

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

MAY 19, 2014

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 9:00 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
Sherry Rediger, Ph.D., LMFT, MFT Section Chair
Donald Osborn, Ph.D., LMFT, LCSW, LMHC, LCAC
Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Rebecca Mueller, M.D., Physician Member

Board Members Not Present:

Carla Gaff-Clark, Ed. D, LMHC, CADAC-IV, LCAC, AC Section Chair
Vacant, Social Work 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

The Board welcomed Dr. Mueller to the Board.

II. ADOPTION OF THE AGENDA AS AMENDED

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

HARNER/REDIGER

Motion carried 6-0-0

*Dr. Stockton was not present for the vote.

III. ADOPTION OF THE MINUTES FROM MARCH 24, 2014 MEETING

A motion was made and seconded to adopt the minutes from the March 24, 2014 meeting of the Board.

HARNER/REDIGER

Motion carried 6-0-0

*Dr. Stockton was not present for the vote.

IV. PRESENTATION

Susan Kleinman, Coordinator

Professor Brandie Oliver

Butler University

Re: Licensed Mental Health Counselor Program

Ms. Kleinman appeared before the Board, per her request, to speak to the Board regarding their LMHCA program. She stated they are in the process of creating a combined program for school counselors and mental health counselors. They are requesting that school counselors be licensed as mental health counselor as well as holding their school counselor license through the Department of Education. This would require the board to accept the school counseling hours towards the 3,000 hour post-graduate requirement for licensure. The Board approved their request to allow LMHCA applicants to gain their hours in a school setting with the proper supervision but also advised that a portion of the students' pre-degree experience hours be gained in a non-school setting.

V. PERSONAL APPEARANCES

A. Probationary

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. He explained that he understands the professional boundaries issue that the Board was concerned with at his last appearance. He stated he is now focusing on only what the client is bringing in; he does not push the spiritual issues with his clients. Mr. Dworniczek stated he will eventually quit the clinical practice and only counsel clients spiritually. Mr. Dworniczek is scheduled to appear at the September 22, 2014 meeting of the Board.

B. Renewal

Timothy Dean Baker, L.M.H.C., License No. 39000775A

Mr. Baker appeared before the Board, as requested, regarding his application for renewal of his mental health counselor license. Mr. Baker answered yes to questions #1, #3 and #5 on the renewal application that ask "Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state?"; "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been

convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state?"; and "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline, or have you resigned in lieu of discipline or termination?" He explained that in June of 2012 he had gone out with friends and drank alcohol. He returned home and took what he thought was Celebrex tablet and went out again. He drank more alcohol and was pulled over on his way home and arrested for Operating While Intoxicated and resisting arrest. Mr. Baker entered into a pre-trial diversion where he was required to complete alcohol classes, community service, and complete one (1) year of probation and pay a fine. Mr. Baker currently works at the Victory Clinic, a methadone clinic.

Board action: A motion was made and seconded to grant the renewal of Mr. Baker's mental health counselor license.

RICHARDSON/HARNER
Motion carried 7-0-0

Sheila S. Day, L.C.S.W., License No. 34000327A

Ms. Day appeared before the Board, as requested, regarding her application for renewal of her clinical social worker license. Ms. Day answered yes to question 3 on the renewal application that asks "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state?" Ms. Day explained that in 2012 she appeared before the Board and requested that they consider her application for a licensed clinical addiction counselor by grandfathering. She was told at that time that she did not meet the requirements for grandfathering and was allowed to withdraw her application for LCAC licensure. She disclosed during that meeting that she had been found guilty of Operating a Vehicle While Intoxicated, but failed to disclose it on her 2012 renewal application for her clinical social worker license. Since doing that, she determined it would be in her best interest to disclose this on her 2014 license renewal application.

Board action: A motion was made and seconded to grant the renewal of Ms. Day's clinical social worker license.

HARNER/REDIGER
Motion carried 7-0-0

Stephanie S. Holderread, L.C.S.W., License No. 34005348A

Ms. Holderread appeared before the Board, as requested, regarding the renewal application for her clinical social worker license. Ms. Holderread answered yes to question 1 on the renewal application that asks "Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state?" She explained that in September of 2012 she entered into a Consent Order with the North Carolina Social Work Certification and Licensure Board. She was issued a Censure and was not able to

practice independently. This was due to a previous client reporting her to the state board for boundary violations. In March of 2014 her license was restored to good standing after complying with the consent order. She has relocated back to the state of Indiana and is currently employed by New Horizons.

Board action: A motion was made and seconded to grant the renewal of Ms. Holderread's clinical social worker license.

HARNER/RICHARDSON
Motion carried 7-0-0

Daniel M. Knaver, L.C.S.W., License No. 34005348A, 35003888A

Mr. Knaver did not appear before the Board, as requested, regarding his application for renewal of his marriage and family therapy license and clinical social worker license. Mr. Knaver answered yes to question 3 on the renewal application that asks "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state?" On October 28, 2013, Mr. Knaver was arrested for an OWI in Lake County, Indiana. A court date was set for April 11, 2014. The Board requested that he personally appear to discuss the pending arrest. Mr. Knaver has a history of several arrests.

Board action: A motion was made and seconded to deny the renewal of Mr. Knaver's clinical social worker and marriage and family therapist licenses due to the current OWI and his failure to appear to further discuss this matter.

RICHARDSON/REDIGER
Motion carried 6-0-0
*Dr. Osborn was not present for the vote.

Scott Harold Peterson, L.M.H.C., License No. 3001409A

Mr. Peterson appeared before the Board, as requested, regarding his application for renewal of his mental health counselor license. Mr. Peterson answered yes to question 3 on the renewal application that asks "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state?" In January 2013, Mr. Peterson was arrested and charged with driving under the influence of alcohol in Greenwood, Indiana. He pled guilty to a Class A misdemeanor and is currently on probation. His probation was extended when he violated probation by consuming alcohol. Probation is scheduled to end in September, 2014. Mr. Peterson stated that he has abstained from alcohol since September 2013 and participates in an outpatient substance abuse program at Life Recovery Center.

Board action: A motion was made and seconded to grant the renewal of Mr. Peterson's mental health counselor license on Indefinite Probation with the following terms and conditions:

- Licensee's license to practice mental health counseling is placed on Indefinite Probation. He may petition the Board for withdrawal of probation upon completion of his criminal probation.
- Licensee shall make quarterly personal appearances before the Board. He shall contact Board staff at the Indiana Professional Licensing Agency to schedule the appearances.
- Licensee's practice shall be supervised by a practitioner who holds a current license issued by the Board or the Indiana State Psychology Board. The supervisor shall submit quarterly reports to the Board describing the supervision and Licensee's professional competence.
- Licensee shall undergo a substance abuse evaluation by a qualified licensed professional, and submit a copy of the evaluation to the Board.
- Licensee shall attend a twelve-step or other recovery support group three times per week and submit quarterly reports of attendance.
- Licensee shall complete the outpatient substance abuse program at Life Recovery Center and submit verification of the completion.
- Licensee shall keep the Board informed of any change in his home address, telephone number, e-mail address, place of employment, occupation title, or name of supervisor.
- Licensee shall not violate any laws regulating the practice of mental health counseling.
- The failure of Licensee to comply with these terms may subject him to a Show Cause hearing and the imposition of further sanctions.

RICHARDSON/STOCKTON
Motion carried 7-0-0

Connie A. Ramos, L.C.S.W., License No. 34003879A

Ms. Ramos appeared before the Board, as requested, regarding her application for renewal of her clinical social worker license. Ms. Ramos answered yes to question 3 on the renewal application that asks "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state?" In January 2012, Ms. Ramos was arrested and charged with driving under the influence of alcohol. She pled guilty to a Class A misdemeanor. She was sentenced to one year in jail with all but six days suspended, and forty hours of community service. She was referred to the Whitley Superior Court Alcohol and Drug Program for assessment. She is currently employed by Northeastern Center in Kendallville, Indiana and works as a school based counselor as well.

Board action: A motion was made and seconded to grant the renewal of Ms. Ramos' clinical social worker license on Indefinite Probation with the following terms and conditions:

- Licensee's license to practice clinical social work is placed on Indefinite Probation.

- Licensee shall undergo a substance abuse evaluation by a qualified licensed professional, and submit a copy of the evaluation to the Board. The Board shall review the conditions of probation after the evaluation is received to determine if probation should be modified or withdrawn.
- Licensee shall keep the Board informed of any change in her home address, telephone number, e-mail address, or place of employment.
- Licensee shall not violate any laws regulating the practice of clinical social work.
- The failure of Licensee to comply with these terms may subject her to a show cause hearing and the imposition of further sanctions.

HARNER/REDIGER
 Motion carried 7-0-0

Danielle Andrea Rhodes, L.C.S.W., License No. 34006302A

Ms. Rhodes appeared before the Board, as requested, regarding her application for renewal of her clinical social worker license. Ms. Rhodes answered yes to question 1 on the renewal application that asks “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state?” She explained that on March 27, 2014 she had completed an intake on a sixteen (16) year old patient. The patient referred to a consensual sexual encounter as rape. Ms. Rhodes consulted with her colleagues and determined that therapeutic counseling to get the patient to a state where she could tell her parents was in her best interest. Ms. Rhodes had a complaint filed against her license with the Attorney General’s Office alleging she had failed to report child abuse. She stated she has entered into a pre-trial diversion program with the court. She indicated she is not currently on probation, but is still in the process of completing community service for the courts.

Board action: A motion was made and seconded to grant the renewal of Ms. Rhodes’ clinical social worker license.

HARNER/REDIGER
 Motion carried 7-0-0

Linda B. Walters, L.S.W., License No. 33006234A

Ms. Walters appeared before the Board, as requested, regarding her application for renewal of her clinical social worker license. Ms. Walters answered yes to question 3 on the renewal application that asks “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state?” She explained that in October 2013, she was home drinking and decided to visit a friend in Kentucky. She was pulled over and arrested for Operating a Motor Vehicle While Intoxicated. She was required to spend one night in jail, completed

eight (8) weeks of counseling at Counseling for Change, and lost her driver's license for four (4) months. Ms. Walters has completed all court requirements.

Board action: A motion was made and seconded to grant the renewal of Ms. Walters' social worker license.

HARNER/RICHARDSON
Motion carried 7-0-0

C. Reinstatement

Richard Lee Haton, L.M.H.C., License No. 39000410A

Mr. Haton appeared before the Board, as requested, regarding the reinstatement of his mental health counselor license. Mr. Haton's mental health counselor license expired on April 1, 2006. Mr. Haton answered yes to question 5 on the reinstatement application that asks "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled *nolo contendere* to any offense, misdemeanor, or felony in any state?" He explained that in 2009 he was charged with Soliciting a Prostitute after being arrested in a sting operation; a Class A Misdemeanor. The charges were dismissed after he completed a pre-trial diversion program. He has been working as an educator since his license expired. However, he is interested in going back to community based counseling. He has completed forty (40) hours of continuing education including two (2) hours of ethics.

Board action: A motion was made and seconded to reinstate Mr. Haton's license upon successful completion of the NCMHCE examination and the Indiana jurisprudence examination. He is required to complete the requirements within the next six (6) months.

RICHARDSON/STOCKTON
Motion carried 6-0-1
Dr. Osborn recused himself.

Sandy Mitchell Kimpel, L.C.S.W., License No. 34005176A

Ms. Kimpel appeared before the Board, as requested, regarding reinstatement of her expired clinical social worker license. Ms. Kimpel's clinical social worker license expired on April 1, 2008. She has been a stay at home mother and decided to return to work. She has completed forty (40) hours of continuing education including two (2) hours of ethics.

Board action: A motion was made and seconded to grant reinstatement of Ms. Kimpel's clinical social worker license upon successful completion of the law examination.

HARNER/REDIGER
Motion carried 6-0-0
*Dr. Osborn was not present for the vote.

Donald Arthur Schutt, L.C.S.W., L.M.F.T., License Nos. 34003035A & 35000652A

Mr. Schutt appeared before the Board, as requested, regarding reinstatement of his expired clinical social worker license. Mr. Schutt's clinical social worker license expired on April 1, 2002. He explained that he has been a chaplain at Riley Hospital during the time his license was expired. Riley Hospital has requested that he reinstate his license in order to evaluate certain issues. He has completed forty (40) hours of continuing education including two (2) hours of ethics. Mr. Harner stated that because he is a minister, he is essentially exempt from the licensure requirement.

Board action: A motion was made and seconded to grant reinstatement of Mr. Schutt's clinical social worker license upon successful completion of the ASWB clinical examination and the Indiana jurisprudence examination within six (6) months.

HARNER/RICHARDSON

Motion carried 6-0-0

*Dr. Osborn was not present for the vote.

The Board advised Mr. Schutt that he could withdraw his application for reinstatement if he did not wish to take the examination.

Julie Christine Smith, L.C.S.W., License No. 34004201A

Ms. Smith appeared before the Board, as requested, regarding reinstatement of her clinical social worker license. Ms. Smith's license expired on April 1, 2006. She explained that she became a stay at home mother and has decided to return to work. She has completed forty (40) hours of continuing education including two (2) hours of ethics.

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

HARNER/RICHARDSON

Motion carried 6-0-0

*Dr. Osborn was not present for the vote.

Sara Rich Wheeler, L.M.H.C., License No. 39001462A

Ms. Wheeler appeared before the Board, as requested, regarding reinstatement of her expired mental health counselor license. Ms. Wheeler's license expired on April 1, 2014. She answered yes to question 1 on the reinstatement that asks "Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state?" She explained that in 2013, a complaint was filed against her Alabama nursing license. The Board read and listened to extensive and detailed information about the complaint that was filed against her. She has completed forty (40) hours of continuing education including two (2) hours of ethics.

Board action: A motion was made and seconded to grant reinstatement of Ms. Wheeler's mental health counselor license.

RICHARDSON/HARNER

Motion carried 6-0-0

D. Application

Roberta L. Adu (LCAC)

Ms. Adu appeared before the Board, as requested, regarding her application for licensure for clinical addiction counselor licensure. Ms. Adu did not answer yes to any of the questions on the application for licensure but a record was found on her criminal background check. She explained that in 2006 she was arrested and charged with Pointing a Firearm in Oklahoma City, Oklahoma. She stated an agreement was reached in this matter for her to complete community service and pay costs and defer sentence for charges to be dismissed in December 2011. Charges were dismissed in 2012. In 1989, she was arrested and charged with Taking/Receiving Credit Cards and Attempt to Commit Grand Larceny. She stated an agreement was reached in this matter for her to complete community service and pay costs and defer sentence for charges to be dismissed in December 2011. Charges were dismissed in 2012. The Board reviewed and approved her statements regarding the criminal background check, but the file is still incomplete. She needs transcripts reflecting a Master's degree from Capella University.

Brooke Leigh Crider (LSW)

Ms. Crider appeared before the Board, as requested, regarding her application for social worker licensure. Ms. Crider did not answer yes to any questions on the application, but a record was found on her criminal background check. She explained that when she was a senior in high school she was arrested for Possession of Marijuana after being out with friends that had marijuana in the car. The charge was dismissed after she completed the pre-trial diversion. Ms. Crider is a 2012 graduate of Indiana University Purdue University with a Master's Degree in Social Work.

Board action: A motion was made and seconded to recommend approval for Ms. Crider to take the master's examination with the ASWB.

HARNER/RICHARDSON

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

Sonata Fink (LSW)

Ms. Fink appeared before the Board, as requested, regarding her application for social worker licensure. Ms. Fink answered yes to #3 and #4 on the application that asks " #3 Do you have any condition or impairment (including a history of alcohol or substance abuse) that currently interferes, or if left untreated may interfere, with your ability to practice in a competent and professional manner? and #4 *Except for minor violations for traffic laws resulting in fines, and arrests or convictions that have been expunged by a court*, (1) have you ever been arrested; (2) have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever pled guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled *nolo contendere* to any offense, misdemeanor, or felony in any state? " In 1992 Ms. Fink was found guilty of a DUI in Lawrenceburg, Indiana. Paid court fines with no additional penalties. In 1993 Ms. Fink was found guilty of a DUI and

sentenced to a one year probation. Paid court fines and completed probation. In 1993 charged with disorderly conduct in Kent, Ohio. She was arrested for her intoxicated behavior and found guilty. Paid court fines with no additional penalties. In 1997 found guilty of two (2) Class D Felonies of Theft and Neglect of a dependent in Anderson, Indiana. Given a thirty day jail sentence, paid court fines, and completed probation. In 1997 was charged with two Class B Felonies of Robbery and Confinement in Middletown, Indiana. Pled guilty to Robbery and the Confinement charge was dismissed. Sentenced to fourteen years in Department of Corrections (DOC). Completed five years of incarceration and two years of probation. In 2003 after her release from the DOC she completed a 60 day rehabilitation program at Tara Treatment Center located in Franklin, Indiana. Voluntarily admitted herself to the Hope House, a residential recovery house for women, in Scottsburg, Indiana and completed a ninety (90) day program. She continues to maintain her sobriety through a 12 Step program through service work, fund-raisers, attendance at workshops and sponsoring women. Ms. Fink is currently employed with Cornerstone.

Board action: A motion was made and seconded to recommend approval for Ms. Fink to take the master's examination with the ASWB.

HARNER/RICHARDSON

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

Carrie Leigh Kincaid (LCSW)

Ms. Kincaid appeared before the Board, as requested, regarding her application for clinical social work licensure. Ms. Kincaid answered yes to 4 on the application that asks "*Except for minor violations for traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, (1) have you ever been arrested; (2) have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever pled guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled *nolo contendere* to any offense, misdemeanor, or felony in any state?*" She explained that in December 2007 she was arrested for Operating a Motor Vehicle While Intoxicated. She was required to complete 365 days of probation, pay fines and court costs, attend a Victim's Impact Panel, submit to random urine screenings for alcohol, complete 25 hours of community service and attend a Prime for Life alcohol education course. Ms. Kincaid stated she has met all requirements of the pre-trial diversion.

Board action: A motion was made and seconded to recommend approval for Ms. Kincaid to take the clinical examination with the ASWB.

HARNER/STOCKTON

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

Davena E. Lewis (LMFT)

Ms. Lewis appeared before the Board, as requested, regarding her application for marriage and family therapy license. Ms. Lewis did not answer yes to any questions on

the application for licensure, but there were records found on her criminal background check. Ms. Lewis stated that in 2008 she was charged with Operating a Motor Vehicle While Intoxicated; in 1999 she was charged with Driving on a Suspended License; in 1999 she was charged with Battery and Domestic Violence after her boyfriend and she were in a domestic dispute; in 1997 she was arrested during a riot at a college party; and in 1995 she was accused of receiving stolen property. Ms. Lewis states she was only convicted of the OWI and assures the Board that this will not affect her ability to be an effective therapist.

Board action: A motion was made and seconded to recommend approval for Ms. Lewis to take the marriage and family therapy examination with the AMFTRB.

RICHARDSON/HARNER

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

Elizabeth Ann Marshall (LCSW)

Ms. Marshall appeared before the Board, as requested, regarding her application for clinical social work licensure. Ms. Marshall's clinical social worker license was revoked by the Behavioral Health and Human Services Licensing Board on May 16, 2006. Ms. Marshall stated there was no sexual relationship, although the board found her guilty of that count in 2006. The Board verified she is currently working as a social worker although she is not licensed. She stated that position ended in November 2013 because she was not licensed. After much discussion, the Board stated they are not comfortable recommending licensure for Ms. Marshall.

Board action: A motion was made and seconded to recommend denial of the application for licensure in the matter of Ms. Marshall. The Board determined that the circumstances that led to the May 16, 2006 revocation of her license continue to affect her ability to competently practice in Indiana.

HARNER/RICHARDSON

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

Joseph Michael McMahan (LMHC)

Mr. McMahan appeared before the Board, as requested, regarding his application for licensure as mental health counselor and clinical addiction counselor. Mr. McMahan answered yes to questions 3 and 4 on the application that ask "Do you have any condition or impairment (including a history of alcohol or substance abuse) that currently interferes, or if left untreated my interfere, with your ability to practice in a competent and professional manner?" and " *Except for minor violations for traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, (1) have you ever been arrested; (2) have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever pled guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?* " He explained that

he is a recovering alcoholic and has been sober since 2005. He also explained that in March 2005 he was arrested and charged with Furnishing Alcohol to a Minor, a Class C Misdemeanor. Mr. McMahan was requested to complete a psychological evaluation. After the examination, he will be scheduled to appear at the next meeting for further review of his application. The Board stated the section chair will review his file.

Michelle Lynn Schaefer (LCSW)

Ms. Schaefer appeared before the Board, as requested, regarding her application for clinical social work licensure. She did not answer yes to any questions on the application, but a record was found on her criminal background check. In 2003 she was arrested and charged with Operating a Motor Vehicle While Intoxicated which is a Class a Misdemeanor in Evansville, Indiana. She completed a pre-trial diversion program and the case was dismissed. Ms. Schaefer stated she was never convicted and must have not read the question correctly.

Board action: A motion was made and seconded to recommend approval for Ms. Schaefer to take the clinical examination with the ASWB.

HARNER/RICHARDSON

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

E. Examination Attempts

Alfred Hughes (LMFT)

Mr. Hughes appeared before the Board, as requested, regarding his request for approval to attempt the marriage and family therapy examination for the fourth time. Mr. Hughes explained that he has only taken the examination on two (2) occasions but has been approved for three attempts. He is required to appear since this is his fourth approval.

Board action: A motion was made and seconded to recommend approval for Mr. Hughes to attempt the examination for the fourth time.

HARNER/RICHARDSON

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

Joice Mupandawana (LMFTA)

Ms. Mupandawana appeared before the Board, as requested, regarding her request for approval to attempt the marriage and family therapy examination for the fourth time. Ms Mupandawana requests the Board grant approval for a special accommodation of time and one half to help her on the examination.

Board action: A motion was made and seconded to recommend approval for Ms. Mupandawana to take the examination for the fourth time and grant the special accommodation request for additional time. This was requested because English is her

second language and she needs more time to read and translate into her own language and then back to English.

Richardson/HARNER

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

Mira May-Mullins (LCSW)

Ms. May-Mullins appeared before the Board, as requested, regarding her request for approval to attempt the clinical social worker examination for the fourth time. Ms. May-Mullins stated she has test anxiety and has dyslexia. She stated she has been through therapy and hypnosis to assist with the test anxiety.

Board action: A motion was made and seconded to recommend Ms. May-Mullins to attempt the examination for the fourth time with approval for a special accommodation.

HARNER/RICHARDSON

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

F. Other

There were no other appearances before the Board.

VI. ADMINISTRATIVE HEARINGS

A. State of Indiana vs. Constance Jo Anderson, L.M.H.C. & L.C.S.W.

License Nos. 39000772A & 34004664A

Administrative Cause No. 2014 BHSB 001

Re: Complaint

Parties Present:

Respondent was not present, nor represented by Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Laura Sahm, Legal Intern Graduate, Office of the Attorney General
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

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

Case Summary: Respondent did not appear as requested. The State asks the Board to issue a Notice of Proposed Default.

Board action: A motion was made and seconded to grant the States request in the matter of Ms. Anderson's and issue a Notice of Proposed Default.

HARNER/RICHARDSON
Motion carried 7-0-0

B. State of Indiana vs. Don L. Degner, L.M.H.C. & L.C.A.C.,
License Nos. 39000793A & 87000567A
Administrative Cause No. 2013 BHSB 013
Re: Complaint

Parties Present:

Respondent was not present, nor represented by Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Laura Sahm, Legal Intern Graduate, Office of the Attorney General
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

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

Case Summary: On or around November 6, 2013, the State filed a complaint in the matter of Respondent's mental health counselor and clinical addiction counselor licenses alleging Respondent has violated IC 25-1-9-4(a)(1)(A) in that Respondent has "engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice", as evidenced by Respondent's use of his LaSalle Master's degree to apply for licensure as a mental health counselor in the state of Indiana, despite knowing that LaSalle was not accredited by a regional accrediting body; has violated IC 25-1-9-4(a)(4)(B) in that Respondent has become unfit o practice due to failure to keep abreast of current professional theory or practice, as evidenced by Respondent's violation of 839 IAC 1-5-5(2), specifically, Respondent failed to be honest in dealing with clients, students, trainees, colleagues, and the public by presenting himself as qualified to be a licensed mental health counselor despite his knowledge that his master's degree was issued by non-accredited university; has violated IC 25-1-0-4(a)(4)(B) in that Respondent has become unfit o practice due to failure to keep abreast of current professional theory or practice, as evidenced by Respondent's violation of 839 IAC 1-5-5(4), specifically, respondent failed to remain accountable as an individual to the ethical principles of the profession and failed to treat his colleagues with respect and good faith when he presented himself as qualified to be a licensed mental health counselor despite his knowledge that his master's degree was issued by an unaccredited university; and has violated IC 25-1-9-4(a)(4)(B) in that Respondent has become unfit o practice due to failure to keep abreast of current professional theory or practice, as evidenced by Respondent's violation of 839 IAC 1-5-5(9), specifically, Respondent continued to practice despite being aware that not having an accredited degree could interfere with his effectiveness and may lead to inadequate performance or harm to anyone when he treated

clients without the accredited degree required for licensure. The State presented a Settlement Agreement. The Agreement proposes the following:

- Respondent be issued a Letter of Reprimand.
- Complete an academic, university, and graduate level course that focuses on “Foundations of Mental Health Counseling” in addition to other continuing education units required for licensure, within the next renewal cycle.
- Respondent shall keep abreast of his residential address and telephone number and the name, address and telephone number of any and all behavioral health employers and shall notify the board in writing within seventy-two (72) hours of any changes.
- Pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
- Failure of Respondent to abide by the terms of the agreement shall subject him to the issuance of a Show Cause Order and the possibility of further sanctions.
- Respondent shall abide by all rules, regulations and statute concerning licensed mental health counselors and clinical addiction counselors.

Board action: A motion was made and seconded to approve the Settlement Agreement as proposed in the matter of Mr. Degner’s mental health counselor license.

STOCKTON/OSBORN
Motion carried 7-0-0

- C. State of Indiana vs. Kris M. Kasting**
Administrative Cause No. 2013 BHSB 007
Re: Order to Show Cause – Motion for Order to Cease and Desist

The hearing in the matter of Ms. Kasting was continued.

- D. State of Indiana vs. Janet S. Pottoroff, L.S.W., License No. 33005287A**
Administrative Cause No. 2014 BHSB 002
Re: Complaint

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

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

Dr. Mueller

Case Summary: Respondent did not appear as requested. The State asked the Board to issue a Notice of Proposed Default.

Board action: A motion was made and seconded to grant the States request in this matter and issue Ms. Pottoroff a Notice of Proposed Default.

HARNER/STOCKTON
Motion carried 7-0-0

VII. SETTLEMENT AGREEMENT

There were no Settlement Agreements before the Board.

VIII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

IX. DISCUSSION

A. Nancy Janszen, EdD, LMHC, LCAC Re: Mental health Counselor Licensure Requirements

The Board discussed correspondence from Ms. Janszen requesting a waiver of the additional internship for licensed mental health counselors. Mr. Richardson stated currently the requirement is 1,000 hours to be completed in an internship, advanced internship or practicum. This will take a legislative change in the statutes regarding licensure.

B. Elizabeth Ervin Davis, LCSW, License No. 34006194A Re: Continuing Education for the 2014-2016 Renewal Period

The Board discussed correspondence from Ms. Davis requesting either a waiver or an extension in order to complete the continuing education requirement for renewal of her clinical social worker license in 2016. Ms. Davis is currently working in the Peace Corps in Ecuador and has been since 2010. She stated that the Board granted an exemption of the continuing education requirement for the 2012-2014 renewal period.

Board action: A motion was made and seconded to waive 50% of the continuing education requirement for licensure renewal in 2016 as requested by Ms. Davis.

HARNER/RICHARDSON
Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

X. 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

XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Sudsberry & Colgrove

Board action: A motion was made and seconded to approve Sudsberry & Colgrove as a continuing education provider.

HARNER/MUELLER
Motion carried 5-0-0
*Dr. Osborn and Dr. Rediger were not present for the vote.

B. Morgan Seeb Solutions

The Board reviewed the application submitted by Morgan Seeb Solutions to be approved as a continuing education provider. The Board requests Morgan Seep to submit their objectives.

Board action: A motion was made and seconded to table Morgan Seep Solutions application to become continuing education provider until the next meeting of the Board.

HARNER/MUELLER
Motion carried 5-0-0
*Dr. Osborn and Dr. Rediger were not present for the vote.

C. Hippensteel Funeral Home

The Board reviewed the application submitted by Hippensteel Funeral Home to be approved as a continuing education provider. The Board indicated their first seminar cannot be held until after July 23, 2014, which is 90 days after the submission date of the application.

Board action: A motion was made and seconded to approve Hippensteel Funeral Home as a continuing education provider.

HARNER/MUELLER
Motion carried 5-0-0
*Dr. Osborn and Dr. Rediger were not present for the vote.

D. Solutions

The Board reviewed the application submitted by Solutions to be approved as a continuing education provider. The Board requests Solutions to submit their objectives.

Board action: A motion was made and seconded to table Solutions' application to become continuing education provider until the next meeting of the Board.

HARNER/MUELLER

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

E. Free & Clear Mind Clinic

The Board reviewed the application submitted by Free & Clear Mind Clinic to be approved as a continuing education provider. The Board requests Solutions to submit their objectives.

Board action: A motion was made and seconded to table Free & Clear Mind Clinic's application to become continuing education provider until the next meeting of the Board.

HARNER/MUELLER

Motion carried 5-0-0

*Dr. Osborn and Dr. Rediger were not present for the vote.

XII. OLD/NEW BUSINESS

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

XIII. ADMINISTRATOR'S REPORT

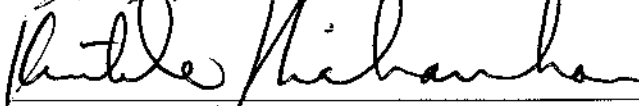
There was no Administrator's Report given to the Board.

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, LCSW, LMFT, LCAC, Chair

7-28-14
Date


Kimble Richardson, LMHC, LCSW, LMFT, LCAC, Vice-Chair

7/28/2014
Date