

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

Minutes

March 24, 2025

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Jon Ferguson called the meeting to order at 9:01 a.m. in the Indiana Government Center South, Room W064, 402 West Washington Street, Indianapolis, Indiana, and by Zoom and declared a quorum with Indiana Code § IC 25-23.6-2.

Board Members Present:

Jon Ferguson, LMFT, LCAC, Board Chair
Kathryn Adams, LCAC, LCSW, Section Chair
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Section Chair
C. Martin Justice, LMHC, LCAC, Board Designee
Stephan Viehweg, MSW, LCSW, Section Chair
Jacqueline Eitel, RN, Consumer Member

Board Members Not Present:

Dr. Dianna Cooper-Bolinskey, LCAC, LCSW, Vice Chair
Kelley Gardner, LMFT, LMFT, Section Chair
Peter Karalis, MD, Psychiatry Member
Licensed Clinical Social Worker - Vacant

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Bradley Repass, Litigation Specialist, Professional Licensing Agency
Adam Harvey, Deputy Attorney General, Office of the Attorney General

The video recording can be found on:

<https://www.youtube.com/@INProfessionalLicensingAgency>

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 adopt the minutes of January 27, 2025 and February 24, 2025 as amended.

Viehweg/Justice

Motion carried 6-0-0

IV. ADMINISTRATIVE HEARINGS

A. Oliver Williams, LCSW, License No. 34006377A

Cause No. 202501-BHS-0001

Re: Administrative Complaint And Request to Terminate License

Parties Present:

Respondent was not present

Ryan Eldridge, Deputy Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)

Kathryn Adams, LCAC, LCSW

Kimble Richardson, LMHC, LCSW, LMFT, LCAC

C. Martin Justice, LMHC, LCAC

Stephan Viehweg, LCSW

Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about January 7, 2025 an administrative complaint was filed against Mr. Williams with allegations of an inappropriate relationship with a client, and failure to keep abreast of current standards of professional practice. Mr. Eldridge stated that the State did receive a response from Mr. Williams to request a surrender of his license in lieu of discipline. The State indicated that Mr. Williams has been given enough notice via email and post mail to appear to provide clarification on this matter, and asks that the Board issue a Notice of Proposed Dismissal regarding his request to surrender his license, and issue a Notice of Proposed Default for his failure to appear to address the allegations.

Board Action: A motion was made and seconded to issue a Notice of Proposed Default and a Notice of Proposed Dismissal regarding the request for surrender of licensure in the matter of Mr. Williams.

Richardson/Viehweg

Motion carried 6-0-0

B. Dee Cotner Allen, LMFT, License No. 35000566A

Cause No. 2022 BHSB 0004

Re: Petition to Withdraw Probation

Parties Present:

Respondent was not present

Laura Iosue, respondent counsel present

Ryan Eldridge, Deputy Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)
Kathryn Adams, LCAC, LCSW
Kimble Richardson, LMHC, LCSW, LMFT, LCAC
C. Martin Justice, LMHC, LCAC
Stephan Viehweg, LCSW
Jacqueline Eitel, RN, Consumer Member

Witness for Respondent:

Cindy Vaught, Board Director, Indiana Professional Licensing Agency

Case Summary: On or about July 13, 2023 Ms. Cotner Allen entered a Settlement Agreement with the Board for the following terms:

- Indefinite probation for no less than 1 year
- Keep the Board up to date on her contact information
- Keep the Board up to date on her employment and their contact information
- Enter a supervisor agreement with a Marriage and Family Therapist licensed in Indiana
- Supervisor shall submit quarterly reports on Ms. Cotner Allen's performance, and if Ms. Cotner Allen is not employed, she shall provide self-reports to the Board.
- While on probation, Ms. Cotner Allen shall appear before the Board every 6 months
- Complete 24 hours of CE, 12 should be in professionalism and ethics, 12 should be in communication and effective treatment of clients.
- Pay a fee of \$5.00 to be deposited in the Health Records and Personal Identifying Information Protection Trust Fund.

Ms. Iosue stated that Ms. Cotner Allen could not appear due to her terminal illness, and Ms. Iosue appeared remotely. The Board noted that administrative hearings do not allow virtual attendance and asked if Ms. Iosue was able to attend in person. Ms. Iosue stated she understood that since the agenda provided a virtual attendance option, she could appear via Zoom. Ms. Iosue called Cindy Vaught as witness. Ms. Vaught confirmed that the hearing notice sent to Ms. Iosue listed the room number, and did not contain virtual appearance instructions. Mr. Eldridge confirmed that he received the same hearing notice which only listed the room. Ms. Iosue apologized for the misunderstanding and was able to appear in person after a short recess.

Ms. Iosue confirmed with the Board that Ms. Cotner Allen completed all the terms of her probation. She submitted Exhibit A and B for the Board's review, with no objections of the State. The exhibits are a copy of Ms. Cotner Allen's doctor regarding her current condition, and a letter of support from Terri Harman her supervisor. The Board noted that Exhibit A will be marked confidential due to HIPPA. Ms. Iosue stated that Ms. Cotner Allen is no longer practicing due to her health and requested that the Board withdraw her probation status. The State had no objections.

Board Action: A motion was made and seconded to grant Ms. Cotner Allen's petition to withdraw the probation status.

Richardson/Viehweg
Motion carried 6-0-0

C. Sarah Rose, LMHCA, License No. 88002505A

Cause No. 2024 BHSB 0011

Re: Petition to Withdraw Probation

Parties Present:

Respondent was

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)

Kathryn Adams, LCAC, LCSW

Kimble Richardson, LMHC, LCSW, LMFT, LCAC

C. Martin Justice, LMHC, LCAC

Stephan Viehweg, LCSW

Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about February 13, 2024 the Board voted to approve Ms. Rose's license on the following probation terms:

- Indefinite probation for no less than 6 months from October 23, 2023.
- Keep the Board up to date on her contact information
- Keep the Board up to date on her employment and their contact information
- Complete 10 hours of CE in ethics or licensure
- Employer must sign and submit a copy of the Final Board order
- Take and pass the Indiana jurisprudence exam.
- Make 1 appearance while on probation
- Provide bi-annual employment supervision reports

Ms. Rose stated that she has met all the terms of her probation, and she did receive clarification on her bi-annual reports after she contacted PLA. She noted that she passed her law examination and completed the required continuing education hours. She discussed what she learned, and that she is trying to be very careful in protecting her license.

Board Action: A motion was made and seconded to grant Ms. Rose's petition to withdraw the probation status.

Richardson/Justice
Motion carried 6-0-0

V. PERSONAL APPEARANCES

A. Application

1. Daniel Argueta (LMFTA)

Mr. Argueta appeared per his request to discuss the review of his application. He discussed his previous work as a licensed associate in California, noting that he understood that the requirements in that State were different. He stated that he completed an additional practicum per the advisement of IPLA to make up the practicum hour requirements he was missing from his California program. The Board discussed the licensure requirements and the expectation of what you should be getting from your practicum experience.

Board Action: A motion was made and seconded to approve Mr. Argueta's marriage and family therapy associate application and approve him to sit for the AMFTRB examination.

Richardson/Viehweg
Motion carried 6-0-0

2. Jamie Cantrell (LCACA)

Ms. Cantrell appeared as requested to provide clarification on her work history. Ms. Cantrell stated that she currently holds her CADAC credential and is being supervised. She passed her AADC examination in January and was issued her CADAC at that time. She provided an overview of the work and duties she had been doing before her CADAC was issued, and after. The Board advised her that the CADAC is not a license to practice, and to ensure that she has her license prior to starting any counseling work that requires a license.

Board Action: A motion was made and seconded to approve Ms. Cantrell's clinical addiction counselor associate license application.

Adams/Justice
Motion carried 6-0-0

3. Rob Carter (LSW & LCACA)

Mr. Carter appeared as requested to discuss his background for his social work and clinical addiction counselor associate license applications. He provided a statement and supporting documentation for the Board to review. The Board discussed the impact of his incidents, and what he took from the experiences. Mr. Carter stated that he would like to withdraw his clinical addiction counselor associate application.

Board Action: A motion was made and seconded to approve Mr. Carter's social work application and to sit for his ASWB Master examination.

Viehweg/Adams
Motion carried 6-0-0

4. Tracey Fisher (LSW)

Ms. Fisher appeared as requested to discuss her request for a temporary social work permit. She last appeared before the Board at their February 24, 2025, meeting for a Cease-and-Desist administrative hearing regarding unlicensed practice. Ms. Fisher indicated that she has ceased practicing as a counselor and is currently working as a receptionist and administrator. It was determined during her administrative hearing that she had been working unlicensed for at least two years. Ms. Fisher indicated that she was unaware that there was a timeline to obtain her license to practice.

Board Action: A motion was made and seconded to approve Ms. Fisher's temporary permit on the following probation terms:

- Indefinite probation for no less than six months.
- Complete 10 hours of CE in ethics or licensure.
- Take and pass the Indiana jurisprudence examination.
- Have her employer sign and submit her probationary order.

Viehweg/Justice
Motion carried 6-0-0

5. Richard Marcinko (LACA)

Mr. Marcinko appeared as requested to discuss his education and provide clarification on his work as there are concerns of unlicensed practice. He stated that he is currently working at Choices Consulting working as an addiction counselor. He stated that his employer indicated that the work he was doing was correct as he holds a CADAC-II credential. He stated that he is a 1099 employee like most on this level and is currently supervised by a licensed clinician. The Board clarified that the CADAC is not a license to practice, and 1099 employees are considered independent practitioners, which he cannot be if he needs supervision. The Board noted that his education fits better for the clinical addiction associate license. The Board staff noted that his current application is reaching one year, it was suggested that it would be best for him to withdraw his current application and reapply for the clinical associate license if he wished to pursue that. Mr. Marcinko stated that he will withdraw his current application.

The Board requested that the Board staff file a complaint to investigate current work as there are concerns.

Board Action: A motion was made and seconded to request the staff file a complaint regarding potential unlicensed practice concerns.

Adams/Justice
Motion carried 6-0-0

6. Mathew McAdow (LACA)

Mr. McAdow appeared as requested to provide clarification on his work history as there was concern about unlicensed practice. He stated that he currently works at Next Step as a substance use counselor. He provided a summary of his job duties and stated that he is currently supervised by a licensed clinician. He provided a letter from his current supervisor for the Board to review. The Board inquired if he is only handling Medicaid clients. He stated that he was unsure, but most of his clients are Medicaid. The Board noted that his letter clears up the confusion as what he described is different than what his supervisor provided. The Board discussed license exemptions and title protection.

Board Action: A motion was made and seconded to approve Mr. McAdow's addiction counselor associate application and to test.

Adams/Justice
Motion carried 6-0-0

7. Neydi Torres-Garduza (LACA)

Ms. Torres-Garduza appeared as requested to provide clarification on her current work and education. The Board noted that she currently holds a master's degree, and her educational criteria fit better for the clinical addiction associate license. Ms. Torres-Garduza indicated that she does not have a 700-hour graduate practicum. The Board noted that for her current addiction counselor associate application she is missing two of the educational criteria. The Board noted that her current syllabi only shows that the criteria was only briefly touched, and they are looking for a course(s) that shows the criteria was addressed more thoroughly. Ms. Torres-Garduza indicated that she has listened to the Board's stance on unlicensed practice and understood the concern.

Ms. Torres-Garduza's application was tabled.

B. Reinstatement

1. Lesley Chenoweth, LSW, License No. 33004902A

Ms. Chenoweth appeared to discuss the reinstatement of her license which was retired in 2008. She provided a statement and 40 hours of continuing education for the Board to review. She discussed that since her license was retired, she has been a stay-at-home mom and has been working part time at the school library. She stated that there is a social worker who works at the school, and they approached her to reinstate her license to help support the school.

Board Action: A motion was made and seconded to approve Ms. Chenoweth's application for reinstatement of her social work license.

Viehweg/Justice
Motion carried 6-0-0

2. Shana Richmond, LSW, License No. 33006698A

Ms. Richmond appeared as requested to discuss the reinstatement of her license that expired in 2016. She provided a statement and copies of her continuing education for the Board to review. The Board noted that not all of the CE she submitted can be accepted. They noted that she currently shows 38 hours from approved providers, and she needs to submit 2 additional hours from an approved provider.

Board Action: A motion was made and seconded to approve her reinstatement pending the receipt of 2 hours of CE from an approve sponsor.

Viehweg/Richardson

Motion carried 6-0-0

3. Mechele Sellers-Edmonds, LCSW, License No. 34001926A

Ms. Sellers-Edmonds did not appear as requested. Ms. Sellers-Edmonds called the office to communicate that she was unable to attend due to her health. Will be rescheduled for April 21, 2025.

4. Beth Tschopp, LCSW, License No. 34004241A

Ms. Tschopp appeared as requested via Zoom to discuss the reinstatement of her license that expired in 2004. She provided a statement and 40 hours of continuing education for the Board to review. She stated that she left the practice due to her health, and she is seeking reinstatement in order to do telehealth in Indiana and Virginia. She stated that she currently works as an administrator in a psychiatrist office reviewing documentation for accuracy. She discussed her past training, and what she hopes to do once her license is reinstated.

Board Action: A motion was made and seconded to approve Ms. Tschopp's clinical social work license application for reinstatement.

Viehweg/Richardson

Motion carried 6-0-0

VI. DISCUSSION

There were no items for discussion.

VII. APPLICATIONS FOR REVIEW

1. Prince

Etuh

(LCAC)

Mr. Etuh's application for a clinical addiction counselor was submitted for review of his education which occurred outside the US. He provided a copy of the ECE report which indicates that his degree is equivalent to a Master of Counseling with 28 credit hours, and a copy that he completed MATS certified training through the IC & RC. In order to qualify his coursework needs to demonstrate graduate level addiction training and have at least 60

graduate credit hours, he cannot use certificate training to make up the educational requirements. The Board also noted with concerns of unlicensed practice; however, he could be working in an OTP counseling setting which is allowed but not in the capacity as a licensed clinician.

Board Action: A motion was made and seconded to deny Mr. Etuh's clinical addiction counselor application based upon not meeting the educational requirements for licensure.

Adams/Viehweg
Motion carried 5-1-0 Justice nay.

2. Nkechinyerem Offor (LAC)

Ms. Offor's application for a licensed addiction counselor was submitted for review of her education which occurred outside the US and post-degree hours. Ms. Offor provided a copy of the ECE report which shows her degree is equal to a Master of Psychology with 36 graduate credits. She also provided the Board with a written request to be grandfathered in as she does not have a practicum. The Board noted that she cannot be grandfathered in as that statute is no longer available, and that her degree does not meet the educational requirements for either the LAC or LCAC license. The mental health section of the Board noted that she would also be missing educational criteria should she pursue a mental health license type. The Board also noted concerns regarding unlicensed practice as it does not appear the work she has been doing falls under any exemptions.

Board Action: A motion was made and seconded to deny Ms. Offor's addiction counselor application based upon not meeting the educational requirements for licensure. There was also a request from the Board to file a complaint regarding the potential unlicensed practice.

Adams/Viehweg
Motion carried 6-0-0

VIII. FORMAL ADOPTION OF APPLICATION REVIEWS

Board Action: A motion was made and seconded to accept the application reviews.

Viehweg/Richardson
Motion carried 6-0-0

IX. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

1. Harmony In Horses, Inc.

Board Action: A motion was made and seconded to approve Harmony in Horses, Inc. application as a continuing education sponsor.

Richardson/Viehweg
Motion carried 6-0-0

X. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

Ryan Eldridge reported to the Board that they have had 9 new complaints opened within the past 30 days, 141 current open complaints, and they have closed 62 since the beginning of the year. Primarily the complaints against respondents were from Marion County followed by Allen County. The complaints were filed from complainant in Marion County followed by outside the State/Country. The content of the complaints are unlicensed practice, unprofessional conduct, and professional malpractice. The average age of open complaints is 7 months and primarily against mental health counselors and clinical social workers.

There were 3 litigation cases closed in the past 30 days with 13 open litigation cases. The average duration of litigation cases is 5.5 months. Litigation has occurred in Marion County and outside of the State/Country. The current litigation charges are for lewd/immoral conduct followed by unlicensed practice and client abandonment. Primarily the charges have been filed against Clinical Social Workers.

Mr. Eldridge stated that the complaints in the report that do not have names or designations are still being reviewed. The Board inquired if there are any complaints regarding supervisors. Mr. Eldridge stated that there is the code of ethics for each of the professions, and if there is a concern between an inappropriate relationship between the supervisor and trainee there are statutes that the AG's office can bring forward.

XI. OLD/NEW BUSINESS

There was no old/new business.

XII. ADMINISTRATORS' REPORT

Cindy Vaught, Board Director IPLA, presented the Administrator Report.

For February 2025 the Board received a total of 426 new applications, issued 225 licenses of which 44 were applied by reciprocity, denied 54 applications for failing the examination, and abandoned 71 applications.

She stated that there are currently 2,801 pending applications. Of that number there are 1,322 applications pending because they have been approved to test and IPLA is waiting for examination scores to be reported back.

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.