

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

JULY 28, 2014

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 9:00 a.m. in the Indiana Government Center South, 402 West Washington Street, Room W-064, 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
Carla Gaff-Clark, Ed. D, LMHC, CADAC-IV, LCAC, AC Section Chair

Board Members Not Present:

Vacant, Social Work Member
Vacant, Physician 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.

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

III. ADOPTION OF THE MINUTES FROM MAY 19, 2014 MEETING

A motion was made and seconded to adopt the minutes from the May 19, 2014 meeting of the Board as amended.

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

IV. PRESENTATION

A. Paula Dranger, MSW, LCSW, ACSW Assistant Director Valparaiso University

Ms. Dranger appeared, at her request, to present the coursework for the addiction counseling program at Valparaiso University. She stated they will be offering additional coursework for dual majors in mental health counseling and addiction counseling. Ms. Dranger asked for clarification on the requirements for internship and practicum completion. The Board stated the student does not have to work in an addiction or mental health setting only, but must have a significant number of hours specific to each type of patient. She also asked about the supervisor, specifically does the supervisor have to be an onsite licensed addiction counselor. The Board stated the supervisor does not have to be onsite and the professor can verify the hours to the Board. She asked if the student has completed a practicum, is it the university's responsibility to review the completed practicum to determine whether or not they need to do additional practicum hours. The Board stated they should review the hours and guide the student as to whether or not they need to complete additional hours to prepare them for the licensure process instead of having them wait until they apply for the examination to be told they need additional hours. She also asked if the student could enter into an externship through the university after graduation to gain the hours required for supervised clinical experience. The Board stated they could, although that could be a costly way to gain supervision.

V. PERSONAL APPEARANCES

A. Probationary

1. Lindsay Anne Dings, LCSW, License No. 33005569A Administrative Cause No. 2012 BHSB 003

Ms. Dings appeared before the Board, as requested, regarding her ongoing probationary status. Ms. Dings stated she is currently employed with Eskenazi Hospital. Cindy Smith, R.N. is her current employment supervisor. Ms. Dings has not submitted her quarterly report from her employer report as required by her Final Order. The Board explained that she needs to have the reports sent to the physical address of the Board. Ms. Dings stated that her current licensed clinical behavioral health supervisor is Deb Vargo, L.C.A.C., L.M.H.C. The Board asked that she specifically seek the supervision of a licensed clinical social worker. The Board requested that Ms. Dings be scheduled to appear at the September 22, 2014 meeting of the Board.

B. Renewal

There were no renewal appearances before the Board.

C. Reinstatement

1. Kimberly R. Anderson, LCSW, License No. 34004117A

Ms. Anderson appeared before the Board, as requested, regarding the reinstatement of her expired clinical social worker license. Ms. Anderson's clinical social worker license expired on April 1, 2004. Ms. Anderson explained that she allowed the license to lapse to care for her children, as well as family members that had become ill. She stated she feels she is capable of being an effective therapist with what she has had to handle during the eleven (11) years that her license has been expired. Ms. Anderson has submitted the appropriate number of hours of continuing education.

Board action: A motion was made and seconded to grant the reinstatement of Ms. Anderson's clinical social worker license upon successful completion of the Indiana jurisprudence examination and clearance of the hold placed on her professional license by the Indiana Department of Revenue.

HARNER/RICHARDSON
Motion carried 7-0-0

2. Deborah A. Gerrity, LMHC, License No. 39001142A

Ms. Gerrity did not appear before the Board, as requested.

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

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

3. Amy Priest, LSW, License No. 33004923A

Ms. Priest appeared before the Board, as requested, regarding the reinstatement of her expired social worker license. Ms. Priest's license expired on April 1, 2006. She explained that she let it lapse due to the fact that she was training for a new position at her work. Ms. Priest has submitted the appropriate number of continuing education hours.

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

HARNER/REDIGER
Motion carried 7-0-0

4. Robert Vogler, LCSW, License No. 34001092A

Mr. Vogler appeared before the Board, as requested, regarding the reinstatement of his clinical social worker license. Mr. Vogler's clinical social worker license expired on April 1, 2014. Mr. Vogler is currently employed at Vincennes University Jasper Campus. Mr. Vogler submitted continuing education that was completed after the expiration date.

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

HARNER/STOCKTON
Motion carried 7-0-0

5. **Alice M. Whalen, LSW, LMFT, LMHC**
License Nos. 33002908A, 35001189A, 39001057A

Ms. Whalen did not appear before the Board, as requested.

Board action: A motion was made and seconded to deny the reinstatement of Ms. Whalen's social worker, marriage and family therapist and mental health counselor licenses based upon the positive response of pending charges and her failure to appear before the Board.

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

D. Application

1. **Steven Bryant (LCSW)**

Mr. Bryant appeared before the Board, as requested, regarding his application for clinical social worker licensure. Mr. Bryant did not answer yes to any question on his application for licensure. He failed to disclose an arrest for Driving Under the Influence of Alcohol in December 2010. Although charges were never filed in the matter, the Board is concerned that the question specifically asks "Have you ever been arrested?" He stated that he thought the question meant convictions, not just arrests, so he did not answer positively. Mr. Bryant explained that on December 12, 2010, he was arrested in Hammond, Indiana and charged with Operating While Intoxicated (OWI) .15 or Greater BAC and OWI Class C Misdemeanor. Although the arrest occurred, no charges were ultimately filed by the Hammond Police Department.

Board action: A motion was made and seconded to grant Mr. Bryant a clinical social worker license upon successful completion of the ASWB clinical examination.

HARNER/STOCKTON
Motion carried 7-0-0

2. **Jodi Lynn Caroland-Steffen (LMHC)**

Ms. Caroland appeared before the Board, at her request, to discuss her application for licensure as a mental health counselor. She has been informed by the customer service representatives with the Indiana Professional Licensing Agency that she needs to submit Form S-2 verification of supervision, Form AI verifying an advanced internship, completion of an additional twelve (12) hours of coursework, and a syllabus for CNS 500 for Foundations in Mental Health Counseling. The Board confirmed that she needs to submit the requested documentation and explained to her that she can enroll in an internship, advanced internship or practicum and this would cover the need for the AI and

allow her to gain the additional twelve (12) hours of coursework required for licensure. Ms. Caroland submitted the syllabus for CNS 500. She has been advised to have the university verify the qualifications of her supervisor if she cannot locate the supervisor for the Form S-2.

3. Emily Marie Good (LMHC)

Ms. Good appeared before the Board, as requested, regarding her application for licensure for mental health counselor. Ms. Good answered yes to questions 3 and 4 on the application for licensure that ask "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 "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" She explained that her addiction issues began at the age of thirteen (13) years old. She stated that she has been clean for the past seven (7) years, currently lives a healthy lifestyle and participates in a 12-Step program.

Board action: A motion was made and seconded to grant Ms. Good a mental health counselor license upon successful completion of the NCMHCE examination.

RICHARDSON/REDIGER
Motion carried 7-0-0

4. Ti'auna La'Cole Guthrie (LMHC)

Ms. Guthrie appeared before the Board, as requested, regarding her application for licensure for mental health counselor. Ms. Guthrie has attempted to take the examination three (3) times and requests approval from the Board for the fourth attempt. Ms. Guthrie explained that she is in the process of obtaining more study materials and is in search of a program to assist her in preparing for the next attempt. The Board recommended she contact the Indiana Counselor Association to see if they could assist her in preparing for the examination. Ms. Guthrie is currently employed with the National Youth Advocate Program in Indianapolis, Indiana working with juveniles. The Board also recommended that she speak with any psychologists she may work with to assist her in preparing for the examination as well.

Board action: A motion was made and seconded to grant approval Ms. Guthrie to attempt the NCMHCE examination for the fourth time.

RICHARDSON/OSBORN
Motion carried 7-0-0

5. Nicole Toyi Jackson-Musenja (LMHC)

Ms. Jackson-Musenja appeared before the Board, as requested, regarding her application for licensure for mental health counselor. Ms. Jackson-Musenja answered yes to question

4 on the application for licensure that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" She explained that on July 3, 2012 she was arrested and charged with OWI in Gary, Indiana. Ms. Jackson-Musenja was required to complete six (6) months of unsupervised probation, participate in the Porter County Alcohol Program, and attend a class regarding hazards of driving under the influence. All requirements were successfully completed in February 2013.

Board action: A motion was made and seconded to grant Ms. Jackson-Musenja a mental health counselor license.

RICHARDSON/HARNER
Motion carried 7-0-0

6. Eric Alan Lee (LMFT)

Mr. Lee appeared before the Board, as requested, regarding his application for licensure for marriage and family therapist license. Mr. Lee answered yes to question 4 on the application for licensure 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?" He explained that in 2006 he was pulled over for an expired license plate on his vehicle. Upon a vehicle search by the police department, the discovered prescription pills not in their original containers and a marijuana pipe. He stated that he was prescribed Clonazepam by the Veteran's Administration and the marijuana pipe belonged to his girlfriend. He was ultimately charged with Possession of Paraphernalia and was required to provide the court proof of a legitimate prescription for the Clonazepam. He was also arrested in 2004 for Possession of Marijuana. He entered into a pre-trial diversion program and the case was dismissed upon completion of the court requirements. The Board reviewed his file and stated it can be approved once he submits verification of 500 hours of clinical practicum.

Board action: A motion was made and seconded to grant Mr. Lee a marriage and family therapy license upon successful submission of a 500 hour clinical practicum.

REDIGER/HARNER
Motion carried 7-0-0

7. Erin Michelle Reagan (LMHC)

Ms. Reagan appeared before the Board, as requested, regarding her application for licensure for mental health counselor. Ms. Reagan answered yes to question 6 on the application for licensure that asks "Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care

facility in which you have trained, held staff membership or privileges or acted as a consultant?" She explained that she has dealt with anxiety since she was a teenager and was absent too many times and was ultimately terminated by her employer. She stated she has had positive reviews while she was at work, but her attendance is what led to her termination. She stated she has since come to terms with the anxiety and feels she would be better in a different setting than inpatient.

Board action: A motion was made seconded to grant Ms. Reagan a mental health counselor license upon successful completion of the NCMHCE examination.

RICHARDSON/HARNER
Motion carried 7-0-0

8. Jill Elizabeth Surine (LSW)

Ms. Surine appeared before the Board, as requested, regarding her application for licensure for mental health counselor. Ms. Surine answered yes to question 4 on the application for licensure that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" She explained that in 2008 she was arrested and charged with Driving Under the Influence of Alcohol. Ms. Surine was required to complete court appointed classes and one (1) year of unsupervised probation. The Board asked why she waited so long to apply for her license. She stated that she has been working in another field and was approached by a doctor who offered her a position for which she now needs a license.

Board action: A motion as made and seconded to grant Ms. Surine a social worker license upon successful completion of the ASWB Master's examination.

HARNER/RICHARDSON
Motion carried 7-0-0

9. Tonye D. Weatherall (LMFTA)

Ms. Weatherall appeared before the Board, as requested, regarding her application for a marriage and family therapy associate's license. Ms. Weatherall answered yes to question 4 on the application for licensure 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. Weatherall explained that in 1995 she was arrested and charged with two counts of Battery/Bodily Harm, a Class A Misdemeanor. The complainants did not appear on the court date. Ms. Weatherall filed for expungement of the charges on June 18, 2014.

Board action: A motion was made and seconded to grant Ms. Weatherall a marriage and family therapy associate license upon successful completion of the marriage and family therapy examination.

REDIGER/OSBORN
Motion carried 7-0-0

10. Antoinette Lenise Alexander (LCSW)

Ms. Alexander appeared before the Board, as requested, regarding her application for clinical social worker licensure. Ms. Alexander answered yes to question 4 on the application that asks "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" She explained that in 2007 she was arrested and charged with Medicaid Fraud. She stated that her identity had been stolen and another individual had used her business to defraud Medicaid for over three million dollars (\$3,000,000.00). When she was informed of the indictment, she turned herself in to be processed. She was required to pay a fine of \$29,177.52, which was paid the same day, and complete three (3) years of probation with no jail time or community service.

Board action: A motion was made and seconded grant Ms. Alexander permission to take the ASWB Clinical examination with the understanding that she will be required to appear before the Board prior to granting the license to determine if further action needed to be taken.

HARNER/OSBORN
Motion carried 7-0-0

Board action: A motion was made and seconded to deny the request for a temporary permit in the matter of Ms. Alexander's license application.

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

E. Examination Attempts

1. Larissa Nichele Woods (LMHC)

Ms. Woods appeared before the Board, as requested, regarding her application for licensure for mental health counselor. Ms. Woods has attempted to take the examination three (3) times and needs approval from the Board for this fourth attempt. Ms. Woods stated that she has recently been diagnosed with CNS (Brain) Lupus, which affects her central nervous system and causes memory loss. The Board recommended she receive approval for a special accommodation when retaking the examination.

Board action: A motion was made and seconded to approve Ms. Woods to attempt the NCMHCE examination for the fourth time.

RICHARDSON/STOCKTON
Motion carried 7-0-0

F. Other

1. Jessica Buescher (LMHC)

Ms. Buescher appeared before the Board, at her request, regarding her application for licensure as a mental health counselor. Ms. Buescher is requesting an extension of the 48-month requirement for post-graduate clinical supervision and experience. Ms. Buescher's degree is in Art Therapy and has since enrolled in a Care Counseling program at St. Mary of the Woods College. The Board explained that she is not required to have 48 months of clinical experience and supervision since the date of graduation of her program, she is just required to obtain 3,000 hours of clinical experience in a 48 month period from the time she begins attaining the 3,000 hours required for licensure.

VI. ADMINISTRATIVE HEARINGS

A. State of Indiana vs. Sheila Day, LCSW, License No. 34000327A
Administrative Cause No. 2014 BHSB 003
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
Ms. Rediger
Dr. Stockton
Mr. Osborn
Ms. Gaff-Clark

Case Summary: On or around April 25, 2014, the State filed a Complaint, alleging Respondent had violated IC 25-1-9-4(a)(2)(B) in that Respondent was convicted of a crime that is harmful to the public as evidenced by Respondent's conviction of operating a vehicle with alcohol concentration of .015 or greater, a Class A Misdemeanor; and violated IC 25-1-9-4(a)(1)(A) in that Respondent engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice as evidenced by Respondent's failure to disclose her criminal conviction on her January 17, 2012 Indiana clinical social worker license renewal form. The State indicated they have scheduled a settlement conference with Respondent and asks for a continuance in this matter until the September 22, 2014 meeting of the Board.

Board action: Mr. Brenner granted the State's request of a continuance in the matter of Ms. Day's clinical social worker license.

B. State of Indiana vs. Lori Groves

Administrative Cause No. 2014 BHSB 004

Re: Order to Show Cause

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
Ms. Rediger
Dr. Stockton
Mr. Osborn
Ms. Gaff-Clark

Case Summary: On or around April 29, 2014, the State filed a Motion for Order to Cease and Desist alleging has violated IC 25-23.6-3-1, in that Respondent has practiced marriage and family therapy without the proper licensure or temporary permit to do so. The State indicated they have scheduled a settlement conference with Respondent and asked for a continuance in this matter until the November 18, 2014 meeting of the Board to allow time for Respondent to apply for a license and be granted permission to take the examination. Respondent has assured the State that she will cease the practice of marriage and family therapy until the temporary permit is granted.

Board action: Mr. Brenner granted the State's request for a continuance in the matter of Ms. Groves' unlicensed practice of marriage and family therapy.

C. Daniel Knaver, LCSW, LMFT, License Nos. 34003006A and 35003888A

Administrative Cause No. 2014 BHSB 008

Re: Appeal of Denial of Renewal

Parties Present:

Petitioner was present, without Counsel
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

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

Case Summary: On or around May 19, 2014, the Board denied the request for licensure renewal. Petitioner was requested to appear due to a positive response on his renewal application for his clinical social worker license and marriage and family therapy license. Petitioner stated he never received a request to appear at the May 19, 2014 meeting of the Board. A request for Petitioner to personally appear before the Board was emailed on April 1, 2014. Petitioner had answered yes to 5 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?" Petitioner was arrested on October 28, 2013, and charged with operating a vehicle while intoxicated. He is scheduled to appear in court on August 8, 2014. Petitioner was convicted of operating a vehicle while intoxicated in June 2004, January 2005, August 2006, November 2008, September 2010, and July 2011. Petitioner did not report all of his previous arrests and convictions when he previously renewed his licenses. Petitioner has participated in substance abuse treatment in the past, and has relapsed during or after treatment. After his most recent arrest, Petitioner completed a five-week inpatient treatment program at Michael's House in Palm Springs, California. He stated that this program also addressed the mental health issues that complicate his substance abuse, and he is more optimistic about his ability to remain sober. He is currently receiving outpatient treatment for his mental health issues. He attended Michael's House in Palm Springs, California for treatment of alcohol addiction for five (5) weeks, from November 2, 2013 through December 7, 2013. Petitioner entered Exhibit A, a copy of progress reports. Mrs. Knaver stated that Petitioner has appeared before the Board previously due to alcohol issues. Ms. Heiss, Petitioner's sister, explained to the Board that her brother's dual diagnosis issues have been resolved. Petitioner's son has Aspergers Syndrome and he has had to deal with this while trying to maintain a household. Petitioner stated he sees a mental health counselor at Regional Mental Health Center monthly. Petitioner is not currently employed. The Board expressed concern with his prognosis and what he currently does to handle stress.

Board action: A motion was made and seconded to grant reinstatement of Mr. Knaver's clinical social worker license and marriage and family therapy license on Indefinite Probation with the following terms and conditions:

- Cannot petition for withdrawal of probation for a period of two (2) years from the date of the Board's Final Order.
- Shall comply with laws and rules regulating the practice of Behavioral Health and Human Services Licensing Board.
- Shall keep the Board apprised of the current home address, mailing address, residential telephone number, place of employment, employment telephone number, name of supervisor, occupation title, and work schedule.
- Shall limit his practice supervisor to be a licensed clinical social worker or licensed marriage and family therapist with one (1) hour of supervision for every ten (10) hours of clinical contact not to exceed one (1) hour per week with quarterly reporting when employed.

- Shall attend two (2) AA meetings per week and submit quarterly reports of attendance.
- Shall cause any therapist/psychiatrist to submit quarterly reports and follow their recommendations.
- Shall report any relapse within seventy-two (72) hours
- Shall make personal appearances before the Board two (2) times per year unless employed in a Behavioral Health and Human Services Licensing Board field then must appear at the next available meeting.
- Shall submit final disposition of pending court case scheduled for August 8, 2014.

HARNER/REDIGER
 Motion carried 7-0-0

D. Tadd Whallon, LCAC, License No. 87000325A
 Administrative Cause No. 2012 BHSB 011
 Re: Modification of Probation

Parties Present:

Petition was present, without Counsel
 Kelsie Duggan, Deputy Attorney General for the State of Indiana
 Laura Sahm, Legal Intern
 Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

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

Case Summary: On or around December 6, 2012, Respondent's license was placed on Indefinite Probation for a period of no less than five (5) years with terms and conditions. At the last personal appearance of Respondent, the Board requested a hearing to modify the length of his probation and modify the requirement of a psychologist or HSPP individual for supervision. The State is concerned that this modification request is premature and does not feel this is appropriate. The Board stated that they felt the terms of Probation were too lengthy and the requirement for a psychologist or HSPP individual for supervision is not the most appropriate supervisor. He would like specifically to work with Rick Gustafson, which does not currently meet the requirements of the Final Order.

Board action: A motion was made and seconded to deny the request for modification of Probation in the matter of Mr. Whallon's Order in order to allow him to seek the counseling services of Rick Gustafson.

HARNER/RICHARDSON
 Motion carried 5-2-0
 *Drs. Stockton and Osborn opposed

VII. SETTLEMENT AGREEMENT

There were no Settlement Agreements before the Board.

VIII. NOTICE OF PROPOSED DEFAULT

A. State of Indiana vs. Constance Jo Anderson, LMHC, LCSW License Nos. 39000772A and 34004664A

Parties Present:

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

Participating Board Members:

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

Case Summary: On or around March 12, 2014, a Hearing Notice was mailed to Respondent. Respondent did not appear for the Administrative Hearing set for May 19, 2014. The Board issued a Notice of Proposed Default in this matter. Respondent responded to the Default notice indicating she had contacted IPLA and was told she did not need to appear for the hearing. The State would not be opposed to a continuance of the hearing.

Board action: A motion was made and seconded to not hold Ms. Anderson in Default and to reschedule this matter for hearing.

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

B. State of Indiana vs. Janet S. Pottoroff, LSW, License No. 33005287A Administrative Cause No. 2014 BHSB 002

Parties Present:

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

Participating Board Members:

Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner
Ms. Rediger

Dr. Osborn
Dr. Stockton
Ms. Gaff-Clark

Case Summary: This hearing was originally set for May 19, 2014. Respondent did not appear. Respondent has not responded to the Notice of Proposed Default. The State asks for the Board to find Respondent in Default.

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

REDIGER/HARNER
Motion carried 7-0-0

Case Summary: On or around March 3, 2014, the State filed a Complaint alleging Respondent has violated IC 25-1-9-4(a)(4)(B) in that Respondent has continued to practice although Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice by violating IC 16-39-2-3, which states that a patient's mental health record is confidential and shall be disclosed only with the consent of the patient unless otherwise provided as evidenced by Respondent's disclosure of one patient's confidential mental health information to another patient; and had violated IC 25-1-9-4(a)(4)(B) in that Respondent has continued to practice although Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice by violating 839 IAC 1-3-4(b)(6), which states that relationships with clients shall not be exploited by the social worker for personal gain, as evidenced by Respondent exploiting her relationship with a patient for personal gain when Respondent spent time with the patient outside of the clinical setting, including having said patient help Respondent move. The State called Barbara Greene, Office of the Attorney General case analyst. She testified that the State received a Complaint alleging Respondent had violated HIPPA. Ms. Duggan entered States Exhibit A, a certified copy of Respondent's license application file. On Respondent's 2010 renewal application, she answered yes to the question that asks "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 subjected to any restrictions, probation, or other type of discipline limitations?" and Exhibit B, a copy of employment records from Gallahue Mental Health Center, a component of Community Health Network. Respondent was terminated on May 12, 2011 due to an intolerable offense, specifically violating patient/staff boundaries. Also, Respondent was disciplined by Community Health Network for patient boundary violations after it was found she received help from a patient in moving outside of the work environment.

Board action: A motion was made and seconded to find Ms. Pottoroff guilty of Count I.

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

Board action: A motion was made and seconded to find Ms. Pottoroff guilty of Count II.

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

Board action: A motion was made and seconded to Indefinitely Suspend the social worker license of Ms. Pottoroff.

HARNER/RICHARDSON
Motion carried 7-0-0

IX. DISCUSSION

A. Dennis Copeland, Jr., MSW
Re: Licensure for Social Workers

The Board discussed correspondence from Mr. Copeland requesting that they waive the examination and grant him a license. The Board is not inclined to grant licensure to an individual without the examination.

B. Elaine Williams
Re: Court of Appeals Opinion

There was no discussion by the Board in this matter.

C. Jason Richmond (LCSW)
Re: Request to Retake the Examination

The Board reviewed and discussed correspondence from Mr. Richmond requesting the Board waive the ninety (90) day wait period to retake the ASWB clinical examination.

Board action: A motion was made and seconded to grant the waiver as requested by Mr. Richmond.

HARNER/OSBORN
Motion carried 7-0-0

D. Barbara Baumgartner
Re: Request for Extensions of 48 Month Requirement

The Board discussed the meaning and interpretation of the 21-48 months of clinical supervision and clinical experience and when that time actually begins. It was determined by the Board's legal counsel that the time frame begins when the supervision/clinical experience begins, not upon graduation.

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.

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

XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. National Youth Advocate Program

Board action: A motion was made and seconded to approve National Youth Advocate Program as a continuing education provider.

HARNER/RICHARDSON
Motion carried 7-0-0

B. Chicago Center for Emotionally Focused Therapy

Board action: A motion was made and seconded to approve Chicago Center for Emotionally Focused Therapy as a Category I provider of continuing education with the stipulation that the first program cannot be given until after September 15, 2014.

HARNER/RICHARDSON
Motion carried 7-0-0

C. Free Clear Mind Center, Inc.

The Board reviewed the application submitted by Free Clear Mind Center, Inc. to be approved as a continuing education provider. The Board tabled the application and requested they submit a clear objective of courses or programs they intend to offer.

D. Hancock Regional Hospital

Board action: A motion was made and seconded to approve Hancock Regional Hospital as a Category I provider of continuing education.

HARNER/RICHARDSON
Motion carried 7-0-0

E. Michiana Behavior & Performance

Board action: A motion was made and seconded to approve Michiana Behavior & Performance as a Category I provider of continuing education with the stipulation they must submit an evaluation form, CV for presenters and may not give their first program until after August 18, 2014.

HARNER/RICHARDSON
Motion carried 7-0-0

F. Morgan-Siebe Solutions, LLC

Board action: A motion was made and seconded to approve Morgan-Siebe Solutions, LLC as a Category I provider of continuing education.

HARNER/RICHARDSON

Motion carried 7-0-0

G. Solutions Oriented Strategies

Board action: A motion was made and seconded to approve Solutions Oriented Strategies as a Category I provider of continuing education.

HARNER/RICHARDSON
Motion carried 7-0-0

XII. PROBATION REVIEW

A. Connie A. Ramos, LCSW, License No. 34003879A
Administrative Cause No. 2014 BHSB 006

The Board reviewed the probationary file of Ms. Ramos. The Board requested Ms. Vaught to send Ms. Ramos a letter to appear at their September 22, 2014 meeting.

XIII. OLD/NEW BUSINESS

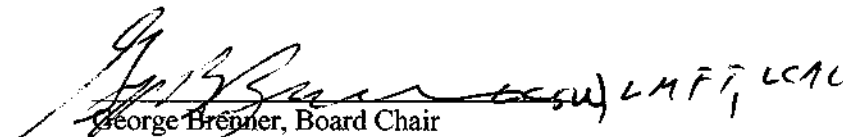
There was no old or new business discussed by the Board.

XIV. ADMINISTRATOR'S REPORT

Ms. Vaught reported that in order to save funds for overnight stays the Board will need to start their meetings at 10:00 a.m. This will allow time for the Board members to travel prior to the meeting. Dr. Stockton and Ms. Vaught will be attending the State Licensure Board meeting for the National Board for Certified Counselors in Greensboro, North Carolina on August 7-8, 2014.

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 3:30 p.m. by general consensus.


George Brenner, Board Chair

1-26-15
Date


Kimble Richardson, Board Vice-Chair

1-26-2015
Date