

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

MARCH 24, 2014

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 9:00 a.m. in the Indiana Government Center South, 402 West Washington Street, Room W064, 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:

Roger Reeves, Consumer Member
Vacant, Social Work Member
Vacant, Psychiatric Physician 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 AS AMENDED

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

STOCKTON/REDIGER
Motion carried 7-0-0

III. ADOPTION OF THE MINUTES FROM JANUARY 27, 2014 MEETING

A motion was made and seconded to adopt the minutes from the January 27, 2014 meeting of the Board.

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

IV. PERSONAL APPEARANCES

A. Probationary

1. **Thomas A. Dworniczek, LCSW, LFMT**
License Nos. 34001178A & 35000659A
Administrative Cause No. 2012 BHSB 003

Mr. Dworniczek appeared before the Board, as requested, regarding his ongoing probationary status. Mr. Dworniczek indicated there have been no changes since his last appearance. He reported that he currently only has two (2) therapy clients, and is in the process of closing his practice. He is currently working to move more towards spiritual therapy. Mr. Dworniczek is scheduled to appear at the July 21, 2014 meeting of the Board.

2. **Tadd Whallon, LCAC**
License No. 87000325A
Administrative Cause No. 2012 BHSB 011

Mr. Whallon appeared before the Board, as requested, regarding his ongoing probationary status. Mr. Whallon stated there have been no changes since his last appearance. Mr. Whallon stated he is still working on completing his ethics and boundaries course and will have that completed by June. He reported things are fine with Dr. Grant, but he would rather see Rick Gustafson. The Board has motioned to amend the supervision section to allow him to change supervisors. Ms. Vaught will issue a Hearing Notice for an Administrative Hearing to take place on July 28, 2014 to amend the terms of his probation.

B. Renewal

There were no renewal appearances before the Board.

C. Reinstatement

1. **Ronald Dolon, LCSW, License No. 34001214A**

Dr. Dolon appeared before the Board, as requested, regarding the reinstatement of his clinical social worker license. Dr. Dolon's license expired on April 1, 2006. Dr. Dolon is a professor of social work at Ball State University. Dr. Dolon only submitted twenty six (26) hours of approved continuing education. Dr. Dolon must submit fourteen (14) hours of Category I or II continuing education to include two (2) hours of ethics.

Board action: A motion was made and seconded to grant reinstatement of Dr. Dolon's clinical social worker license upon successful completion of fourteen (14) hours of CE to include two (2) hours of ethics, the clinical examination of the ASWB, and the Indiana jurisprudence examination within six (6) months.

HARNER/RICHARDSON
Motion carried 7-0-0

2. Andrea Nicole Merrill, LCSW, License No. 34004863A

Ms. Merrill appeared before the Board, as requested, regarding the reinstatement of her clinical social worker license. Ms. Merrill's license expired on April 1, 2006. Ms. Merrill explained she allowed her license to lapse during the time she was starting a family. Ms. Merrill only submitted sixteen and three quarter (16.75) hours of approved continuing education. Ms. Merrill must complete an addition twenty three and one quarter (23.25) hours of Category I or II continuing education with .25 of those hours in ethics.

Board action: A motion was made and seconded to grant reinstatement of Ms. Merrill's clinical social worker license upon successful completion of twenty three and one quarter (23.25) hours of CE with .25 hours of ethics and the Indiana jurisprudence examination within six (6) months.

HARNER/RICHARDSON
Motion carried 7-0-0

3. Kathleen Anne Hartman-McCarthy, License No. 34004490A

Ms. Hartman-McCarthy appeared before the Board, as requested, regarding the reinstatement of her clinical social worker license. Ms. Hartman-McCarthy's license expired on April 1, 2006. Ms. Hartman-McCarthy explained she allowed her license to lapse because she moved to Connecticut and began practicing social work there. She stated she has never had any disciplinary action against her Connecticut license.

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

HARNER/RICHARDSON
Motion carried 7-0-0

D. Application

1. Robin Kristine Atkins (LMHC)

Ms. Atkins did not appear before the Board, as requested. Ms. Atkins will be rescheduled to appear on May 19, 2014.

2. Shonita Fink (LSW)

Ms. Fink did not appear before the Board, as requested. Ms. Fink will be rescheduled to appear on May 19, 2014.

3. Alfred Hughes (LMFT)

Mr. Hughes did not appear before the Board, as requested. Mr. Hughes will be rescheduled to appear on May 19, 2014.

4. Gregory Myers (LFMTA)

Mr. Myers appeared before the Board, per his request, to discuss his application for licensure as a marriage and family therapist. The Board reviewed Mr. Myers application for licensure and Dr. Rediger and Dr. Osborn explained that he will have to enroll in a school/university to complete the practicum requirement, will have to ensure his supervision is completed by an LMFT qualified individual, will need to complete a course in major models of marriage and family therapy, submit a syllabus for the family life education course for ethnicity, race, etc., and submit a syllabus for the counseling theory course to ensure it meets the requirement for assessment for disorder and dysfunction.

5. Roberta Adu (LCAC)

Ms. Adu did not appear before the Board, as requested. Ms. Adu will be rescheduled to appear on May 19, 2014.

6. Danielle Nicole Ruffin (LCSW)

Ms. Ruffin appeared before the Board, as requested, regarding her application for clinical social work licensure. Ms. Ruffin 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 1994, she was arrested for fraudulent use of a credit card and receiving goods by fraud. She was placed on probation for five (5) years and had to pay restitution. In 2004, she was charged with attempted fraudulent use of a credit card after using a friend's credit card to purchase items. However, she did not disclose to the Board an incident of being arrested for Terroristic Threatening 1st Degree. She explained to the Board that she and her sister got into an argument where they both took out protective orders against each other and both ended up being incarcerated. The Board showed concern that she did not disclose this last arrest in her positive response statement.

Board action: A motion was made and seconded to approve Ms. Ruffin to sit for the clinical social worker examination.

HARNER/STOCKTON

Motion carried 7-0-0

E. Examination Attempts

1. Karen Kennedy (LSW)

Ms. Kennedy appeared before the Board, as requested, to seek approval to take the master examination for a social worker license. She states she has obtained the booklets and attended classes, but feels she may have test anxiety. The Board advised she seek help from a professional regarding her test anxiety.

Board action: A motion was made and seconded to grant permission for Ms. Kennedy to take the master level examination for the fourth time.

HARNER/OSBORN
Motion carried 7-0-0

2. Jeri Lynn Rozzell (LSW)

Ms. Rozzell appeared before the Board, as requested to seek approval to take the master examination for a social worker license. She states she also has test anxiety. She explained that she had finished the test, but since she had additional time, she went back in and changed answers and feels had she not done that, she may have passed the examination. She explained that the second time she failed was due to family issues and running late to take the examination. She has taken a preparation course to prepare for the examination. Dr. Stockton advised Ms. Rozzell to seek professional assistance in overcoming the test anxiety.

Board action: A motion was made and seconded to grant permission for Ms. Rozzell to take the master level examination for the fourth time and to grant approval for a temporary permit.

HARNER/RICHARDSON
Motion carried 7-0-0

3. Michelle Yvette Skinner-Haywood (LCSW)

Ms. Skinner-Haywood appeared before the Board, as requested, to seek approval to take the clinical examination for a clinical social worker license. Ms. Skinner-Haywood stated she believes has test anxiety. She explained that she took the first examination without studying, just to see what she knew. She studied for the second and third attempts but feels she may have test anxiety. Mr. Harner noted that Ms. Skinner-Haywood has not taken a psychopathology course and feels this may be a good reason why she has not been able to pass the examination.

Board action: A motion was made and seconded to grant Ms. Skinner-Haywood permission to take the clinical examination upon completion of a graduate level psychopathology course.

HARNER/RICHARDSON
Motion carried 7-0-0

F. Other

1. Katie Niehoff, LSW, License No. 33005078A

Ms. Niehoff appeared before the Board, per her request, to discuss a continuing education course. She is requesting approval of a continuing education seminar that she has taken regarding geriatric care. She had previously been told by IPLA that the course would not be approved by the Behavioral Health and Human Services Licensing Board because it is not an approved provider and the course did not seem to meet the requirements for licensure.

Board action: A motion was made and seconded to deny Ms. Niehoff's request for this to count as Category I continuing education, but will allow it to count as Category II continuing education.

HARNER/OSBORN
Motion carried 7-0-0

2. Jessica Buescher (LMHC)

Ms. Buescher requested to appear but was not present at the time she was called.

V. ADMINISTRATIVE HEARINGS

A. State of Indiana vs. Don Degner, LMHC, LCAC

License Nos. 39000793A & 87000567A
Administrative Cause No. 2013 BHSB 0020
Re: Complaint

Parties Present:

Respondent was not present, nor represented by Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner
Ms. Gaff-Clark
Ms. Rediger
Dr. Stockton
Mr. Osborn

Hearing Continued

B. State of Indiana vs. Lynn McCulloch, LCAC, License No. 87000236A

Administrative Cause No. 2013 BHSB 005
Re: Complaint and Proposed Findings of Fact, Conclusions of Law and Order

Parties Present:

Respondent was not present, nor represented by Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner
Ms. Gaff-Clark
Ms. Rediger
Dr. Stockton

Mr. Osborn

Case Summary: On or around May 28, 2013, the State filed a complaint alleging Respondent had violated IC 25-1-9-4(a)(1)(B) in that Respondent engaged in fraud or material deception in the course of professional services or activities, as evidenced by Respondent admitting she had signed another employee's name on two (2) client discharge forms; and violated IC 25-1-9-4(a)(4)(B) in that Respondent demonstrated a failure to keep abreast of current professional theory or practice, as evidenced by Respondent signing another employee's name on two (2) client discharge forms. The State presented a Proposed Settlement Agreement issuing Respondent a Letter of Reprimand and Respondent shall pay a fee of five dollars (\$5.00) to be deposited in the Health Records and Personal Identifying Information Protection Trust Fund.

Board action: A motion was made and seconded to approve the Settlement Agreement as proposed by the State in the matter of Ms. McCulloch's clinical addiction counselor license.

HARNER/OSBORN
Motion carried 7-0-0

VI. SETTLEMENT AGREEMENT

There were no Settlement Agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

A. State of Indiana vs. Jennifer R. Peverly, LCSW, License No. 34004893A
Administrative Cause No. 2013 BHSB 011

Parties Present:

Respondent was not present, nor represented by Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Laura Salm, Certified Legal Intern for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner
Ms. Gaff-Clark
Ms. Rediger
Dr. Stockton
Mr. Osborn

Case Summary: A notice of this hearing was sent both to her last known address and to the correctional facility. It was clarified that Respondent could have an individual or personal entity to appear on her behalf.

Board action: A motion was made and seconded to find Ms. Peverly in Default.

REDIGER/RICHARDSON

Motion carried 7-0-0

Case Summary: On or around October 8, 2013, the State filed a complaint in the matter of Respondent's clinical social worker license alleging Respondent has violated IC 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities as evidenced by Respondent being dishonest on her application for employment with Cummins and the Cummins Credentialing Application regarding her termination from Granite House located in Maryland for engaging in a dual relationship with a client; Respondent has violated IC 25-1-9-4(a)(4)(B) in that Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice by violating 839 IAC 1-3-4(b)(6) which states that relationships with clients shall not be exploited by the clinical social worker for personal gain as evidenced by Respondent exploiting her relationships with clients for personal gain when Respondent attempted to procure pain medication from clients during and outside of their therapy sessions; Respondent has violated IC 25-1-9-4(a)(4)(B) in that Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice by violating 839 IAC 1-3-4(b)(8) which states that a clinical social worker shall under no circumstances engage in sexual activities with clients as evidenced by Respondent's sexual activity with a patient; Respondent violated IC 25-1-9-4(a)(4)(D) in that Respondent has become unfit to practice due to an addiction to, abuse of, or severe dependency upon alcohol or other drugs as evidenced by Respondent's attempt to purchase pain pills from clients on multiple occasions and admittedly having symptoms of withdrawal; Respondent has violated IC 25-1-9-4(a)(11), in that Respondent has engaged in sexual contact with a patient under her care; and Respondent has violated IC 25-1-9-4(a)(4)(A), in that Respondent has continued to practice although she has become unfit to practice due to professional incompetence as evidenced by Respondent's violation of IC 25-23.6-6-1, which states that matters communicated to a counselor in the counselor's official capacity by a client are privileged information and may not be disclosed by the counselor to any person when Respondent disclosed private information about one patient to another patient. Respondent did not appear for the hearing, nor did she have a representative present in her absence. The State called Barbara Green, Case Analyst for the Indiana Office of the Attorney General. The State entered Exhibit A, a copy of the Final Consent Order from the Maryland Board; Exhibit B, a copy of Respondent's application for employment at Cummins Behavioral Health Systems; Exhibit C, a copy of the credentialing application from Cummins Behavioral Health Systems; Exhibit D, a copy of a copy of an Unusual Occurrence Report from Cummins Behavioral Health Services dated ; Exhibit E, a copy of an Unusual Occurrence Report from Cummins Behavioral Health Systems dated March 16, 2012; Exhibit F, a copy of an Unusual Occurrence Report from Cummins Behavioral Health Services dated March 9, 2012; Exhibit G, a copy of a certified Probable Cause Affidavit filed April 13, 2012; and Exhibit H, a copy of certified Sentencing Order from Montgomery County Court filed November 29, 2012 and February 28, 2013. Ms. Greene indicated Respondent currently resides in jail with an earliest release date of September 13, 2014. Respondent's clinical social worker license is currently expired.

Count I: A motion was made and seconded to find Ms. Peverly guilty of Count I.

RICHARDSON/STOCKTON
Motion carried 7-0-0

Count II: A motion was made and seconded to find Ms. Peverly guilty of Count II.

REDIGER/HARNER
Motion carried 7-0-0

Count III: A motion was made and seconded to find Ms. Peverly guilty of Count III.

RICHARDSON/HARNER
Motion carried 7-0-0

Count IV: A motion was made and seconded to find Ms. Peverly guilty of Count IV.

RICHARDSON/HARNER
Motion carried 7-0-0

Count V: A motion was made and seconded to find Ms. Peverly guilty of Count V.

RICHARDSON/HARNER
Motion carried 7-0-0

Count VI: A motion was made and seconded to find Ms. Peverly guilty of Count VI.

RICHARDSON/OSBORN
Motion carried 7-0-0

Count VII: A motion was made and seconded to find Ms. Peverly guilty of Count VII.

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

Board action: A motion was made and seconded revoke Ms. Peverly's clinical social worker license and order Ms. Peverly to pay a fee of five dollars (\$5.00) to be deposited in the Health Records and Personal Identifying Information Protection Trust Fund.

HARNER/REDIGER
Motion carried 7-0-0

Board action: A motion was made and seconded issue a fine of one thousand dollars (\$1,000.00) per count for a total fine of seven thousand dollars (\$7,000.00) to be paid prior to Ms. Peverly's attempt at re-licensure in the future.

STOCKTON/OSBORN
Motion carried 5-2-0
*Mr. Richardson and Mr. Brenner opposed

VIII. DISCUSSION

A. Nicole Gauthier

Re: Request for Continuing Education Approval

The Board discussed correspondence from Ms. Gauthier requesting approval of coursework to count as continuing education. The Board determined that Ms. Gauthier's academic coursework will count for continuing education at a rate of 15 hours per credit hour.

B. Elaine Williams

The Board discussed the revocation of Ms. Williams' license. The trial court has upheld the Board's decision of revocation in this matter.

C. Jurisprudence Examinations

The administrative staff of IPLA had questions regarding who must take the Indiana jurisprudence examination. It has been determined that anyone applying for a license by exemption of examination is required to take the Indiana jurisprudence examination.

Board action: A motion was made and seconded to have IPLA send a copy of the examinations to the Board members for their review.

RICHARDSON/OSBORN
Motion carried 7-0-0

D. DSM IV vs. DSM V

The Board discussed the difference between the DSM IV and DSM V and how this is going to affect previous graduates attempting to take the national examination.

IX. FORMAL ADOPTION OF APPLICATION REVIEWS

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.

RICHARDSON/REDIGER
Motion carried 7-0-0

X. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Dillman & Associates

The Board reviewed the application submitted by Dillman & Associates. Mr. Harner noted that the first program is scheduled less than ninety (90) days from the date of submission of the application.

Board action: A motion was made and seconded to grant the approval to Dillman & Associates for program dates after May 12, 2014.

HARNER/RICHARDSON
Motion carried 7-0-0

B. Visiting Nurses Fort Wayne

The Board reviewed the application submitted by Visiting Nurses Fort Wayne to be approved as a continuing education provider.

Board action: A motion was made and seconded to approve Visiting Nurses of Fort Wayne as a continuing education provider.

HARNER/STOCKTON
Motion carried 7-0-0

XI. OLD/NEW BUSINESS

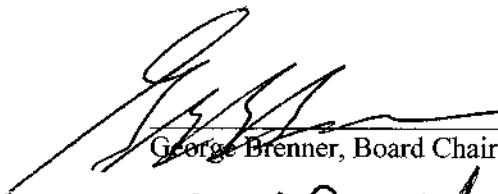
There was no old or new business discussed by the Board.

XII. ADMINISTRATOR'S REPORT

Ms. Vaught reported that the renewal period is coming to an end. The Behavioral Health and Human Services Licensing Board currently has 7,500 behavioral health licenses. The Governor has enacted another procedure where board members must re-apply for their position at the end of their terms. Also, the Governor has stated we must cut back on board meetings. For 2014, the Board will be meeting in January, March, May, July, September, and November. However, some members will be requested to come in and review files between meetings.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 2:00 p.m. by general consensus.


George Brenner, Board Chair

LCSW, EMFT, LCAC

7-28-14
Date


Kimble Richardson, Board Vice-Chair

7/28/2014
Date