

**BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
MINUTES**

January 23, 2023

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Cooper-Bolinskey called the meeting to order at 9:00 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 § 25-14-1-12(a).

Board Members Present:

Dr. Dianna Cooper-Bolinskey, LCAC, LCSW, Board Chair
Jon Ferguson, LMFT, Vice Chair
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC
C. Martin Justice, LMHC, LCAC
Stephan Viehweg, MSW, LCSW
Jacqueline Eitel, RN, Consumer Member

Board Members Not Present:

Kelley Gardner, LMFT
Andrew Harner, MSW, LCSW, SW Section Chair, Board Designee
Vacant – Clinical Addiction Counselor
Vacant – Physician

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

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

Justice/Richardson
Motion carried 6-0-0

III. APPROVAL OF MINUTES

A motion was made and seconded to accept the minutes of January 24, 2022 and February 28, 2022 as amended.

Viehweg/Eitel
Motion carried 6-0-0

IV. PERSONAL APPEARANCES

A. Probation

1. **David Shields, LCSW, License No. 34003290A**
Cause No. 2016 BHSB 0014

Mr. Shields was not present and will be rescheduled for February 27, 2023.

B. Reinstatement

1. **Kelli Lo, LSW, License No. 33005234A**

Ms. Lo did not appear as requested. Ms. Lo's social work license expired in 2008 and she submitted documentation for the Board to review. Due to statutory requirements the Board is required to act upon your reinstatement within 120 days. Based upon the statute the Board will be required to make a final determination on Ms. Lo's reinstatement without her present. The Board expressed concerns based upon the documentation submitted that she is working without a license, and they do not have her present to provide that clarification.

Board Action: A motion was made and seconded to deny Ms. Lo's application for reinstatement of her social work license due based upon not appearing as requested.

Viehweg/Richardson
Motion carried 6-0-0

2. **Teena Turner, LCAC, License No. 87001384A**

Ms. Turner appeared as requested to discuss the reinstatement of her clinical addiction counselor license that expired in 2016. She stated that she left the profession to help support her family and would like to return to the practice. She submitted forty (40) hours of continuing education for the Board to review. The Board noted that she has only taken and passed the ADC examination. In order to reinstate her license, she will be required to take and pass the AADC examination.

Board Action: A motion was made and seconded to approve Ms. Turner's application for reinstatement of her clinical addiction counselor license pending the passing of the AADC examination.

Justice/Richardson
Motion carried 6-0-0

C. Application

1. **Chelsee Adams (LMHCA)**

Ms. Adams appeared as requested to discuss her yes response to the application question regarding an arrest. In September of 2017, Ms. Adams was arrested for operating a vehicle

while intoxicated endangering a person and operating while intoxicated with a controlled substance. She provided a statement and supporting documentation for the Board to review. The operating a vehicle while intoxicated endangering a person was dismissed. She pled guilty to the second charge and was placed on probation. Probationary terms were completed in September of 2018. She informed the Board that after the incident she started counseling and if the incident occurred today that she would do things differently if she was placed in the same position. She stated that while she does drink, it only occurs twice a month. Ms. Adams is a 2022 graduate of IU Columbus. The Board noted that her education meets requirements.

Board Action: A motion was made and seconded to approve Ms. Adam's mental health associate application to take the NCE examination.

Richardson/Justice
Motion carried 6-0-0

2. **Carli Allen (LCSW)**

Ms. Allend did not appear as requested. She will be rescheduled.

3. **Tomala Allen (LMHCA)**

Ms. Allen appeared as requested to discuss her yes response regarding past arrests. From 1989 to 2008, Ms. Allen had several arrests and convictions. She provided a statement and supporting documentation for the Board to review. She stated that she has been sober for the past fourteen (14) years. Prior to that time, she had been in and out of rehabilitation programs. She stated that her charges occurred in relation to her previous habit. She attends AA and completed a twelve (12) step recovery program and has improved her life. Ms. Allen provided her self-care plan to the Board and her support system. Ms. Allen is a 2019 graduate of the Indiana University South Bend.

Board Action: A motion was made and seconded to approve Ms. Allen's mental health counselor associate application to sit for the NCE examination.

Richardson/Justice
Motion carried 6-0-0

4. **Freddie Banks (LMHCA)**

Mr. Banks appeared as requested to discuss his yes response regarding past arrests. Mr. Banks has had several arrests/convictions from 1979 to 2017. He provided a statement and supporting documentation for the Board to review. Mr. Banks stated that his multiple charges occurred as he had difficulty handling stressors. He stated that since he completed his graduate program, he has found healthier coping mechanisms. He stated that he hopes to focus his training on assisting people of color with their mental health, and those that struggle with seeking help. Mr. Banks provided clarification on the fraud charge stating

that he was a contractor in a new startup company. He struggled with maintaining the caseload and was instructed by the owner on the documentation without him seeing the clients. Mr. Banks stated that he cooperated with the investigation when the complaint was filed, and he takes ownership of what occurred. He stated that he completed all requirements from the court including the criminal probation and restitution. Mr. Banks discussed with the Board his self-care routines and strategies. The Board requested clarification on his work history. They stated that it appears he has been working in counseling without a license. Mr. Banks stated that he had pursued licensure at one point, but never completed it. He stated that the license will allow him to assist better with those who were incarcerated coming back into society. Mr. Banks is a 2014 graduate of Martin University. The Board noted that Mr. Bank's education meets requirements with some course corrections on his form.

Board Action: A motion was made and seconded to approve Mr. Banks' mental health counselor associate application to sit for the NCE examination and to take the jurisprudence examination.

Richardson/Justice
Motion carried 6-0-0

5. **Jodi Brumbaugh (LMHCA)**

Ms. Brumbaugh appeared as requested to provide clarification on her work history. The Board stated that based upon the documentation submitted, there were concerns that she was working without a license from June 2017 to June 2018 and again in April 2022. Ms. Brumbaugh stated that she was hired by the Bowen Center and Josiah's White to work as a therapist. She was told by both employers that she could work as a master level therapist under a supervisor's license. She stated that her current position requires her to hold a license. The Board stated that they understand if the employer is not requiring the license, but the State requires her to hold a license to practice. Ms. Brumbaugh is a 2015 graduate of Grace College.

Board Action: A motion was made and seconded to approve Ms. Brumbaugh's mental health counselor associate application to take the NCE examination and the jurisprudence examination.

Richardson/Justice
Motion carried 6-0-0

6. **Tyson Cargal (LACA)**

Mr. Cargal appeared as requested to discuss his yes response to past arrests. From 2000 to 2016 he had several arrests/convictions. He provided a statement and supporting documentation for the Board to review. He stated that his criminal history occurred due to his alcohol and substance use. Mr. Cargal stated that he has been sober for fourteen (14) years and ~~he keeps himself straight with attending~~ attends AA and support groups. He

stated that he has been working as a case manager, and having a license will allow him to conduct therapy groups. He stated that all legal matters with the court have been resolved. Mr. Cargal is 2021 graduate of ~~St. Mary's of Woods~~ Saint Mary-of-the-Woods College.

Board Action: A motion was made and seconded to approve Mr. Cargal's addiction counselor associate's application to take the approved examination.

Justice/Richardson
Motion carried 6-0-0

7. Jackie Carpenter-Conway (LMHC)

Ms. Carpenter-Conway appeared as requested to discuss her fourth examination attempt to take the NCMHCE examination. She indicated that she suffers from testing anxiety and panic attacks when she attempts the examination. She informed the Board that she has been within five (5) points of passing the examination. She has obtained tutors and practice examinations in preparation of taking the examination. She stated that she is trying to "stay present and slow down" for this examination attempt.

Board Action: A motion was made and seconded to approve Ms. Carpenter-Conway's mental health counselor application to sit for the NCMHCE examination for the fourth time.

Richardson/Justice
Motion carried 6-0-0

8. Stephanie Curry (LSW)

Ms. Curry appeared as requested to discuss her yes response regarding past arrests. She has been arrested on three occasions. In 2008 for possession of alcohol as a minor; 2012 for marijuana and 2016 for disorderly conduct. She provided a statement and supporting documentation for the Board to review. She stated that all incidents have been resolved by the courts. Ms. Curry is 2022 graduate of IUPUI.

Board Action: A motion was made and seconded to approve Ms. Curry's social work application to sit for the ASWB master examination.

Viehweg/Richardson
Motion carried 6-0-0

9. Darnesha Gaskew-Simpson (LMHCA)

Ms. Gaskew-Simpson appeared as requested to discuss her yes response regarding past arrests. In 2019, she was arrested and convicted of an OWI. She provided a statement and supporting documentation for the Board to review. She stated that she has completed all requirements for the court and a victim impact panel. She stated that she tries to leave

work at work and does not want a similar situation to occur. Ms. Gaskew-Simpson is a 2019 graduate of Capella University.

Board Action: A motion was made and seconded to approve Ms. Gaskew-Simpson's mental health counselor associate application to sit for the NCE examination.

Richardson/Justice
Motion carried 6-0-0

10. **Gianna Giovanello (LSW)**

Ms. Giovanello appeared as requested to discuss why she did not disclose her background, and to provide clarification of her work history. Ms. Giovanello has had several arrests from 1990 to 2006. She provided a statement and supporting documentation regarding her past arrests for the Board to review. She stated that her arrests occurred due to the family history regarding alcohol use. She informed the Board that when she was growing up alcohol use was used as a coping mechanism which led to a DUI as an adult. She stated that she completed an inpatient program but relapsed in 2002. She remained sober for three years but relapsed in 2007. Since that time, she has been sober and maintained sobriety by working her twelve (12) step program and attending AA. She stated that she procrastinated in applying for her license, but her current employer at Sycamore Springs is requiring her to obtain one. The Board discussed with her the importance of having a license. Ms. Giovanello is a 2021 graduate of Simmons University.

Board Action: A motion was made and seconded to approve Ms. Giovanello's social work application to sit for the ASWB master examination and to take and pass the Indiana jurisprudence examination.

Viehweg/Justice
Motion carried 6-0-0

11. **Tayka Gotay-Santana (LMHCA)**

Ms. Gotay-Santana appeared per her request to discuss her application. The Board previously reviewed her application and determined that she was missing 46 hours of pre-degree supervision in a practicum and internship and was also missing the educational criteria of Contextual Dimensions. She stated that her university will not verify that she completed additional pre-degree supervision, and she inquired if she could supplement those hours with post-degree work. The Board stated that the statute does not allow her to use post degree supervision to complete her practicum and internship hours and if the Board voted on her application today, they would have to deny the application. They advised her to look at colleges as a non-degree seeking student to complete the missing requirements. Ms. Gotay-Santana is a 2014 graduate of the University of Puerto Rico.

Application tabled for more information.

12. Maureen Jordan (LMHC)

Ms. Jordan appeared as requested to discuss her post-degree hours and supervision. Ms. Jordan is a 2014 graduate of Calumet College and had previously applied for an LMHCA application. Ms. Jordan was approved to take the NCE examination, but she never took the examination. Ms. Jordan has submitted an LMHC application but was having problems with her supervisor verifying her supervision hours. She stated that her supervisor had walked out of her employment, and she has not been able to contact him. She stated that there have been many struggles with obtaining documentation due to COVID, her own medical issues, and having to take additional coursework. The Board stated that they cannot accept any of her post-degree hours as they are not verified by an employer or supervisor. They stated that in order to begin accruing post-degree hours she must first obtain the LMHCA license.

Board Action: A motion was made and seconded to change Ms. Jordan’s application to a mental health counselor associate application and approve her to sit for the NCE examination.

Richardson/Justice
Motion carried 6-0-0

13. Kellen Lewis (LMHCA)

Mr. Lewis appeared as requested to discuss his yes response regarding past arrests, and to provide clarification on his work history. In 2013, arrested for an OWI and a 2005 incident. He provided a statement and supporting documentation for the Board to review. He stated that his arrests occurred due to bad influences when he was a child. He informed the Board that after a DUI, following the birth of his son, he has not been in trouble. He stated that all criminal matters have been resolved with the court and he has been working at Fort Wayne Recovery since 2020 as a Master level clinician. He stated that his employer told him that he could work under his supervisor’s license. The Board discussed the importance of licensure to him. Mr. Lewis is a 2020 graduate of Capella.

Board Action: A motion was made and seconded to approve Mr. Lewis’ mental health counselor associate application to sit for the NCE examination and the Indiana jurisprudence examination.

Richardson/Justice
Motion carried 6-0-0

14. Kasandra Niemeier (LSW)

Ms. Niemeier appeared as requested to discuss her yes response regarding past arrests. In 2020 she was arrested for forgery and theft. She provided a statement and supporting documentation for the Board to review. She provided details to the Board regarding her forgery charge and that she completed all restitution with the courts. She stated that she

participated in a pre-trial diversion and completed all requirements for the courts. The charges were dismissed. The Board discussed with her what she learned from the incident.

Board Action: A motion was made and seconded to approve Ms. Niemeier's social work application to sit for the ASWB master examination.

Viehweg/Richardson
Motion carried 6-0-0

15. Noel Perry (LMHC)

Mr. Perry appeared as requested to discuss his post-degree experience and supervision. He a 2018 graduate of Grace College and has provided documentation that he has been working in the field since that time. Mr. Perry does not currently hold a mental health counselor associate license to practice. Mr. Perry explained that he was told that as long as he was supervised under a licensed professional then his hours would count. He stated that he additionally contacted IPLA to discuss his hours in 2018. The Board stated that they cannot accept unlicensed hours for the LMHC, but that he could be approved for the LMHCA license as he meets all the educational requirements. The Board stated that he must complete new hours under the mental health associate license. The Board discussed with him their concerns on unlicensed practice, and title protection.

Board Action: A motion was made and seconded to change Mr. Perry's application to a mental health associate and approve him to sit for the NCE examination and the Indiana jurisprudence examination. Upon passing the NCE examination his mental health associate license will be issued on probation for no less than three months with the following terms:

- The Applicant's current home address, mailing address, e-mail address and residential telephone number.
- The Applicant's place of employment, employment telephone number, employment e-mail address and name of supervisor.
- The Applicant's title and work schedule, including the number of hours worked per week.
- The Applicant shall take at least ten (10) Continuing Education Units ("CEUs") in ethics or licensure and submit documentation of those CEUs to the Board.

- The Applicant shall have at least ONE (1) personal appearance before the Board to discuss progress with the CEUs and compliance with this Order prior to petitioning for withdraw of probation.
- The Applicant shall cause his employment supervisor to submit at least one written report to the Board documenting a conversation about the requirements of Indiana licensure laws between the supervisor and Applicant.
- The Applicant shall provide copies of this Order signed by any employers within ten (10) days of the issuance of the Order. If Applicant secures different employment, Applicant shall provide a copy of the Board Order signed by the new employer within ten (10) days of starting employment.
- The Applicant shall comply with all statutes and rules regulating the practice of mental health counseling and report any future arrests, work discipline, or terminations to the Board immediately in writing.
- The failure of the Applicant to comply with the terms of his probation may subject Applicant to a show cause hearing and the possible imposition of further sanctions.

Richardson/Justice
Motion carried 6-0-0

16. Amanda Pumphrey (LMFTA)

Ms. Pumphrey did not appear and will be rescheduled.

17. Taylor Sites (LMHCA)

Ms. Sites appeared as requested to discuss her yes response regarding past arrests. In 2022 she was arrested for an OWI. She provided a statement and supporting documentation for the Board to review. She was placed on probation in September of 2022 for a period of 6 months. She informed the Board that she completed a victim impact panel and assessment. The Board informed her that if they vote now, her license will be placed on probation to coincide of her criminal probation. The Board tabled her application for final determination until she submits proof of completion of her criminal probation.

18. Daniel Teske (LMHC)

Mr. Teske did not appear and will be rescheduled.

V. ADMINISTRATIVE HEARINGS

A. Melissa Covarrubias, LSW, License No. 33007568A

Cause No. 2021 BHSB 0014

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present with counsel Todd Ess

Carah Rochester, Deputy Attorney General, Office of the Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Dianna Cooper-Bolinsky, LCAC (Hearing Officer)

Kimble Richardson, LMHC

Jon Ferguson, LMFT

Martin Justice, LMHC

Stephan Viehweg, LCSW

Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about January 31, 2022 Ms. Covarrubias agreed to a Proposed Settlement to address the violations that she participated in fraud and material deception in the course of her professional services. Ms. Covarrubias agreed to the following terms:

- Respondent's license shall be placed on Indefinite Probation for no less than six months.
- Respondent shall pay a fee of \$5.00 to be deposited into the Health Records and Person Identifying Information Protection Trust Fund.
- Respondent shall complete four (4) hours of Continuing Education in the area of ethical practice and/or billing, and complete written reflections of what she learned to IPLA prior to her probationary appearances.
- Respondent must keep the Board up to date on her employment and their contact information. If any changes occur, she must notify the Board within seven (7) days of the change.
- Respondent must keep the Board up to date on her mailing address and contact information. If any changes occur, she must notify the Board within seven (7) days of the change.
- Respondent shall provide a copy of all Board orders imposing discipline or limiting practice to any social worker employer. The social work employer shall sign and return a copy of such orders to the Board with employer letterhead, and/or business card attached within seven (7) days of employment or receipt of this order. Should Respondent's employment change, she shall submit a copy of the Board order signed by her new employer within (7) days of commencing employment with the new employer.
- Respondent shall submit to the Board quarterly supervisory reports from all social work employers that address the Respondent's work performance, her attendance, documentation, communication skills, disciplinary actions, and/or any complaints made against Respondent. If Respondent is not employed as a social worker, Respondent shall submit quarterly personal reports to the Board stating why she is not employed as a social worker and the nature of her current employment. All reports must be submitted individually at the end of every quarter, while Respondent's license remains on probation. Supervision of Respondent and quarterly supervisory reports shall be completed by Amanda Hathcock ("Hathcock"). Hathcock is licensed in the State of Michigan as a Limited License Professional Counselor.
- Respondent must have at least ONE (1) probationary appearance before the Board prior to petitioning to have probation withdrawn.

- Respondent must maintain her license in active status at all times while this order is in effect. If the Respondent fails to maintain this license in active status, the Respondent agrees that any renewal application shall be denied by the Board unless the Respondent agrees to continue the terms of discipline ordered under this cause number on the renewed license.
- Respondent further understands that a violation of the Final Order, any noncompliance with the statutes or regulations regarding the practice of clinical social work, clinical addiction counseling, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's licenses, an Order to Show Cause may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions up to and including revocation of Respondent's licenses.

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Mr. Ess stated that Ms. Covarrubias appeared before the Board on or about August 2022 to modify her probation due to changes circumstances with her supervisor. Ms. Covarrubias's probation was modified with the following:

- If Ms. Amanda Hathcock is unavailable to submit the next quarterly report:
 - Petitioner must have a quarterly report submitted from her current supervisor, Kristen Slaughterbeck, R.N., as it relates to her work performance, attendance, communication skills, disciplinary actions, and/or any complaints made against Petitioner; and
 - Petitioner must have a quarterly report submitted by a licensed clinical social worker even outside of her organization as it relates to clinical issues.
- Ms. Covarrubias's appearance at her probation modification hearing will count for her quarterly appearance before the Board.

Ms. Covarrubias stated that she has been a Social Worker for ten (10) years working in home-based therapy. She stated that her fraud allegations occurred due to her attempts to meet her required quota. She informed the Board that she felt there was no choice, and she has switched employments to One Health.

Mr. Ess submitted Exhibit B which is a copy of her Order signed by her Employer. The State did not object and the exhibit was accepted.

Mr. Ess submitted Exhibit C 1-3 which are copies of Ms. Covarrubias's quarterly reports. The State did not object and the exhibit was accepted.

Mr. Ess stated that her CE requirements were submitted previously and are already on file. Ms. Covarrubias stated that her CE allowed her to understand that she was not honest and reflect on what occurred. She stated that she feels more supported in her current working environment regarding billing practices.

Mr. Ess submitted Exhibit D which is a copy of Ms. Covarrubias's current work performance evaluation. The State did not object and the exhibit was accepted.

Mr. Ess submitted Exhibit E which is a letter of recommendation from Ms. Covarrubias's current supervisor. The State did not object and the exhibit was accepted.

The Board inquired about her attendance in the performance report. Ms. Covarrubias stated that those absences were due to medical reasons.

The State submitted Exhibit 1 which is an affidavit from IPLA attesting to the completion of Ms. Covarrubias's probation status. Mr. Ess did not have any objections and the exhibit was accepted.

Mr. Ess stated that Ms. Covarrubias has completed all terms and is requesting to withdraw her probation status. The State had no objections to the request.

Board Action: A motion was made and seconded to grant Ms. Covarrubias's Petition to Withdraw Probation.

Viehweg/Richardson
Motion carried 6-0-0

B. Candace Jo Hall, LMHC, License No. 39002839A

Cause No. 2018 BHSB 0007

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present

Carah Rochester, Deputy Attorney General, Office of the Attorney General

Caroline Rowe, Deputy Attorney General Intern, Office of the Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Dianna Cooper-Bolinskey, LCAC (Hearing Officer)

Kimble Richardson, LMHC

Jon Ferguson, LMFT

Martin Justice, LMHC

Stephan Viehweg, LCSW

Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about October 21, 2021 Ms. Hall's license was reinstated on Probation with the following terms:

- Indefinite probation with no right to petition for removal of the probation until at least one (1) year from the effective date of this Order.
- Licensee shall keep the Board apprised of the following information and updated as necessary:

- Current residential address, mailing address, and telephone number; Place of employment and employment telephone number; Occupation title and work schedule, including number of hours worked per week.
- Licensee shall be supervised by a licensed provider as approved by the Board.
- Licensee shall cause a copy of this Order to be delivered to Licensee's employer and supervisor who shall sign the Order, acknowledging the terms of the Order, and return same to the Board for filing therewith.
- The Licensee shall remain in counseling with a licensed provider as approved by the Board or as previously utilized by Licensee during their suspension.
- Licensee shall cause both their Counselor and their employment supervisor to provide quarterly reports about Licensee's treatment and employment performance to the Board.
- The Licensee shall make personal appearances before the Board on a quarterly basis throughout the duration of Probation.
- Licensee shall not violate any state or federal laws regulating Mental Health Counselors or the practice of Mental Health Counseling thereof.
- Licensee shall notify the Board in writing of any discipline incurred in Indiana or any other states during the duration of Licensee's probation, including, but not limited to, any relevant criminal or licensing charges which are pending.
- Licensee's failure to comply with the terms of this decision, and terms of probation, may subject Licensee to a show cause hearing and the imposition of further sanctions.

Ms. Hall stated that she has completed all terms set forth by the Board and submitted her continuing education and all required reports to the Board. She stated that she has learned a lot by going through this process and does not wish to revisit this situation again. The Board discussed with her how she maintains work and life boundaries. They discussed her employment at Crossroads, Genesis Outreach, and YWCA. Ms. Hall attested that has been under supervision and did not obtain discipline at any of her employment.

The State submitted Exhibit A which is an affidavit from IPLA attesting that Ms. Hall's has not complied with all terms of her probation due to missing quarterly reports. Ms. Hall did not have any objections and the exhibit was accepted.

The State informed the Board that they will leave it up to the discretion of the Board if they will accept her request to withdraw probation.

Board Action: A motion was made and seconded to grant Ms. Hall's Petition for Withdraw of Probation.

Richardson/Justice
Motion carried 6-0-0

C. Kimberly Dawn Justus, LMHC, Temporary Permit 99094558A

Cause No. 2019 BHSB 0009

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present

Margie Addington, Court Reporter, Accurate Court Reporting

Board Witness:

Cindy Vaught, Board Director, Indiana Professional Licensing Agency

Participating Board Members:

Dr. Dianna Cooper-Bolinskey, LCAC (Hearing Officer)

Kimble Richardson, LMHC

Jon Ferguson, LMFT

Martin Justice, LMHC

Stephan Viehweg, LCSW

Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about July 31, 2019 the Board placed Ms. Justus's Temporary Permit on probation based upon her application for licensure where she disclosed that she had been working without a license since 2011. Ms. Justus must meet the following requirements:

- Applicant's mental health counselor license shall be issued on indefinite probation. "License" includes a temporary permit. Applicant may petition to withdraw the probation three months after the date of this Decision.
- Applicant shall remain on probation until the Board withdraws the probation after a hearing in which Applicant demonstrates that the deficiency that warranted the probationary status has been remedied pursuant to Indiana Code section 25-1-9-16(d).
- During the probationary period, Applicant's license shall be governed by the following TERMS AND CONDITIONS:
 - Applicant shall keep the Board informed of any change in her home address, telephone number, e-mail address, or place of employment.
 - Applicant shall not violate any laws or regulations governing the practice of mental health counseling.
 - Prior to receiving a full license, Applicant shall take and pass the Indiana jurisprudence examination.
 - Applicant shall complete one hour of continuing education in the area of ethics prior to petitioning for withdrawal of probation.
 - Applicant shall make quarterly personal appearances before the Board.
 - The failure of Applicant to comply with the terms of this Order may subject her to a show cause hearing and the imposition of further sanctions.

Ms. Justus stated that she has struggled with the probation status and has taken and passed the NCMHCE examination. She informed the Board that once she understood that she was working unethically, she ceased practice and changed employment. She informed the Board that she has met all requirements for her continuing education, jurisprudence examination, made appearances, and kept the Board up to date with all her contact information.

The Board called Cindy Vaught as witness. Ms. Vaught is the administrator of Ms. Justus' probation file. She attested that all documentation has been received and Ms. Justus has met all of her probationary requirements.

Board Action: A motion was made and seconded to accept grant Ms. Justus' Petition for Withdraw of Probation.

Richardson/Justice
Motion carried 6-0-0

- D. Lisa Pacheco, LMHC, LCAC, License No. 39001143A, 87001221A**
Cause No. 2021 BHSB 0023
Re: Petition for Reinstatement of Suspended License

Ms. Pacheco has withdrawn her Petition for Reinstatement.

- E. Amy Holbert, LCACA, License No. 87900030A**
Cause No. 2021 BHSB 0004
Re: Order To Show Cause

Parties Present:

Respondent was present
Ryan Eldridge, Deputy Attorney General, Office of the Attorney General
Mergie Addington, Court Reporter, Accurate Court Reporting

State Witness:

Stacy Trout, Program Director, ISNAP

Participating Board Members:

Dr. Dianna Cooper-Bolinskey, LCAC (Hearing Officer)
Kimble Richardson, LMHC
Jon Ferguson, LMFT
Martin Justice, LMHC
Stephan Viehweg, LCSW
Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about December 21, 2022 an Order to Show Cause was issued to Ms. Holbert to provide information regarding her failure to comply with her probationary term as per the Settlement Agreement that was issued on or about November 3, 2021. Ms. Holbert had agreed to the following probationary terms:

- Respondent's Indiana L.C.A.C Associate license shall remain on indefinite probation for a minimum of two (2) years.
- While on probation, Respondent's license shall be governed by the following terms and conditions:
 - Respondent shall keep the Board informed of her residential address and telephone number at all times.
 - Respondent shall keep the Board informed of her behavioral health employer(s) name, address, and telephone number at all times.
 - Respondent shall sign an RMA with ISNAP and maintain complete and continuous compliance with her ISNAP RMA.
 - Respondent shall have all behavioral health employers submit a signed copy of the final order in this matter and any future orders to the Board within ten (10) days of beginning employment, so long as Respondent is on probation.
 - Respondent shall have all behavioral health employers submit quarterly reports to the Board detailing her work performance. If Respondent is not employed as an L.C.A.C. Associate, she shall submit quarterly self-reports to the Board detailing her personal circumstances. These reports shall continue, so long as Respondent is on probation.
 - Respondent shall have weekly supervision, at least one (1) hour of which shall include supervision of Respondent's clinical decision-making. Respondent shall hold no supervisory roles while on probation.
 - Respondent shall attend monthly counseling sessions (at a minimum) and submit quarterly reports to this Board of compliance this condition.
 - Respondent shall also attend self-help meetings, at least three (3) per week, and submit quarterly reports to the Board of compliance with this condition. These reports shall be signed by someone in charge of the self-help meetings.
 - Respondent shall make quarterly appearances before this Board.
 - Respondent shall not violate any statutes or rules regulating the practice of behavioral health.
 - Respondent shall pay a fee of \$5.00 to be deposited into the Health Records and Person Identifying Information Protection Trust Fund.
 - Respondent understands that any Violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of behavioral health, or any violation of this Settlement Agreement may result in the Petitioner requesting a Summary Suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action filed against Respondent.

The State requested the Board to take notice of her file as Ms. Holbert stated she did not feel that she is in violation of her probation terms. Mr. Eldridge stated that her probation terms require her to be enrolled in the Indiana ISNAP program.

Ms. Holbert stated that she was enrolled in ISNAP and missed two drug screenings. She stated that she provided information to them on her reasons for missing the screenings. She stated that she has kept up with all her probation terms.

Ms. Holbert submitted Exhibits A, B, C, D, and E which are her correspondence with the ISNAP program regarding her screenings. The State objected to C, D, and E as they are not certified medical records, so the State cannot verify their authentic. The Board accepted the exhibits noting the State's objections.

Ms. Holbert stated that she missed her screenings due to hospitalization, and she was discharged from ISNAP in November after that due to non-compliance. She stated that she was not given an official reason on her non-compliance. Ms. Holbert provided the Board with details on why she missed her two screenings, and her attempts to reach out to the ISNAP program regarding her discharge.

The State informed the Board if they take judicial notice of her file, they will see from previous Orders that Ms. Holbert does have a history of failing to comply with her probation orders and screenings. This failure has led to a Suspension and then back to probation.

The State called Stacy Trout as witness. Ms. Trout is the current Program Director of the ISNAP program. She stated that Ms. Holbert was first enrolled in the program in 2016 and completed in 2018. She did not re-enroll in 2019, and in 2020 her license expired. In order to be enrolled in the ISNAP program you need to have an active license. Ms. Holbert had to activate her license prior to enrolling back into the program. She was enrolled in the program from 2020 to 2021 and was discharged due to non-compliance. She explained that she was scheduled to have screenings on six (6) occasions from where she failed to show. She stated that Ms. Holbert's nursing license was then suspended.

Ms. Trout stated that her emails of why she did not appear were reviewed by her and the Medicaid Director. She stated "that the notices went through many eyes", and it overlapped with the Medicaid Director who excused them due to hospitalization.

Mr. Eldridge inquired on one of the new screenings that were completed which showed a positive result. Ms. Holbert explained that occurred due a bridal shower she attended. She stated that she was unaware the punch had alcohol.

Mr. Eldridge stated that if you remove screenings at the time of the hospital, there is still missing screenings, and one or two positive results with no explanation. Ms. Trout explained that Ms. Holbert was not discharged the first time due to Ms. Holbert's

medical reasons, and that she was referred to a specialist. The Board discussed how the drug testing was done, and how it was reviewed.

The State concluded that they are requesting an Indefinite Suspension of Ms. Holbert's license until she can be re-enrolled program.

Ms. Holbert stated that she takes her sobriety seriously and is working hard at her recovery. She stated that she has no intention of returning to nursing, and she is ready to have a stable life in her new career.

Board Action: A motion was made and seconded to find Ms. Holbert in violation of her current probation order.

Richardson/Eitel
6-0-0

A motion was made and seconded to modify Ms. Holbert's probation due to changed circumstances. Her probation will require Ms. Holbert to pursue the readmission of the ISNAP program and provide the Board proof of her request. She must appear before the Board on a monthly basis and provide all current reports on her progress.

Richardson/Justice
Motion carried 6-0-0

F. Andrew Hertel, LAC, License No. 86000352A

Cause No. 2022 BHSB 0019

Re: Order To Show Cause and Request to Relinquish License

Parties Present:

Respondent was not present

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Dianna Cooper-Bolinsky, LCAC (Hearing Officer)

Kimble Richardson, LMHC

Jon Ferguson, LMFT

Martin Justice, LMHC

Stephan Viehweg, LCSW

Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about December 22, 2022 an Order to Show Cause was issued to Mr. Hertel to provide additional information on why he has failed to appear before the Board per his probation terms, and failed to disclose that there are current pending criminal charges filed against him as of August 24, 2022. On or about January 20, 2023 Mr. Hertel submitted an email to the Board with a request to relinquish his license as he no longer wishes to

provide services in Indiana and has been enrolled in a rehabilitation program. Mr. Hertel was not present.

Board Action: After consideration of the information presented, a motion was made and seconded to issue a Notice of Proposed Default in the matter of Mr. Hertel.

Richardson/Viehweg
Motion carried 6-0-0

VI DISCUSSION

A. David Shields

Mr. Shields was to be scheduled for his probation appearance for this meeting, but emailed to say he was ill. He did not appear at his last probation appearance, and the last time he appeared in person was October 2022. The Board staff noted they have not received any of his quarterly reports.

Board Action: A motion was made and seconded to issue an Order to Show Cause in the matter of Mr. Shields due to his failure to appear and to submit reports.

Viehweg/Furgeson
Motion carried 6-0-0

B. Legislative Changes

The Board discussed HB1179 which will allow the Board to hold electronic Board meetings. The Board discussed how this would be implemented and how this would impact the Board meetings.

The Board discussed HB 1460 which would allow a compact or provisional license. The Board discussed who this would apply to and the ramifications of how that license would impact the profession.

The Board discussed SB11 which would lessen the practicum requirements for marriage and family therapist licensure from 500 hours to 300 hours. The practicum would also need to be completed within twelve months and lower the relational hour requirement from 200 to 100. The Board expressed confusion over this change as they had not heard that this was an issue with their profession.

The Board discussed “face to face” definition for supervision and if that means that supervision has to be in person or virtual.

VII. APPLICATIONS FOR REVIEW

There were no application for review.

VIII. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General’s office reported to the Board that they have 8 new complaints filed yet for the year, 139 current open complaints and they have closed 143 since the beginning of the year. Primarily the complaints have been from Marion County followed by Allen County. The content of the complaints are unprofessional conduct, unlicensed practice, and professional incompetence.

The average age of the open complaints is 8.5 months. There are currently 29 open litigation cases with only 27 closed this year. The average duration of the litigation cases are 11 months. The litigation has occurred mostly in Marion County followed by equal litigation from Tippecanoe, Porter, Hamilton, Grant, and Allen Counties. The litigation that has been filed against practitioners has been unprofessional conduct and probation violation.

IX. FORMAL ADOPTION OF APPLICATION REVIEWS

A motion was made and seconded to formally adopt the application reviews.

Viehweg/Ferguson
Motion carried 6-0-0

X. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

There were no CE Sponsor applications for review.

XI. OLD/NEW BUSINESS

There was no old/new business to discuss.

XII. ADMINISTRATORS’ REPORT

There was no administrator’s 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 4:48 p.m. by general consensus.

Dr. Dianna Cooper-Bolinskey, LCAC, LCSW
Board Chair

Date