

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

NOVEMBER 17, 2014

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 10:00 a.m. in Conference Center Room A of the Indiana Government Center South, 302 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
Sherry Rediger, Ph.D., LMFT, MFT Section Chair
Donald Osborn, Ph.D., LMFT, LCSW, LMHC, LCAC
Rex Stockton, Ed. D., LMHC, LCSW, LMFT

Board Members Not Present:

Vacant, Social Work Member
Vacant, Physician Member
Vacant, Consumer Member
Vacant, Consumer 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

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

GAFF-CLARK/RICHARDSON

Motion carried 6-0-0

*Dr. Stockton was not present for the vote

III. ADOPTION OF THE MINUTES FROM SEPTEMBER 22, 2014 MEETING

The minutes from the September 22, 2014 meeting of the Board will be tabled until the next meeting of the Board.

IV. PERSONAL APPEARANCES

A. Probationary

1. Lindsay Anne Dings, LSW

License No. 33005569A

Administrative Cause No. 2013 BHSB 012

Ms. Dings appeared before the Board, as requested, regarding her ongoing probationary status. Ms. Dings reported that she is still employed by Eskenazi Hospital and is currently supervised by Helen Phillips, LCSW. She requested that the Board clarify the continuing education requirement of her Final Order. Ms. Vaught verified that she has not received any reports from her supervisors.

2. Thomas A. Dworniczek, LCSW, LMFT

License Nos. 34001178A and 35000659A

Administrative Cause No. 2012 BHSB 003

Mr. Dworniczek did not appear before the Board, as requested, regarding his ongoing probationary status due to illness. Mr. Dworniczek is scheduled to appear at the January 26, 2015 meeting of the Board.

3. Scott Peterson, LMHC

License No. 39001409A

Administrative Cause No. 2014 BHSB 007

Mr. Peterson appeared before the Board, as requested, regarding his probationary status. Mr. Peterson submitted an AA validation sheet showing his attendance at recovery meetings and a favorable letter from his therapist at Life Recovery Center. He continues to pass the weekly drug and alcohol screens and is scheduled to have the program completed November 25, 2014. Mr. Peterson reports he is in compliance with his probation. Mr. Peterson is scheduled to appear at the March 25, 2015 meeting of the Board.

4. Tad Whallon, LCAC

License No. 87000325A

Administrative Cause No. 2014 BHSB 007

Mr. Whallon appeared before the Board, as requested, regarding his ongoing probationary status. Mr. Whallon reported there have been no changes since his last appearance. He is still employed at Progress House and his responsibility is fund raising. Mr. Whallon has not practiced as addictions counselor. He stated he has learned a lot in this position. Interactions are with the donors and not individuals who are in need. Next appearance is scheduled for March 23, 2015.

B. Renewal

There were no renewal appearances before the Board.

C. Reinstatement

1. Johnathan Gurney, LCSW, License No. 34003155A

Mr. Gurney appeared before the Board, as requested, regarding reinstatement of his clinical social worker license. Mr. Gurney's clinical social worker license expired on April 1, 1996. Mr. Gurney has been practicing in three other states since the expiration of his license. Mr. Gurney has taken the ACSW examination for licensure previously. The Board is not inclined to require Mr. Gurney to take the Clinical Examination given by the ASWB. Mr. Gurney submitted adequate continuing education for the reinstatement of his license.

Board action: A motion was made and seconded to grant the reinstatement of Mr. Gurney's clinical social worker license upon successful completion of the Indiana jurisprudence examination.

HARNER/STOCKTON
Motion carried 7-0-0

D. Application

1. Robin Hughes Atkins (LMHC)

Ms Atkins appeared before the Board, at her request, to discuss the requirements for licensure, specifically in the area of Contextual Dimensions. Mr. Richardson has previously reviewed her file on two (2) occasions, and indicated she does not have a course that meets this requirement. Ms. Atkins submitted a portion of a paper she wrote for the course and has previously submitted a copy of the course syllabus for the course she is attempting to use to qualify for licensure. The Board recommends Ms. Atkins find a course that covers Contextual Dimensions.

Board action: A motion was made and seconded to have Ms. Adkins complete a course in Contextual Dimensions to meet the licensure requirements.

RICHARDSON/STOCKTON
Motion carried 7-0-0

2. Stacy L. Beeson (LCSW)

Ms. Beeson did not appear before the Board, as requested, regarding her application for licensure as a clinical social worker. Ms. Beeson will be scheduled to appear at the January 26, 2015 meeting of the Board.

3. Jennifer Drew (LMFTA)

Ms Drew appeared before the Board, as requested, regarding her application for licensure as a Marriage and Family Therapist Associate and criminal background check results. Ms. Drew answered yes to question 4 on the application that asks "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 explained that in 2007, she was arrested for Simple Assault after an argument with her husband. There were no charges filed in this matter. She also explained that in 2011, she was arrested and charged with Battery

after defending herself from abuse by her husband. She stated she has since left the relationship and she has voluntarily sought counseling services in 2011 and 2014. The Board recommended that she continue with counseling to help through her issues.

Board action: A motion was made and seconded to grant approval of Ms. Drew's application for licensure as a marriage and family therapist associate with the recommendation that she seek counseling for her personal issues while gaining the clinical experience and supervision for her marriage and family therapy licensure.

REDIGER/OSBORN
Motion carried 7-0-0

4. David Green (LSW)

Mr. Green appeared before the Board, as requested; regarding his application for social worker licensure and criminal background check results. Mr. Green answered yes to question 4 on the application that asks "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?" He explained that in 1981, he was arrested and charged with Felony Arson. He stated this occurred when he was a teenager and is in the process of having the charge expunged. Mr. Green is currently employed by the Damien Center. Mr. Harner asked that he take back with him to his employer the information that anyone practicing as a social worker must have a license no matter what the employer's requirements are.

Board action: A motion was made and seconded to grant approval of Mr. Green's application for social worker licensure.

HARNER/GAFF-CLARK
Motion carried 7-0-0

5. Vickie Hendon-Washington (LSW)

Ms. Hendon-Washington appeared before the Board, as requested, regarding her application for a social worker license and criminal background check results. Ms. Hendon-Washington did not answer yes to any questions on the application, but her criminal background check showed a record. Ms. Hendon-Washington stated that in 1996, she was arrested and charged with Possession of Marijuana. She explained that that the charge was dismissed. She also stated that in January 2012, she was arrested and charged with Prostitution. She explained that she was doing a massage for a friend's client that happened to be a police officer. He asked if she had a license to perform massage therapy. When she said no, he said he was going to have to arrest her, but because the arrest for practicing massage therapy without a license could be expensive, he charged her for Prostitution instead because it would be a cheaper violation. She stated that she answered no because she did not want to put the arrests out there if they were not going to show up on her criminal background check. The Board showed great concern with her character in that she has not been truthful on the application for licensure. Ms. Hendon-Washington stated she is no longer employed at Meridian Health Services due to being discharged for not meeting production quota.

Board action: A motion was made and seconded to allow Ms. Hendon-Washington to take the master level examination of the ASWB with a personal appearance to be scheduled upon successful completion of the examination.

HARNER/STOCKTON

Motion carried 7-0-0

6. Stephanie Kurrus (LSW)

Ms. Kurrus appeared before the Board, as requested, regarding her application for a social worker license. Ms. Kurrus answered yes to question 4 on the application that asks "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 explained that she was arrested and charged with Operating While Intoxicated and Endangerment after having a vehicle accident after a night of drinking with friends. Ms. Kurrus' BAC was .14 at the time. Ms. Kurrus stated she has completed a drug and alcohol assessment and a two day drug and alcohol class. She also was required to complete community service. She explained that the class really helped her since she is on track for addiction counseling.

Board action: A motion was made and seconded to grant approval for Ms. Kurrus to take the Masters examination for social worker licensure.

HARNER/RICHARDSON

Motion carried 7-0-0

7. Roberto Magallanez (LCSW & LCAC)

Mr. Magallanez appeared before the Board, as requested, regarding his application for clinical social worker licensure and clinical addiction counselor licensure. Mr. Magallanez answered yes to question 4 on the application that asks "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?" He explained that in 2003, he received fifteen (15) days of inpatient substance abuse treatment at Our Lady of Peace in Louisville, Kentucky. He stated that in February 1998, he was charged with Criminal Conversion in Terre Haute, Indiana where he was required to complete one (1) year of probation, 20 hours of community service and pay court costs; in September 2001, he was charged with Driving Under the Influence in Louisville, Kentucky where he was required to pay a fine and attend drug/alcohol classes; and in February 2002, he was charged with Driving Under the Influence where he was required to pay a fine and attend drug/alcohol classes. Mr. Magallanez has completed all court requirements.

Board action: A motion was made and seconded to approve Mr. Magallanez's applications for clinical social worker and clinical addiction counselor licensure.

GAFF-CLARK/RICHARDSON
Motion carried 7-0-0

8. Pamela McCoy (LMHCA)

Ms. McCoy appeared before the Board, as requested, regarding her application for a mental health counselor associate license. Ms. McCoy answered yes to question 4 on the application that asks "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 explained that in May 2010, she was charged with Felony Battery after an argument with her husband. The prosecutor dropped the charge to Misdemeanor Disorderly Conduct. Ms. McCoy completed all court requirements

Board action: A motion was made and seconded to approve Ms. McCoy's application for mental health counselor associate licensure.

RICHARDSON/GAFF-CLARK
Motion carried 7-0-0

9. Maleigha Myers (LSW)

Ms. Myers appeared before the Board, as requested, regarding her application for a mental health counselor associate license. Ms. Myers answered yes to questions 4 and 6 on the application that ask "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?" and "Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care facility in which you have trained, held staff membership or privileges or acted as a consultant?" In September 2013, Ms. Myers was notified by police that a friend who was staying with her at the time had been pulled over in her car and was being arrested on a warrant. When she arrived on the scene the police inquired about the marijuana that was found in the back seat of the vehicle along with paraphernalia. Since the vehicle was in her name she was arrested because they were both denying who the marijuana belonged to. She was arrested and charged with Possession of Marijuana and Possession of Paraphernalia. No charges were filed. In response to question #6 she was terminated from Home-Based Services due to a car accident that she had during the transport of a client. The drug screen that was completed on the day of the accident returned positive for marijuana. She was then terminated from her position.

Board action: A motion was made and seconded to grant approval of Ms. Myers' application for social worker licensure.

HARNER/REDIGER
Motion carried 7-0-0

10. Rhonda Parks (LMHCA)

Ms. Parks did not appear before the Board, as requested, regarding her application for licensure as a mental health counselor associate. Ms. Parks will be rescheduled to appear at the January 26, 2015 meeting.

11. Jamie Scamihorn (LSW)

Ms. Scamihorn appeared before the Board, as requested, regarding her application for licensure as a social worker. Ms. Scamihorn answered yes to question 4 on the application that asks "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 explained that in 1999, she was arrested and charged with Battery Resulting in Bodily Injury. She was required to complete anger management classes, which she states she did successfully. In 2000 she was arrested and charged with Illegal Consumption of Alcohol. She stated after a night of drinking, she was in the back seat of her car when a friend was driving her vehicle and was pulled over. In 2001, she was arrested for Possession of Stolen Property. She stated that she and her boyfriend had gone to the store and purchased a window air conditioner for her boyfriend's mother. She explained that he called and told her she did not need the air conditioner and that she could return it. The police called her and told her the air conditioner she returned actually had cinder blocks in the box when it was returned. She reports that she has completed all court requirements in all three (3) charges. When asked, she stated she has a great support team in her family and co-workers.

Board action: A motion was made and seconded to grant approval of Ms. Scamihorn's application for social worker licensure.

HARNER/GAFF-CLARK
Motion carried 7-0-0

12. Nicholas Todoran (LSW)

Mr. Todoran appeared before the Board, as requested, regarding his application for social worker licensure. Mr. Todoran answered yes to question 4 on the application that asks "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?" He explained that in 1993 he was arrested and charged with Possession of Paraphernalia; in 1995 he was arrested and charged with Public Intoxication; and in 2006 he was arrested and

charged with Operating While Intoxicated, Operating a Vehicle with a BAC of .08-.14%, and No Financial Responsibility. Mr. Todoran stated he has completed all court requirements in all three (3) matters. The Board showed concern with his past use of alcohol.

Board action: A motion was made and seconded to approve Mr. Todoran's application for the social worker Masters examination with a personal appearance to be scheduled after he has completed the examination and addictionology evaluation.

HARNER/RICHARDSON
Motion carried 7-0-0

E. Examination Attempts

There were no examination attempt appearances before the Board.

F. Other

There were no other appearances before the Board.

V. ADMINISTRATIVE HEARINGS

- A. State of Indiana v. Lisa M. Daube, LMHC, License No. 39002240A**
Administrative Cause No. 2014 BHSB 009
Re: Complaint

Parties Present:

Respondent was present, without Counsel
Marissa Webb, Deputy Attorney General for the State of Indiana
Laura Sahm, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter

Participating Board Members:

Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner
Dr. Rediger
Dr. Osborn
Dr. Stockton

Case Summary: On or around August 21, 2014, the State filed a Complaint alleging Respondent has violated Indiana Code 25-1-9-4(a)(1)(A) in that Respondent engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, specifically, Respondent failed to reveal her arrest and pending criminal charges on her 2012 renewal; and has violated Indiana Code 25-1-9-4(a)(1)(A) in that Respondent engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, specifically, Respondent failed to disclose that on her 2012 renewal that her access to Westville was rescinded on or about January 15, 2012 and her employment with Corizon was terminated on or about January 19, 2012. The State indicated that on or around March 22, 2012, Respondent submitted an online application to renew her mental health counselor license. Respondent answered "no" to the questions that ask "Since you last renewed, have

you been convicted of or pled guilty to any federal law or state law or are criminal charges pending?" and "Since you last renewed, have you been denied staff 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, or have you resigned in lieu of discipline or termination?". Respondent stated she read the questions incorrectly and answered them erroneously; she did not do it deceitfully.

The State entered the following exhibits:

- Exhibit A – a copy of the Verified Affidavit of DeAngela Boyan.
- Exhibit B – a copy of the Restriction from Grounds from the Westville Correctional Facility, Department of Corrections.
- Exhibit C – a copy of the Michigan City Police Department Adult Arrest Report.
- Exhibit D – a copy of an email from Kenneva Mapps to DeAngela Boyan.
- Exhibit E – a copy of a fax from Correctional Medical Services, Inc. to Marlene McKee.
- Exhibit F – a certified copy of Respondents application file for licensure from the Indiana Professional Licensing Agency.

Respondent entered the following exhibits:

- Exhibit 1 – a letter written to Barbara Greene, Case Analyst with the Office of the Attorney General.

Respondent is currently employed at Family Focus.

Board action: A motion was made and seconded to find Ms. Daube in violation of Count I.

RICHARDSON/HARNER
Motion carried 6-0-0

Board action: A motion was made and second to find Ms. Daube in violation of Count II.

RICHARDSON/HARNER
Motion carried 6-0-0

Board action: A motion was made and seconded to place Ms. Daube's LMHC license on Indefinite Probation with the following terms and conditions:

1. Respondent shall not have the right to petition for withdrawal of probation for no less than one (1) year from the date of this Order.
2. While on indefinite probation, Respondent shall be subject to the following **TERMS AND CONDITIONS:**
 - a. Respondent shall keep the Board apprised of her current home address, mailing address and phone number.
 - b. Respondent shall keep the Board apprised of her place of employment, position held, employment phone number, and name of any supervisor.
 - c. Respondent shall cause her employer to submit quarterly reports to the Board regarding Respondent's clinical practice.
 - d. Respondent shall make two (2) personal appearances from the Board while her license is on indefinite probation.

- e. Respondent shall complete the required amount of forty (40) hours of continuing education in area of ethics with one-half of the hours completed in Category I.
3. Within thirty (30) days of the date of the Board's Order, Respondent shall, pursuant to Indiana Code § 4-6-14-10(b), pay a FEE of Five Dollars (\$5.00) within thirty (30) days of the date of the Final Order in this matter, to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order **made payable to the State of Indiana**, and submitted to the following address:
Indiana Office of the Attorney General
Attn: Kathy Shively
302 West Washington Street, 5th Floor
Indianapolis, IN 46204
4. Any violation of this Final Order or any non-compliance with the statutes or regulations regarding the practice of a licensed mental health counselor may result in an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, and or all of which could lead to additional sanctions.

RICHARDSON/HARNER
Motion carried 6-0-0

B. State of Indiana v. Lori Groves, Unlicensed
Administrative Cause No. 2014 BHSB 004
Re: Order to Show Cause

Parties Present:

Respondent was present, without Counsel
Laura Sahn, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter

Participating Board Members:

Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner
Dr. Rediger
Dr. Osborn
Dr. Stockton

Case Summary: On or around April 28, 2014 the State filed a Motion for Order to Cease and Desist alleging Respondent has violated Ind. Code 25-23.6-1-7 for practicing marriage and family therapy without a the required license. Ms. Groves elected to waive her right to have counsel present and proceed with the hearing. At the Board's hearing, Respondent admitted that she has engaged in activities for which a license is required under Ind. Code § 25-23.6-3-1. Respondent admitted the facts of the Motion for Order to Cease and Desist filed by the State on April 29, 2014. Following the hearing Respondent was granted a temporary marriage and

family therapy license in the State of Indiana. Respondent's actions are cause for an Order to Cease and Desist pursuant to Ind. Code § 25-1-7-14.

Board action: A motion was made and seconded that Ms. Groves shall immediately cease and desist any activity that is considered the practice of marriage and family therapy pursuant to Ind. Code § 25-23.6-1-7 if Respondent fails to maintain temporary or full licensure as a marriage and family therapist.

REDIGER/HARNER
Motion carried 6-0-0

- C. **Connie A. Ramos, L.C.S.W., License No. 39000772A & 34004664A**
Administrative Cause No. 2014 BHSB 006
Re: Request for Termination of Probation

Parties Present:
Petitioner was present, without Counsel
Margie Addington, Court Reporter

Participating Board Members:
Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner
Dr. Rediger
Dr. Osborn
Dr. Stockton

Case Summary: Ms. Ramos elected to waive his right to counsel and proceed with the hearing. On June 16, 2014, the Board issued its Decision on License Renewal, placing Respondent's license on indefinite probation as a result of her criminal conviction for driving under the influence of alcohol, a Class A misdemeanor. As required by the terms of her probation, Respondent underwent a substance abuse evaluation by a qualified licensed professional, and submitted a copy of the evaluation to the Board. The Board reviewed the conditions of probation after the evaluation was received to determine if probation should be modified or withdrawn. After considering the substance abuse evaluation, the Board determined that Respondent's probation should be withdrawn. Respondent has complied with the terms of her probation.

Board action: A motion was made and seconded to grant the withdrawal of probation in the matter of Ms. Ramos' licenses.

HARNER/OSBORN
Motion carried 6-0-0

VI. SETTLEMENT AGREEMENT

There were no Settlement Agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VIII. DISCUSSION

A. Rule Re-Adoption

LSA Document #14-389

839 IAC 1-3 Social Workers; Clinical Social Workers

839 IAC 1-4-6 Temporary permits for marriage and family therapists

839 IAC 1-6-5 Request for a waiver of the continuing education requirement

The Board reviewed 839 IAC 1-3, 839 IAC 1-4-6, and 839 IAC 1-6-5 to determine whether or not there would be an impact on small businesses; the continued need for the rules, the nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency; the complexity of the rule, including any difficulties encountered by the agency in administering the rule and small business in complying with the rule; the extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances; and the length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time. The Board determined the rules may impose requirements on small businesses; the rules are needed to pay for the costs and administration of the Board and the current fees are reasonable and are low compared to other states; the Board has received no complaints or comments concerning this rule; IPLA does not believe that the rule is so complex that it poses a challenge to implement and there have been no reports of small businesses not being able to comply with the rule; the rule does not duplicate nor conflict with federal, state, or local laws, rules, regulations, or ordinances; the Board last reviewed the rule in 2008 and at that time the rule was not modified; and there has been no change to technology, economic conditions, or other factors affecting this rule since it was last reviewed.

Board action: A motion was made and seconded to re-adopt administrative rules 839 IAC 1-3, 839 IAC 1-4-6, and 839 IAC 1-6-5.

HARNER/OSBORN

Motion carried 6-0-0

*Dr. Stockton was not present for the vote

B. Norman LeClerg (LMFT)

Re: Application for Licensure

The Board discussed Mr. LeClerg's application file for licensure as a marriage and family therapist. The Board is requesting official transcripts from Genesis. This item will be tabled until the Board receives the official transcript.

C. Steven Prater (LCSW)

Re: Application for Licensure

The Board discussed Mr. Prater's application file for licensure as a clinical social worker. Upon review of the file, it was determined that Mr. Prater did not receive his training while in the military service. This item will be tabled until the next meeting of the Board.

IX. PROBATION REVIEW

There were no probation files reviewed by the Board.

X. FORMAL ADOPTION OF APPLICATION REVIEWS

There was no formal adoption of 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.

XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. DaVita Health Care Partners

The Board reviewed the application submitted by the DaVita Health Care Partners to be approved as a continuing education provider.

Board action: A motion was made and seconded to recommend approval of the application for DaVita Health Care Partners to become a continuing education provider.

HARNER/RICHARDSON
Motion carried 6-0-0

B. Indiana Parenting Institute

The Board reviewed the application submitted by the Indiana Parenting Institute to be approved as a continuing education provider.

Board action: A motion was made and seconded to recommend approval of the application for Indiana Parenting Institute to become a continuing education provider.

HARNER/RICHARDSON
Motion carried 6-0-0

C. Lifeline Youth & Family Services

The Board reviewed the application submitted by the Lifeline Youth & Family Services to be approved as a continuing education provider.

Board action: A motion was made and seconded to recommend approval of the application for Lifeline Youth & Family Services to become a continuing education provider.

HARNER/RICHARDSON

Motion carried 6-0-0

D. Matt Heatherly

The Board reviewed the application submitted by Matt Heatherly to be approved as a continuing education provider. The Board has requested that more documentation be submitted for review and approval.

Board action: A motion was made and seconded to table the approval of the application for Matt Heatherly to become a continuing education provider upon receipt of the requested information.

HARNER/RICHARDSON
Motion carried 6-0-0

E. Oldenburg Franciscan

The Board reviewed the application submitted by the Oldenburg Franciscan to be approved as a continuing education provider.

Board action: A motion was made and seconded to recommend approval of the application for Oldenburg Franciscan to become a continuing education provider.

HARNER/RICHARDSON
Motion carried 6-0-0

F. Optimal Balance Coaching, LLC

The Board reviewed the application submitted by Optimal Balance Coaching, LLC to be approved as a continuing education provider. The Board asked that this application review be tabled until the next meeting of the Board.

**XII. ADMINISTRATIVE LAW JUDGE PANEL RECOMMENDATIONS FROM
SEPTEMBER 22, 2014**

A. Administrative Hearings

1. State of Indiana v. Constance Jo Anderson, LMHC

License No. 3900072A, 34004664A

Administrative Cause No. 2014 BHSB 001

Re: Administrative Law Judge Panel Recommended Findings of Fact,
Ultimate Findings of Fact, Conclusions of Law, and Order

Board action: A motion was made and seconded to accept the recommendation in the matter of Ms. Anderson's mental health counselor and clinical social worker licenses.

BRENNER/RICHARDSON
Motion carried 6-0-0

2. State of Indiana v. Sheila S. Day, LCSW

License No. 34000327A
Administrative Cause No. 2014 BHSB 003
Re: Recommended Order Accepting Proposed Findings of Fact,
Conclusions of Law and Order

Board action: A motion was made and seconded to accept the recommendation in the matter of Ms. Day's clinical social worker license.

STOCKTON/HARNER
Motion carried 6-0-0

3. State of Indiana v. Deborah A. Gerrity, LMHC

License No. 39001142A
Cause No. 2014 BHSB 010
Re: Administrative Law Judges Recommended Findings of Fact, Conclusions
Of Law, and Order

Board action: A motion was made and seconded to accept the recommendation in the matter of Ms. Gerrity's mental health counselor license.

RICAHRDSON/HARNER
Motion carried 6-0-0

4. Alice M. Whalen, L.S.W., L.M.F.T., L.M.H.C.

License No. 33002908A, 35001189A, 39001057A
Cause No. 2014 BHSB 005
Re: Administrative Law Judge Panel Recommended Findings of Fact, Ultimate
Findings of Fact, Conclusions of Law and Order

Board action: The Board is unable to approve this recommendation until the January 26, 2015 meeting of the Board.

XII. OLD/NEW BUSINESS

There was no old or new business discussed by the Board.

XIII. ADMINISTRATOR'S REPORT

There was no Administrator's Report given to the Board.

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 4:30 p.m. by general consensus.

George Brenner *LCAD, LMFT*
George Brenner, Board Chair *LCAC*

1-26-15
Date

Kimble Richardson
Kimble Richardson, Board Vice-Chair

1-26-2015
Date