

**BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
MINUTES**

July 25, 2022

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Richardson called the meeting to order at 8:02 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-14-1-12(a).

Board Members Present:

Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Board Chair
Stephan Viehweg, MSW, LCSW
Andrew Harner, MSW, LCSW, Board Chair, SW Section Chair, Board Designee
Kelley Gardner, LMFT
C. Martin Justice, LMHC
Jacqueline Eitel, RN, Consumer Member

Board Members Not Present:

Dr. Dianna Cooper-Bolinskey, LCAC
Jon Ferguson, LMFT
Vacant – Physician Member
Vacant - Addictions

State Officials Present:

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

II. ADOPTION OF AGENDA

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

Viehweg/Eitel
Motion carried 6-0-0

III. APPROVAL OF MINUTES

There were no minutes for review.

IV. PERSONAL APPEARANCES

A. Renewal

1. Libby Christianson, LCAC, License No. 87000414A

Ms. Christianson appeared as requested to discuss her yes response to the question if she had disciplinary action against her license since her last renewal. Ms. Christianson submitted a statement and supporting documents for the Board to review. The Board noted

that her two other licenses for this Board are currently suspended. Ms. Christian stated that her official order for that suspension did not cover her LCAC license. She is currently working in the State of Georgia as a clinical supervisor. She has completed additional continuing education and a course in human trafficking training. Ms. Christian inquired how to reinstate her license from suspension and the Board advised her she would need to submit her request in writing. The Board additionally advised her to review her Suspension Order to ensure she meets all requirements outlined within the terms prior to requesting a hearing. The Board requested that she withdraw her request for renewal at this time and wait for a hearing to be scheduled to address the suspension. Ms. Christianson withdrew her request for renewal at this time.

2. Christy Garau, LCSW, License No. 34007249A

Ms. Garau did not appear. She has submitted a request to withdraw her renewal. Board reviewed Ms. Garau's correspondence and accepted her request to withdraw her renewal.

3. Shawn Gibson, LAC, License No. 86000400A

Mr. Gibson appeared as requested to discuss his yes response to the question regarding an arrest that occurred since his last renewal. He submitted a statement and supporting documents for the Board to review. He stated that the DUI arrest occurred in the state of Tennessee, and the case is still pending. The Board noted that his supporting documents and his statement have conflicting information on his BAC level. Mr. Gibson has also submitted an LSW application by reciprocity and requested the Board vote on his background for that application as well.

Board Action: A motion was made and seconded to grant the renewal of Mr. Gibson's addiction counselor license on probation with terms. Mr. Gibson agreed to the terms:

- License shall be placed on Indefinite Probation and may not request withdrawal of his probation until the successful completion and resolution of his criminal charges, and criminal probation.
- While his license is on probation, Mr. Gibson shall:
 - Submit a quarterly report to the Board regarding his criminal charges and progress with any criminal probationary terms.
 - Shall immediately report to the Board any new arrests or charges.
 - Mr. Gibson shall keep the board apprised of the following information and update it as is necessary:
 - current home address, mailing address, and residential telephone number; and
 - place of employment, employment telephone number, and name of supervisor.
 - Mr. Gibson shall comply with all statutes and rules regulating the practice of addictions counseling and licensed social work and report any future arrests, instances of substance abuse, work discipline or terminations to the Board immediately in writing.

- Failure to comply with the terms of this order of probation may subject Mr. Gibson to an Order to Show Cause before the Board and imposition of additional terms and conditions.

Harner/Justice
Motion carried 6-0-0

Board Action: A motion was made and seconded to approve Mr. Gibson's LSW application pending completion of the jurisprudence examination and place it on probation with the same terms as the addiction counselor license.

Harner/Justice
Motion carried 6-0-0

4. **Cara Juarez, LBSW, License No. 33900293A**

Ms. Juarez appeared as requested to discuss her yes response the question that she was arrested since her last license renewal. In December of 2021, Ms. Juarez was arrested for a misdemeanor domestic abuse and the case is still pending. She provided a statement regarding and supporting documents for the Board to review. She informed the Board that she is currently finishing all requirements by the court, but due to COVID there have been delays. Ms. Juarez provided clarification of what led up to the arrest. The Board discussed professional decision-making skills with Ms. Juarez.

Board Action: A motion was made and seconded to grant Ms. Juarez' application for renewal of her bachelor social work license on probation with terms. Ms. Juarez agreed to the probation terms.

- Ms. Juarez shall be placed on Indefinite Probation and may not request withdrawal of her probation until the successful completion and resolution of her criminal charges, and criminal probation.
- Ms. Juarez shall complete and provide documentation of completion of at least ten (10) continuing education units ("CEUs") in Domestic Violence and Professional Boundaries.
- Ms. Juarez shall keep the board apprised of the following information and update it as is necessary:
 - Ms. Juarez's current home address, mailing address, and residential telephone number; and
 - Ms. Juarez's place of employment, employment telephone number, and name of supervisor.
- Ms. Juarez shall appear quarterly before the Board to discuss Licensee's progress with employment practice and compliance with these probationary terms.
- Ms. Juarez shall comply with all statutes and rules regulating the practice of bachelor social work and report any future arrests, instances of substance abuse, work discipline or terminations to the Board immediately in writing.

- Failure to comply with the terms of this order of probation may subject Ms. Juarez to an Order to Show Cause before the Board and imposition of additional terms and conditions.

Harner/Viehweg
Motion carried 6-0-0

5. **Joyce Lowry, LMFT, License No. 35000512A**

Ms. Lowry did not appear as requested to discuss her yes response to the question that she has had discipline against her license since her last renewal. She did not provide any statements or supporting documents for the Board to review. Ms. Lowery has been sent three notices to appear and has not responded to Board inquiries.

Board Action: A motion was made and seconded to deny Ms. Lowry's application for renewal of her marriage and family therapy license.

Gardner/Justice
Motion carried 6-0-0

6. **Nathaniel Wagner, LMHC, License No. 39003306A**

Mr. Wagner appeared as requested to discuss his license renewal response. He previously appeared before the Board on May 23, 2022. Mr. Wagner reported that his pending criminal charges have not changed since he last appeared in May. He stated that he will be signing a guilty plea agreement for domestic violence, but he has not signed it yet. The Board noted that they must act on his renewal at this time due to statutory requirements.

Board Action: A motion was made and seconded to renew Mr. Wagner's license on probation with terms. Mr. Wagner agreed to the probation terms:

- Mr. Wagner shall be placed on Indefinite Probation and may not request withdrawal of her probation until the successful completion and resolution of her criminal charges, and criminal probation.
- Mr. Wagner shall complete and provide documentation of completion of at least twenty (20) continuing education units ("CEUs") in domestic violence, anger management, and Professional Boundaries.
- Mr. Wagner shall keep the board apprised of the following information and update it as is necessary:
 - Mr. Wagner 's current home address, mailing address, and residential telephone number; and
 - Mr. Wagner 's place of employment, employment telephone number, and name of supervisor.
- Mr. Wagner shall appear quarterly before the Board to discuss Licensee's progress with employment practice and compliance with these probationary terms.

- Mr. Wagner shall comply with all statutes and rules regulating the practice of licensed mental health counseling and report any future arrests, instances of substance abuse, work discipline or terminations to the Board immediately in writing.
- Failure to comply with the terms of this order of probation may subject Mr. Wagner to an Order to Show Cause before the Board and imposition of additional terms and conditions.

Justice/Harner
Motion carried 6-0-0

7. Kaye Workman, LSW, License No. 33009177A

Did not appear as requested to discuss her yes response to the question regarding an arrest since she last renewed. The Board has not received a response regarding their requests for an appearance. Board reviewed Ms. Workman's submitted statement regarding her charge of conspiracy and supporting documents but the Board was unable to act upon the renewal without an appearance. The Board noted that they must act upon renewal due to statutory requirements.

Board Action: A motion was made and seconded to deny Ms. Workman's application for renewal of her social work license.

Harner/Viehweg
Motion carried 6-0-0

8. Kayla O'Day, LMHCA, License No. 88001403A

Ms. O'Day appeared as requested to discuss her yes response to the question regarding a recent arrest since she last renewed. In September of 2021, Ms. O'Day was arrested DUI. She submitted a statement and supporting documents for the Board to review. Ms. O'Day stated that she signed a plea agreement with terms set forth by the court, and that she will not have all requirements complete until next year.

Board Action: A motion was made and seconded to grant renewal of Ms. O'Day's mental health counselor associate license on probation with terms. Ms. O'Day agreed to the terms.

- Ms. O'Day shall be placed on Indefinite Probation and may not request withdrawal of her probation until the successful completion and resolution of her criminal charges, and criminal probation.
- Ms. O'Day shall keep the board apprised of the following information and update it as is necessary:
 - Ms. O'Day 's current home address, mailing address, and residential telephone number; and
 - Ms. O'Day 's place of employment, employment telephone number, and name of supervisor.

- Ms. O'Day shall continue substance abuse treatments and follow all treatment recommendations from a Health Service Provider in Psychology ("HSPP") or other counselor or professional licensed by the Board who is qualified to render substance abuse treatment.
- Ms. O'Day shall cause the treating HSPP or counselor to submit quarterly reports to the Board regarding progress with substance abuse treatment and compliance with treatment recommendations.
- Ms. O'Day shall comply with all statutes and rules regulating the practice of Mental Health Counseling Associate and report any future arrests, instances of substance abuse, work discipline or terminations to the Board immediately in writing.
- Failure to comply with the terms of this order of probation may subject Licensee to an Order to Show Cause before the Board and imposition of additional terms and conditions.

Justice/Harner
Motion carried 6-0-0

V. ADMINISTRATIVE HEARINGS

A. Michael Russ, LCSW, License No. 34009434A

Cause No. 2021BHSB 0031

Re: Extension of Summary Suspension & Motion To Vacate Summary Suspension

Parties Present:

Respondent was not present

Amanda Cassidy, Deputy Attorney General, Office of the Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC (Hearing Officer)

Stephan Viehweg, LCSW

Andrew Harner, LCSW

Kelley Gardner, LMFT

C. Martin Justice, LMHC

Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about February 28, 2022, Mr. Russ's license was Summarily Suspended as it was determined he was a clear and present danger to the public based upon his arrest on October 30, 2021. Mr. Russ at this time has not renewed his license, and the State requests that the Board issue a Motion to Vacate this matter. Should Mr. Russ apply to reinstate his license in the future, the Board may address what occurred at that time.

Board Action: A motion was made and seconded to issue a Motion to Vacate the summary suspension in the matter of Mr. Russ' clinical social work license.

Harner/Justice
6-0-0

VI DISCUSSION

A. ASWB New Policies Regarding Testing

The Board reviewed the new updates set forth by the ASWB. The ASWB is now approving 90-day waiver requests to speed applicants through their retesting. The Board stated that they will follow this policy regarding the waivers going through the ASWB.

The ASWB also updated their policies regarding nonstandard testing and addressed potential changes to allow candidates to sit for their examination during their last semester of school. At this time approval is not through the school, but the ASWB is looking into that change. If they make this change it will mirror what the NBCC is currently doing for the LMHCA applicants.

The ASWB is discussing a compact license and reviewing compact licensure language. If there is a proposal for a compact agreement it will need to be passed by the Indiana legislation before the Board can discuss enforcement. The Board discussed how compact licensure is handled by other professions.

B. Sarah Hunter (LMHC)

Re: Review of Test Scores

Ms. Hunter has taken the EPPP exam and is requesting that the Board accept her exam in place of the NCMHCE exam. The Board stated that for them to accept the EPPP, it must be a passing score as determined by the Indiana State Psychology Board. The ISPB has set the Indiana standard of passing at 500. Ms. Hunter's score cannot be considered for her LMHC application. Her application is tabled for further review of her education and post-degree experience.

VII. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Rebecca Waletich

Transformations Counseling Services

The Board reviewed the submitted documentation regarding Transformations Counseling Services and noted that the programs they will be holding look good.

Board Action: A motion was made and seconded to approve the CE Sponsor.

Harner/Viehweg
Motion carried 6-0-0

VIII. OLD/NEW BUSINESS

There was no old/new business to discuss.

IX. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General's office reported to the Board that they have 110 open complaints and they have closed 58 since the beginning of the year. The average age of the open

complaints is 8.4 months. There are currently 21 open litigation cases with only 12 closed this year. The average duration of the litigation cases are 8.3 months.

X. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 10:08 p.m. by general consensus.



Kimble Richardson, MS, LMHC, LCSW,
LMFT, LCAC, MHC
Chair

8/21/2023
Date