

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

JULY 20, 2015

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 9:00 a.m. in Room W064 of the Indiana Government Center South, 402 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, Co-Board Chair
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC Section Chair, Co-Board Chair
Andrew Harner, MSW, LCSW, SW Section Chair, Co-Board Chair
Stephan Viehweg, LCSW
Carla Gaff-Clark, Ed. D, LMHC, CADAC-IV, LCAC, AC Section Chair
Donald Osborn, Ph.D., LMFT, LCSW, LMHC, LCAC, MFT Section Chair
Maria Poor, MD, Physician Member

Board Members Not Present:

Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Vacant, Marriage and Family Therapy 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 AS AMENDED

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

RICHARDSON/ GAFF-CLARK

Motion carried 6-0-0

*Dr. Poor was not present for the vote

III. ADOPTION OF THE MINUTES FROM THE MARCH 23, 2015 AND JUNE 15, 2015 MEETINGS OF THE BOARD

A motion was made and seconded to have Mr. Richardson review and approve the minutes.

IV. PERSONAL APPEARANCES

A. Probationary

1. **Daniel M. Knaver, L.C.S.W., L.M.F.T.**
License Nos. 34003006A and 35000388A
Administrative Cause No. 2014 BHSB 008

Mr. Knaver did not appear before the Board, as requested, regarding his ongoing probationary status. There has been no communication with staff as to why Mr. Knaver is not present. Mr. Knaver will be scheduled to appear at the September 21, 2015 meeting of the Board.

2. **Mark Piechowiak, L.S.W.**
License No. 33007220A
Administrative Cause No. 2015 BHSB 001

Mr. Piechowiak did not appear before the Board, as requested, regarding his ongoing probationary status. Mr. Piechowiak reported to the Board that he was not in compliance with his submitted his report which states that he is currently not in compliance with the Decision on License Application file February 3, 2015.

Board action: A motion was made and seconded to issue an Order to Show Cause in the matter of Mr. Piechowiak for failure to appear and not being in compliance with his probationary order.

BRENNER/VIEHWIG

Motion carried 6-0-0

*Dr. Poor was not present for the vote

3. **Tadd Whallon, L.C.A.C.**
License No. 87000325A
Administrative Cause No. 2012 BHSB 011

Mr. Whallon appeared before the Board, as requested, regarding his ongoing probationary status. He reported he is still meets with Dr. Grant and is still employed at Progress House as Director of Development in fund raising. Mr. Whallon is contemplating a change of employment. His current supervisor is retiring and he is the only one interested in this position. Mr. Whallon has also been offered employment as an executive director position at a men's recovery facility. He stated he has kept up on continuing education and would like to obtain more hours in ethics and boundaries. When asked if he intended to go back into clinical practice, he stated not at this time as he is very involved with his children and their activities. Mr. Whallon is scheduled to appear at the September 21, 2015 meeting of the Board.

B. Renewal

There were no renewal appearances before the Board.

C. Reinstatement

There were no reinstatement appearances before the Board.

D.

Application

1. Brian Dilosa (LSW)

Mr. Dilosa appeared before the Board, as requested, regarding his application for social worker licensure. Mr. Dilosa did not answer yes to question any questions on the application for licensure. Mr. Dilosa explained that in 1999, he was arrested for Shoplifting. He entered into and completed a pre-trial diversion with the Vanderburgh County, Indiana court. He stated that he missed paying the restitution when he moved to Chicago, Illinois. The court was not able to locate him and closed the case in 2005. He explained that he had moved to attend school in Chicago and the mail from the court was not forwarded.

Board action: A motion was made and seconded to approve Mr. Dilosa's application for social worker licensure and grant him permission to take the ASWB Master's examination.

BRENNER/VIEHWIG

Motion carried 6-0-0

*Dr. Poor was not present for the vote

2. Amy Schaller (LAC)

Ms. Schaller appeared before the Board, as requested, regarding her application for addiction counselor licensure. Ms. Schaller 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?" Ms. Schaller explained that in 2002 she was arrested and charged with Forgery, Class C Felony; two (2) charges of Theft, Class D Felony; Theft, Class D Felony; two (2) charges of Receiving Stolen Property, Class D Felony; Possession of Cocaine, Class D Felony; Reckless Possession of Paraphernalia, Class A Misdemeanor; two (2) charges of Maintaining a Common Nuisance, Class D Felony; and Habitual Offender. In 2003 she pled guilty to Burglary, Forgery, Possession of Cocaine and Habitual Offender and was sentenced to twelve (12) years in the Indiana Department of Corrections. She was incarcerated for a period of five (5) years. She stated she is currently in a twelve-step program and intends to continue, is married to a federal officer, her son is a police officer, and she lives a healthy and clean lifestyle.

Board action: A motion was made and seconded to approve Ms. Schaller's application for addiction counselor licensure.

BRENNER/OSBORN

Motion carried 6-0-0

*Dr. Poor was not present for the vote

3. Nicholas Todoran (LSW)

Mr. Todoran appeared before the Board, as requested, regarding his application for social worker licensure. Mr. Todoran had appeared before the Board on November 17, 2014 regarding his application for licensure and positive response. The Board requested Mr. Todoran to obtain an addictionology evaluation and submit the results to the Board. An addictionology evaluation was completed by Dr. Tim Davis, M.D. The report was favorable. Mr. Todoran stated he is still involved with Embracing Recovery and attends 12 step meetings. Mr. Todoran was approved in November to take the ASWB Master's examination. He has taken and passed the Master's examination on March 21, 2015.

Board action: A motion was made and seconded to approve Mr. Todoran's application for social worker licensure.

BRENNER/GAFF-CLARK

Motion carried 6-0-0

*Dr. Poor was not present for the vote

4. Katherine Warne (LSW)

Mr. Viehweg and Mr. Harner both stated that Ms. Warne was a student of theirs last semester. Both are able to participate in the interview and to vote on her application.

Ms. Warne appeared before the Board, as requested, regarding her application for social worker licensure. Ms. Warne did not answer yes to any questions on the application for licensure. Ms. Warne explained that in 2012 she was arrested and charged with Obstruction of Justice; Resisting Law Enforcement; and Public Intoxication. She stated that she was arrested for interfering with police attempting to arrest another individual. Ms. Warne stated she has paid all fines and completed all court requirements. She believed that she did not have to answer yes to any question on the application. In June of 2015 Ms. Warne filed a Petition to expunge the arrest.

Board action: A motion was made and seconded to approve Ms. Warne's application for social worker licensure.

BRENNER/RICHARDSON

Motion carried 7-0-0

5. Ricardo Williams (LCSW)

Mr. Williams appeared before the Board, as requested, regarding his application for clinical social worker licensure. Mr. Williams answered "yes" to question #1, #2 and #4: 1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held? 2. Have you ever been denied a license, certificate, registration, or permit to practice social work, clinical social work, or an regulated health occupation in any state (including Indiana) or country?; and 4. Except for minor violations of 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 plead 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 October of 1996 Mr. Williams' nursing home license was disciplined because he failed to submit proof of continuing education during a department audit. He was placed on probation from October 1996 to October of 1998. Afterwards he had the license put on inactive status. In March of 2001 he pled guilty to a felony for a federal violation of healthcare fraud concerning a behavioral health care company that he used to own. He was sentenced to 33 months in a federal prison camp and was on probation for two (2) years. Mr. Williams appeared before the Board in 2013 and was approved to take the Master's examination at that time. The Board had asked Mr. Williams to re-appear prior to being approved to take the Clinical examination for licensure. Mr. Williams stated he is doing well and feels there is a deficiency of black male representation in the social work community. He assured the Board that he would never be billing for services in the future as he signed a plea agreement to this affect. He explained to the Board that he is currently working on his doctorate of social work degree at Loyola University. He stated he would like to teach in the future.

Board action: A motion was made and seconded to approve Mr. Williams' application for clinical social worker licensure.

VIEHWIG/RICHARDSON
Motion carried 7-0-0

6. Tasha Smith (LMFT)

Ms. Smith appeared before the Board, on her request, to discuss with the Board her application for marriage and family therapy licensure. Ms. Smith is currently licensed in Kentucky. Dr. Osborn had reviewed Ms. Smith's application in April and indicated she was short 200 hours on the Practicum requirement. Ms. Smith requested an appearance before the Board to discuss this issue with her application. Dr. Osborn reviewed the application and determined she will need to have her supervisor and employer complete forms showing 1,000 hours of post-graduate clinical experience and complete an additional 200 hours of practicum under the auspice of a university.

E. Examination Attempts

1. Atieno Boyd (LSW)

Ms. Boyd appeared before the Board, as requested, regarding her request for approval to take the ASWB Master examination for the fourth time. Ms. Boyd stated she has been studying and working hard to prepare for the examination.

Board action: A motion was made and seconded to grant Ms. Boyd permission to sit for the ASWB Master's examination for the fourth time.

VIEWHIG/HARNER
Motion carried 7-0-0

2. Bridgette Spann (LCSW)

Ms. Spann did not appear before the Board, as requested, regarding her request for approval to take the ASWB Clinical examination for the fourth time. Ms. Spann will be scheduled to appear at the next meeting of the Board.

3. Mya Wyatt (LSW)

Ms. Wyatt appeared before the Board, as requested, regarding her request to be approved to take the ASWB Master's examination for licensure for the fourth time. Ms. Wyatt stated she has taken the Dr. Sophia Dziegielewski License Exam Preparation Course and has studied with two others that have recently passed the examination. Ms. Wyatt is currently employed with Eskenazi Midtown Health. Ms. Wyatt asked the Board if they would approve her request for a temporary permit.

Board action: A motion was made and seconded to grant Ms. Wyatt permission to sit for the ASWB Master's examination for the fourth time and her request for a temporary permit.

HARNER/VIEHWEG
Motion carried 7-0-0

F. Other

There were no other appearances before the Board.

V. ADMINISTRATIVE HEARINGS

A. Scott Peterson, L.M.H.C., License No. 39001409A
Administrative Cause No. 2014 BHSB 007
Re: Petition to Withdraw Probation

Parties Present:

Petitioner was present, without Counsel
Amelia Hilliker, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

Mr. Harner, Chair (Hearing Officer)
Mr. Brenner
Mr. Richardson
Dr. Gaff-Clark, Ed.D.
Dr. Poor, M.D.
Dr. Osborn, Ph.D.
Mr. Viehweg

Case Summary: On or around June 16, 2014, the Board issued its Decision on Renewal placing Petitioner's mental health counselor license on Indefinite Probation with terms and conditions after Petitioner had been charged with Driving Under the Influence in January 2013 and testing positive for alcohol on a court ordered random urine drug screening. Petitioner entered Exhibit 1; attendance sheets from AA meetings, two employer reports from Jennifer Maggard, LCSW, Damar Services; and an employer report from Diane Lamond, Valle Vista Health System. Petitioner is currently on step six (6) of the twelve (12) step program. Petitioner stated he intends to continue with the AA meetings and completing the program. Petitioner's criminal probation ended in December 2014. On January 26, 2015, the Board held a hearing on Petitioner's request to withdraw probation. The Board found that Petitioner had not submitted the required substance abuse evaluation and supervisory reports, and denied Petitioner's request to withdraw probation because Petitioner had not yet complied with all of the terms of his probation. Subsequent to the January 26, 2015 hearing, Petitioner submitted the required substance abuse evaluation and supervisory reports to the Board, and again requested that his probation be withdrawn. The State does not oppose the withdrawal of probation if the Board feels he has met all of the terms and conditions of his Probationary Order.

Board action: A motion was made and seconded to grant the withdrawal of probation in the matter of Mr. Peterson's mental health counselor license.

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

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. Jennifer Williams

Re: LCSW Licensure Requirements

The Board discussed correspondence from Ms. Williams regarding applying for a social worker license with a Master's Degree in Clinical Psychology instead of Social Work. The Board advised Ms. Williams review the licensing requirements on the Board's website and the statutes and rules. A license as a mental health counselor may be a better fit for her based upon her class work.

B. Lindsay H. Lepley

Burt, Blee, Dixon, Sutton Bloom, LLP

Re: Application for Licensure as a Marriage and Family Therapist and Post Degree Clinical Experience

The Board reviewed the correspondence received by Lindsay Lepley in regards to Lidija Hurni's request to use hours she has supervised students towards her post-graduate clinical supervision. The Board is concerned that she is not in a position to provide supervision to students as she is not a licensed marriage and family therapist. The Board requested that Ms. Hurni appear before them as they have further questions for her regarding this issue.

C. Dr. Susan Hamonds-White, President

American Association of State Counseling Boards (AASCB)

Dr. Robert L. Smith, President

American Counseling Association

Re: 20/20: A Vision for the Future of Counseling

The Board discussed the issue of license portability as proposed by 20/20: A Vision for the Future of Counseling as submitted by Dr. David Kaplan. The AASCB has request that the Board adopt the consensus licensure title and scope of practice approved by the profession of counseling through the Building Blocks to Portability Project of 20/20. Dr. Kaplan pointed out that there are currently over 45 titles used by state counseling boards and that no two scopes of practice are the same and the educational requirement differ from state to state. To facilitate licensure portability and continue the advancement of a uniform and consistent identity for the counseling profession by focusing on three tasks:

- The development of a consensus licensure title to recommend to all state licensing boards
- The development of a consensus scope of practice to recommend to all state licensing boards.
- The development of consensus education requirement to recommend to all state licensing boards.

Recommendations:

Licensure Title: Licensed Professional Counselor

Licensure Scope of Practice:

- The independent practice of counseling encompasses the provision of professional counseling services t individuals, groups, families, couples, and organizations through the application of accepted and established mental health counseling principles, methods, procedures, and ethics.
- Counseling promotes mental health wellness, which includes the achievement of social, career, and emotional development across the life span, as well as prevents ant treats mental disorders and provides crisis intervention.
- Counseling includes, but is not limited to psychotherapy, diagnosis, and evaluation: administration of assessments, tests, and appraisals; referral; and the establishment of counseling plans for the treatment of individuals, couples, groups, and families with emotional, mental addiction, and physical disorders.
- Counseling encompasses consultation and program evaluation; program administration within and to schools and organizations; and training and supervision of interns, trainees, and prelicensed

professional counselors through accepted and established principles, methods, procedures, and ethics of counselor supervision.

- The practice of counseling does not include functions or practices that are not within the professional's training or education.

The AASCB has requested the Board to adopt the licensure title *Licensed Professional Counselor* and the licensure scope of practice.

The Board took no action regarding the information provided.

D. Rick L. Long, L.C.S.W., License No. 34000540A
Re: Request for License Reinstatement

The Board reviewed Mr. Long's request for reinstatement of licensure. The Board requested that this matter be set for an administrative hearing on the September 21, 2015 agenda.

IX. APPLICATION REVIEW

1. Carl Schmitzer (LSW)

The Board reviewed Mr. Schmitzer's application for social worker licensure. Mr. Schmitzer has not taken the Master's examination and is asking the Board to accept the ACSW certification examination. The Board indicated he must take the ASWB Master examination as this examination is the current requirement for licensure.

X. PROBATION REVIEW

The Board reviewed the probationary file of Leslie Dings, L.S.W. Ms. Dings has not submitted any reports as required by her Final Order. The Board requested to have her appear at the September 21, 2015 meeting of the Board.

XI. 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.

BRENNER/RICHARDSON

Motion carried 6-0-0

*Dr. Gaff-Clark was not present for the vote

XII. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Life Recovery Center

The Board reviewed the application for Life Recover Center to provide Category I continuing education for all professions. Mr. Harner recommended approval of the application upon submission of an example of at least one presentation that explains the goals and objectives and to make sure the CEUs offered are based on clock-hours to be actually given, not including breaks.

B. PRS, LLC

The Board reviewed the application for PRS, LLC to provide Category I continuing education for social workers and clinical social workers. Mr. Harner recommended approval of the application.

HARNER/VIEHWEG

Motion carried 6-0-0

*Dr. Gaff-Clark was not present for the vote

C. Catherine Tucker dba Tree of Life Counseling & Consulting, LLC

The Board reviewed the application for Catherine Tucker to provide Category I continuing education for (list license types).

VIEHWEG/BRENNER

Motion carried 6-0-0

*Dr. Gaff-Clark was not present for the vote

XIII. OLD/NEW BUSINESS

There was no old or new business before the Board.

XIV. ADMINISTRATOR'S REPORT

Discussion was held regarding the pre-review of applicant's education and other information. The applicant is required to provide an application and fee and all documentation prior to review. There are also individuals that submit copies of their transcripts and other documents for review. The Board has determined that this may not be a good practice. The website provides the statutes and rules, information and instructions for each licensure type and FAQ's which should answer their questions. The Board will no longer be providing pre-review of applications.

XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 1:30 p.m.

Board action: A motion was made and seconded to adjourn this meeting of the Behavioral Health and Human Services Licensing Board at 1:30 p.m.

VIEHWEG/BRENNER

Motion carried 6-0-0

*Dr. Gaff-Clark was not present for the vote

Andrew Harner, Board Co Chair

Date



Kimble Richardson, Board Co Chair

Date 9/21/2015