA  
Motion carried 8-0-0

**E. Melanie D. Stumm, LCSW Applicant**

Re: Repeat Exam Attempts

Ms. Stumm appeared before the Board to discuss the reason she believes that she has failed to pass the ASWB clinical exam. Ms. Stumm has failed the exam three (3) times.

Ms. Stumm informed the Board of her study patterns while preparing for the exam. Ms. Stumm stated that she wants to re-take the exam and has developed a more structured

study pattern. Ms. Stumm received her MSW from IUPUI and does not currently hold a license issued by the Board.

When asked about her ability to take the exam, Ms. Stumm stated that she believes she experiences test anxiety.

The Board recommended taking a test anxiety course.

After discussion, a motion was made and seconded to allow Ms. Stumm to sit for the exam.

HALLETT/BRENNER  
Motion carried 8-0-0

**F. Geraldine Thomas, LCSW Applicant**

Re: Repeat Exam Attempts

Ms. Thomas appeared before the Board to discuss the reason she believes that she has failed to pass the ASWB clinical exam.

Ms. Thomas has failed the exam three (3) times. Ms. Thomas informed the Board of her study habits while preparing for the exam.

Ms. Thomas explained her study plan for re-taking the exam.

The Board recommended taking a test anxiety course and taking her time through the study process.

After discussion, a motion was made and seconded to allow Ms. Thomas to sit for the exam.

STOCKTON/OSAWA  
Motion carried 8-0-0

**G. Pamela K. Ballard, LCSW Applicant**

Re: Repeat Exam Attempts

Ms. Ballard appeared before the Board to discuss the reason she believes that she has failed to pass the ASWB clinical exam.

Ms. Ballard has taken the exam nine (9) times. Ms. Ballard does not currently hold a license and is currently unemployed.

Ms. Ballard received her MSW from the University of Southern Indiana and has been attempting the exam since 1999.

The Board recommended signing up for a course to help her with relaxation techniques.

After discussion, a motion was made and seconded to allow Ms. Ballard to sit for the exam.

STOCKTON/GAFF-CLARK  
Motion carried 8-0-0

**H. Emily Sommers, LCSW Applicant**

Re: Repeat Exam Attempts

Ms. Sommers appeared before the Board to discuss the reason she believes that she has failed to pass the ASWB clinical exam.

Ms. Sommers has taken the exam six (6) times. Ms. Sommers believes that attention deficient disorder and test anxiety have prevented her from passing the exam. Ms. Sommers graduated from the University of Southern Indiana in 2001.

Ms. Sommers has not asked for special accommodations since beginning the exam process nor has she taken medication to address her attention deficient disorder during the exam process.

After discussion, a motion was made and seconded to allow Ms. Sommers to sit for the exam.

OSAWE/AEMMER  
Motion carried 8-0-0

**I. Catheryn Lynn Ray, LCSW Applicant**  
Re: Repeat Exam Attempts

Ms. Ray appeared before the Board to discuss the reason she believes that she has failed to pass the ASWB clinical exam.

Ms. Ray has taken the exam three (3) times. Ms. Ray believes that she will need special accommodations in order to sit for the exam. However, she stated that after evaluation she has been unable to get a diagnosis to address her learning disability.

Ms. Ray discussed her previous study plan and requested advice to assist her with the exam processes. Ms. Ray's specific concern is that she does not have enough time to complete the exam.

The Board suggested that she complete an evaluation by a clinical psychologist in order to be evaluated for her learning disability.

Ms. Ray has not reapplied to take the exam. No action was taken by the Board.

**VI. DELIBERATION AND FINAL VOTE OF ACTION TAKEN BY ALJ**

**A. In the Matter of Marchell Hunt**  
Administrative Cause No. 2010 BHSB 002  
Re: Application Denial Appeal

Ms. Hunt appeared before an ALJ Panel on March 22, 2010 to appeal the denial of her application as a clinical social worker as a result of failing the ASWB clinical examination required for licensure.

The ALJ Panel reviewed Ms. Hunt's file and heard testimony from Ms. Hunt regarding the reasons she believed that she failed the exam. According to Ms. Hunt, the special accommodations she received while taking the exam were inadequate.

**ALJ Recommendation:** A motion was made and seconded to recommend that the Board deny of Ms. Hunt's application appeal.

**Board Action:** A motion was made and seconded to affirm the ALJ recommendation.

STOCKTON/HALLETT  
Motion carried 8-0-0

**VII. ADMINISTRATIVE HEARING**

**A. In the Matter of Jon Davidson**  
Administrative Cause No. 2002 BHSB 007  
Re: Default Hearing

**Parties and Counsel Present:**

Libby Kiefner Crawford, Office of the Attorney General

**Participating Board Members:**

Mr. Harner (Hearing Officer)

Mr. Richardson

Ms. Osawe

Mr. Brenner

Ms. Gaff-Clark

Ms. Hallett

Dr. Stockton

Mr. Aemmer

**Case Summary:** Mr. Davidson was scheduled for a show cause hearing on March 22, 2010 and failed to appear. As a result he was issued a Notice of Proposed Default on April 23, 2010. Mr. Davidson has not responded to the Notice of Proposed Default in the required time frame.

A motion was made and seconded to hold Mr. Davidson in default.

BRENNER/OSAWE

Motion carried 6-0-2

Mr. Richardson and Ms. Hallett recused themselves from the proceeding.

Ms. Kiefner-Crawford questioned Director Jones about the status of Mr. Davidson's probation history. Director Jones discussed Mr. Davidson's probation requirements and his areas of compliance and non-compliance.

Ms. Kiefner Crawford requested that Mr. Davidson's license be suspended with specific terms and conditions for reinstatement.

**Board Action:** After discussion, a motion was made and seconded to revoke Mr. Davidson's license.

STOCKTON/AEMMER

Motion carried 6-0-2

Mr. Richardson and Ms. Hallett recused themselves from the proceeding.

**VIII. OLD/NEW BUSINESS**

**A. Reinstatement for Licenses Expired for Three-Plus Years**

1. Kathryn Womack States, License # 33003600A

The Board reviewed documentation from Ms. States regarding her request to renew her expired license to practice social work. Ms. States' license has been expired since April 1, 2004. Ms. States 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. States submitted a letter detailing the reasons for failing to renew her license.

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

STOCKTON/HALLETT

Motion carried 8-0-0

2. Karen Mae Parker, License # 39000198A

The Board reviewed documentation from Ms. Parker regarding her request to renew her expired license to practice mental health counseling. Ms. Parker's license has been expired since April 1, 2006. Ms. Parker 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. Parker submitted a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to reinstate her license to practice mental health counseling

RICHARDSON/STOCKTON  
Motion carried 8-0-0

3. Kathy D. Kuss, License #33002110A

The Board reviewed documentation from Ms. Kuss regarding her request to renew her expired license to practice social work. Ms. Kuss' license has been expired since April 1, 2006. Ms. Kuss 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. Kuss submitted a letter detailing the reasons for failing to renew her license.

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

HALLETT/BRENNER  
Motion carried 8-0-0

**B. Continuing Education Waiver Requests**

1. Joseph W. Smedley, Ph.D., License # 39002003A

The Board reviewed documentation from Dr. Smedley requesting a waiver of his continuing education requirement for the current renewal period.

A motion was made and seconded to deny his continuing education waiver request.

RICHARDSON/OSAWA  
Motion carried 7-0-1

Dr. Stockton recused himself.

**C. Addiction Counselor Certification Review**

The Board reviewed the following certifications for approval as equivalent addiction counselor certifications to the level II:

1. National Board for Certified Counselors' (NBCC) Master Addictions Counselor (MAC)
2. Indiana University East
3. Indiana University South Bend

After review and discussion, a motion was made and seconded to create a committee to review the certification approval request process and report back to the full board at the July 2010 board meeting. The following Board members will sit on the committee:

1. George Brenner
2. Carla Graft-Clark
3. Kimble Richardson

HARNER/STOCKTON  
Motion carried 8-0-0

**D. Addiction Licensure Application Clarifications**

The Board discussed the need to clarify the process for reviewing and approving the addiction counselor and clinical addiction counselor applications.

A motion was made and seconded that the Board will accept volunteer clinical work hours with documentation of the clinical supervision and documentation by the supervisor, that no requirements will be waived, and that the applicant provide a tax document or other documentation demonstrating that the applicant have been self-employed for the required time-frame if using self-employed experience to qualify for licensure.

BRENNER/STOCKTON  
Motion carried 8-0-0

**E. New Transcript Policy**

Director Jones discussed the new transcript policy that will require all applicants to have their transcripts sent directly from their university. The Board will no longer accept transcripts from an applicant submitted in a sealed envelope.

**F. ASWB Discussion**

Assistant Director Saunders discussed his experience at the ASWB new board member training session he attended in March. Director Jones discussed the ASWB pass/fail rates, the creation of the Canadian Council of Social Work Regulators, and an exam preparation company. Director Jones was unable to attend the Spring Conference.

No board action was required.

**IX. CE SPONSOR APPLICATION REVIEW**

- A. A motion was made and seconded to approve the continuing education sponsor application of Bennacht Counseling and Consulting, LLC.

HALLETT/STOCKTON  
Motion carried 8-0-0

- B. A motion was made and seconded to approve for the continuing education sponsor application of Indianapolis Institute for Families, Inc.

HALLETT/RICHARDSON  
Motion carried 8-0-0

**X. 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/RICHARDSON  
Motion carried 8-0-0



**XI. ADJOURNMENT**

There being no further business and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 12:56 p.m.

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**Andrew Harner, MSW, L.C.S.W., President**  
**Behavioral Health and Human Services Licensing Board**