

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

MINUTES

August 23, 2021

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Richardson called the meeting to order at 8:03 a.m. through virtual video and audio conferencing and declared a quorum.

Board Members Present:

Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Board Chair
George Brenner, MS, LCSW, LMFT, LCAC, Vice Chair
Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Andrew Harner, MSW, LCSW, Board Liaison, SW Section Chair, Board Designee
Stephan Viehweg, MSW, LCSW
Kelley Gardner, LMFT
Elizabeth Cunningham, D.O., Psychiatric Physician Member
Jacqueline Eitel, RN, Consumer Member

Board Members Not Present:

Andrew Harner, MSW, LCSW, Board Liaison, SW Section Chair, Board Designee
(In at 8:18 a.m.)
Kelley Gardner, LMFT (Left at 11:00 a.m.)

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.

Brenner/Eitel

Motion carried 6-0-0 (Harner and Stockton not present)

III. APPROVAL OF MINUTES

There were no minutes for review.

IV.

A. Eric Sears

Director of Communications and Legislative Affairs
Professional Licensing Agency

Mr. Sears was present to discuss SB3- Telehealth. Mr. Sears stated that this new bill does not affect those who hold an associate license, just those that hold the full unrestricted license. Those who hold the clinical-level license may apply for the Telehealth certificate. The Board asked for clarification if an Associate may still due Telehealth without the certificate. Mr. Sears stated that there is nothing in the bill that will allow or not allow an associate licensed individual to perform Telehealth. Mr. Sears stated that should a complaint be filed; it will be up to the Board to hear the circumstances and make a ruling on a case-by-case basis.

Mr. Sears discussed SB82- Diagnosing. He stated that this bill will allow clinical level licenses to diagnosis with the appropriate training. They cannot diagnosis a physical condition, and those individuals must be diagnosed by a physician.

Mr. Sears stated that the current statues that affect Addiction licenses has been updated. The practicum supervision hour requirements have now been lowered from 100 to 35 supervision hours. The language regarding who is a qualified supervisor has been cleaned up, and individuals who have completed a practicum in another section of this Board, may use that practicum for their addiction's license. The criteria of Foundation of Addiction counseling have also been removed as an education criterion.

Mr. Sears provided information on remote meetings vs. in person meetings. He stated that currently there is current discussion on changes and technologies, but at this time he cannot provide more information. The Board expressed concerns that currently they do not wish to go to in person meetings as they have a few members who are considered high risk for contracting an infectious disease.

V. PERSONAL APPEARANCES

A. Probation

1. **Lisa Renee Pacheco, LMHC, LCAC, License No. 39001143A, 87001221A**
Cause No. 2018 BHSB 0010

Ms. Pacheco appeared as requested to discuss her ongoing probation. She stated that her practice is going well, and she is receiving referrals. She continues attending AA meetings that have transitioned online and is currently selling her house and downsizing. She has an intern working with her and they will help in getting a group started. She has a new therapist, Diane McDowell who is working with her and her daughter and her family in in therapy. She is looking for a new therapist for her own counseling. She stated that she has a good support system with her husband, and her doctor has placed her on a good medication regime. She sees her doctor once a year for evaluation. The Board noted that she has not provided any reports from her therapist, psychiatrist, and employer. Ms. Pacheco stated that she has not been able to provide the reports due to the volume of clients she sees. She stated this is also the reason she has not been able to see her psychiatrist since

June. The Board noted that despite her clients, she must provide reports from her old employer, and now her new employer that she just started with. She also needs to provide a report from her psychiatrist as that is apart of her Order.

2. **Samantha Habbinga, LSW, License No. 33008889A**
Cause No. 2020 BHSB 0010

Ms. Habbinga appeared as requested to discuss her ongoing probation. She informed the Board that she is still employed at IU Health Arnett. From June to August, she was covering in the Pediatric Unit. She stated that she has experienced a lot of support from the staff there. She informed the Board that what she learned was that you cannot rely on signs and symptoms, some of the signs that are you expected to see, do not always show up. She stated that she feels like she over reports now.

3. **Mark E. Smith, LCSW, License No. 34001845A**
Cause No. 2016 BHSB 0029

Mr. Smith appeared as requested to discuss his ongoing probation. He stated that he is currently still in private practice and sees 18 to 25 clients a week working with couples and individuals. Mr. Smith provided a report from his supervisor, Dr. Grant, regarding his progress. Mr. Smith stated that he is started some EDMR training for his own knowledge. He stated that since he has been on probation and working with his mentor, his confidence with his clients has increased. He discusses professional boundaries with Dr. Grant regarding his current case load. Mr. Smith stated that he will be submitting a request to withdraw probation as he has met all of his terms.

4. **Delilah Spriggs, LSW, License No. 33010032A**
Cause No. 2020 BHSB 0027

Ms. Spriggs did not appear as requested.

B. Reinstatement

1. **Amy Marie Berns, LSW, License No. 33004391A**

Ms. Berns appeared as requested to discuss the reinstatement of her license that expired in 2004. She stated that since the expiration of her license, she has been working in New York and Virginia. She submitted copies of her continuing education certificates and a statement for the Board to review. The Board noted that Ms. Berns has only completed 38 hours of continuing education from approved providers.

Board Action: A motion was made and seconded to approve Ms. Bern's' application for reinstatement pending the submission of two (2) hours of continuing education from an approved provider and passing of the jurisprudence examination.

Harner/Viehweg
Motion carried 8/0/0

2. **Sara Jane Pendleton, LMFT, License No. 35001473A**

Ms. Pendleton appeared as requested to discuss the reinstatement of her license that expired in 2014. She stated that since the expiration of her license, she has worked in fundraising efforts in Kentucky. She submitted forty (40) hours of continuing education certificates and a statement for the Board to review. The Board asked for clarification if she held a license in Kentucky. Ms. Pendleton stated that she did not hold a license as the work she was doing did not require a license. She stated that she last practiced as a MFT in 2006. She stated that she did informal work up to 2014.

Board Action: A motion was made and seconded to approve Ms. Pendleton's application for reinstatement pending the passing of the jurisprudence examination.

Gardner/Brenner
Motion carried 8/0/0

3. Tonia Leeann Sennott, LSW, License No. 33005459A

Ms. Sennott appeared as requested to discuss the reinstatement of her license that expired in 2012. She stated that since her license expired, she has been a full-time mom. She submitted 60 hours of continuing education certificates and a statement for the Board to review.

Board Action: A motion was made and seconded to approve Ms. Sennott's application for reinstatement pending the passing of the jurisprudence examination.

Harner/Viehweg
Motion carried 7/0/0 (Stockton not present.)

4. April Trench, LMHC, License No. 39000801A

Ms. Trench appeared as requested to discuss the reinstatement of her license that expired in 2006. She stated that she has primarily been licensed and working as a school counselor. She also informed the Board that she has an expired LCSW license, and her intention is to reinstate that license at a different time. She submitted copies of her continuing education certificates and a statement for the Board to review. The Board noted that she has only submitted 39 hours of approved continuing education and she has not taken and passed the NBCC NCMHCE examination since she was not required to have the examination at the time licensure was granted.

Board Action: A motion was made and seconded to approve Ms. Trench's application for reinstatement pending the passing of the NCMHCE exam, passing the jurisprudence exam, and submission of 1 hour of continuing education from an approved provider.

Viehweg/Brenner
Motion carried 7/0/0 (Stockton IT issues, not present.)

C. Application

1. Terrell Jermaine Brown (LCACA)

Mr. Brown appeared as requested to discuss his yes response to “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?” Mr. Brown submitted a statement and supporting documents for the Board to review. In 2002, pled guilty to an OWI charge. Completed a diversion program and upon completion the OWI charge was reduced to reckless driving. In 2008, charged with criminal misdemeanor. The event was precipitated by being accused of using excessive force while working as a correctional officer. Found not guilty in a jury trial. Mr. Brown is a 2021 graduate of Indiana Wesleyan University.

Board Action: A motion was made and seconded to approve Mr. Brown’s clinical addiction counselor associate application and approve him for his examination.

Brenner/Gardner
Motion carried 8/0/0

2. Ciara R. Burks (LMHCA)

Ms. Burks appeared as requested to discuss her yes response to “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 provided a statement and supporting documents for Board review. In 2018, she was arrested and subsequently charged with reckless driving, a misdemeanor. Applicant signed a plea agreement related to the charge and was given terms of criminal probation which have since been completed.

In 2020, Ms. Burks was arrested and subsequently charged with Operating a Vehicle While Intoxicated Endangering a Person, a misdemeanor. Applicant signed a plea deal related to this charge that included terms of criminal probation which are still pending. Ms. Burks has completed an alcohol assessment as required by the courts and they determined that treatment was not required. She stated that she no longer drinks as she saw herself getting into a pattern. She informed the Board that she is currently working with a lawyer

in order to expunge her record. Ms. Burks is a 2020 graduate of Indiana State University.

Board Action: A motion was made and seconded to put Ms. Burk's license on indefinite probation to coincide with her criminal probation with the following terms and conditions:

1. Applicant may not petition the Board to withdraw probation until the terms of her criminal probation have been fully adjudicated and completed.
2. Applicant shall submit to the Board a substance abuse evaluation conducted by a qualified licensed professional.
3. Applicant shall keep the Board informed of the following information and update it as necessary:
 - a. Applicant's current home address, mailing address and residential telephone number;
 - b. Applicant's place of employment, employment telephone number, and name of supervisor; and
 - c. Applicant's occupation title and work schedule, including the number of hours worked per week.
4. Applicant shall promptly notify the Board of any arrest.
5. Applicant shall not violate any federal or state laws, rules or regulations governing the practice of mental health counseling or any other statutory provisions which apply to all the health professions.
6. The failure of Applicant to comply with the terms of this Order may subject Applicant to a show cause hearing and the imposition of further sanctions.

Viehweg/Harner
Motion carried 8/0/0

3. John Anthony Clarizo (LSW)

Mr. Clarizo did not appear. He will be rescheduled.

4. Samara M. Mandujano Fuentes (LMHCA)

Ms. Fuentes appeared as requested to discuss her yes response to "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 submitted a statement and supporting documents for the Board to review. In 2017 she was arrested for battery. She completed a diversion program, and the charges were dismissed. She completed community service before it was dismissed. Ms. Fuentes stated that she is going through the courts currently for a recent arrest that occurred on July 8, 2021. A court date has been set for August 27, 2021. She explained that the new arrest

occurred after she had a meal with friends, and she consumed two drinks. She hit a pole in a parking garage and was arrested for Operating a Vehicle While Intoxicated. She is currently working with her attorney on that charge and has completed an alcohol assessment which only recommended that she complete a two-day alcohol course and counseling. Ms. Fuentes is a 2021 graduate of Purdue University Fort Wayne.

Board Action: A motion was made and seconded to approve Ms. Fuentes' application to take the NCE examination and to place her temporary permit and license upon successful completion of the examination, on indefinite probation until the completion of her criminal case with the following terms and conditions:

1. Applicant may not petition the Board to withdraw probation until her criminal charges have been fully adjudicated and any probationary or sentencing terms adjudicated and completed.
2. Applicant shall submit to the Board a substance abuse evaluation conducted by a qualified licensed professional.
3. If treatment is recommended as a result of Applicant's substance abuse evaluation, Applicant shall cause the treating professional to submit quarterly reports to the Board regarding the status of and Applicant's compliance with the treatment recommendations.
4. Applicant shall submit quarterly reports to the Board regarding progress with employment, criminal charges or probation, and substance abuse treatment.
5. Applicant shall cause her employer to submit quarterly reports to the Board regarding her employment performance.
6. Applicant shall keep the Board informed of the following information and update it as necessary:
 - a. Applicant's current home address, mailing address and residential telephone number;
 - b. Applicant's place of employment, employment telephone number, and name of supervisor; and
 - c. Applicant's occupation title and work schedule, including the number of hours worked per week.
7. Applicant shall promptly notify the Board of any new arrest or charges.
8. Applicant shall not violate any federal or state laws, rules or regulations governing the practice of Licensed Mental Health Counselors or any other statutory provisions which apply to all the health professions.
9. The failure of Applicant to comply with the terms of this Order may subject Applicant to a show cause hearing and the imposition of further sanctions.

Viehweg/Harner

Motion carried 7/0/0 (Stockton IT issues, not present.)

5. Nathan Garlick (LCSW)

Mr. Garlick appeared as requested to discuss his employment, supervision hours, and his yes response to "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?" Mr. Garlick submitted a statement and supporting documents for the Board to review. He does not currently hold an LSW license in the State and graduated in 2009 from Florida Atlantic University. The Board asked for clarification on how he obtained his hours for the LCSW application if he did not hold a license in our state. Mr. Garlick explained that he was informed by his supervisor that his position did not require a license, and that the IPLA website stated that as a 2009 graduate he did not need a license. Board staff clarified for the Board that the website had said that years ago, but the current pages do not indicate that information. Some individuals still find that page on old google searches and bookmarks. The Board stated that in order to work and call themselves a therapist, you must hold a license. To do so without a license is against the law. The Board advised him that he will need to advise Adult and Child Mental Health Center that they might be practicing against the current laws in Indiana. The Board stated that there was a period of time that did allow what he was speaking about, but that window closed over four years ago. After that time practioners are required to hold a license. The Board advised him to pursue the LSW license. In 2014, he was convicted for heroin and cocaine and released from probation in 2017. The Board asked him what he learned from his arrest. He stated that after that incident he has earned a wealth of experience regarding the twelve-step program, which has enhanced his experience in the field. He is working in his recovery, and he is now a sponsor for others.

Board Action: A motion was made and seconded to approve Mr. Garlick's application for social work and approval to sit for the ASWB Masters examination.

Harner/Viehweg

Motion carried 6/0/0 (Stockton had IT issues, not present. Gardner not present.)

6. Janice A. Gary (LBSW)

Ms. Gary appeared as requested to discuss her yes response to "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 submitted a statement and supporting documents for the Board to review. She stated that her incidents occurred from the time of 1979 to 2009 which were disorderly conduct, OWI, public intoxication, and domestic battery. The Board inquired what had changed. Ms. Gary stated that after her last incident in 2009 she reflected on herself and wanted to change. She stated that she regrets what happened and her intention is to use her experience to relate with her clients.

She is currently working with DCS, and she wants to help and encourage her clients to have faith in themselves. Ms. Gary is a 2014 graduate of Indiana University.

Board Action: A motion was made and seconded to approve Ms. Gary’s application to sit for the ASWB Bachelor examination.

Harner/Viehweg
Motion carried 7/0/0 (Gardner not present.)

7. Halie Gonlag (LSW)

Ms. Gonlag appeared as requested to discuss her yes response to “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 submitted a statement and supporting documents for the Board to review. In 2020 she was convicted of an OWI. Probation was completed in April 2021. She stated that when she was in her MSW program, it allowed her to reflect on what happened in her past. She stated that per the courts she was required to complete an assessment, but they did not require any counseling or treatments. The Board asked if she had a support system. She stated that she put an emphasis on self-care and has been upfront with her employers on what happened. She is a 2020 graduate of Indiana University.

Board Action: A motion was made and seconded to approve Ms. Gonlag’s application for the ASWB Masters examination.

Harner/Viehweg
Motion carried 7/0/0 (Gardner not present.)

8. Kristen Grilliot (LSW)

Ms. Grilliot appeared per her request to for a 90-day waiver to sit for her ASWB Masters examination. She informed the Board that her employment requires her to have her license, and they cannot keep the position open indefinitely. She stated that she has taken the exam four (4) times, and finds herself overthinking, and being anxious. She stated that she has a mentor, review packets, study groups, and the official ASWB study guide. The Board encouraged her to reach out to obtain testing accommodations if she has test anxiety. The Board stated that they can only grant the 90-day waiver once, so this will be her only waiver issued by this Board.

Board Action: A motion was made and seconded to grant Ms. Grilliot’s request for a 90-day waiver to retake the ASWB Masters examination.

Harner/Viehweg
Motion carried 6/0/0 (Gardner not present. Stockton not present.)

9. Nakeia Jones (LCSW)

Ms. Jones did not appear. She will be rescheduled.

10. Christine Rodriguez (LMHC)

Ms. Rodriguez appeared as requested to provide clarification on her post-degree private practice hours. The Board stated that mental health associates cannot be in private practice and provide those hours to obtain licensure. Ms. Rodriguez submitted documentation that shows she was supervised while in private practice. She stated that she worked in an office and had two separate supervisors that worked in the private practice. She informed the Board that the billing was done under her name, and she was her own entity. The Board expressed concerns on the ethical ramifications of the hours. The Board stated that she can be employed by a private practice and be supervised by that practice; however, she is saying she is the owner of the private practice, and she is employing her own supervisor. Ms. Rodriguez provided the clarification that emergency care liability goes through her, and she does review clients and has supervised meetings every week with the supervisors. Ms. Rodriguez stated that she can provide a copy of the supervisor contract she has with her supervisor if the Board needs to see how oversight is done. Mr. Richardson stated that he can review the contract once it has been received.

Board Action: A motion was made and seconded to approve Ms. Rodriguez’s application to sit for the NCMHCE examination pending receipt of the contract for she has implemented with her supervisor for review by Mr. Richardson.

Brenner/Harner
Motion carried 6/0/0 (Gardner not present. Stockton not present)

11. Alexander Shaffer (LSW)

Mr. Shaffer appeared as requested to discuss his yes response to the questions “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?” and “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?” Mr. Shaffer submitted a statement and supporting documents for the Board to review. In 2016 and 2017 Mr. Shaffer was convicted of OWI’s. Completed a program at Hazeldon in St. Paul, Minnesota. He stated that he is currently employed at Hope Academy and is working with kids. He stated

that the incidents he went through keep him grounded. Mr. Shaffer stated that he is hoping to get into private practice soon and pursue his PH.D. Mr. Shaffer is a 2021 graduate of IUPUI.

Board Action: A motion was made and seconded to approve Mr. Shaffer’s application to sit for the ASWB Masters examination.

Harner/Cunningham

Motion carried 6/0/0 (Gardner not present. Stockton not present.)

12. Casey Lynn Wilson (LSW)

Ms. Wilson appeared as requested to discuss her yes response “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. Wilson submitted a statement and supporting documents for the Board to review. In 2018, Ms. Wilson was convicted of a DUI. She stated that she was pulled over after she attended an event with friends. She stated that she was just over the legal limit and has complied with all terms set forth by the court. She stated that her intention is to be a school social worker. Ms. Wilson is 2020 graduate of Indiana University.

Board Action: A motion was made and seconded to approve Ms. Wilson’s application to sit for the ASWB Masters examination.

Harner/Viehweg

Motion carried 6/0/0 (Gardner not present. Stockton not present.)

VI. PROPOSED SETTLEMENT AGREEMENT

A. Joy E.P. Bell, L.M.H.C., License No. 39001547A

Cause No. 2021 BHSB 00008

Parties Present:

Respondent was not present

Counsel for Respondent Ashley Roncevic present

Carah Rochester, Deputy Attorney General, Office of the Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC (Hearing Officer)

Andrew Harner, LCSW

Stephan Viehweg, LCSW

George Brenner, LCAC

Elizabeth Cunningham, D.O.
Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about June 3, 2021, a Consumer Complaint was filed against Ms. Bell with allegations that she failed to report suspected child abuse. A Proposed Settlement was reached on or around August 16, 2021, with the following terms:

- That both Ms. Bell and the State voluntarily waive their rights to a public hearing on the Administrative Hearing, and all other proceedings in this action which either party may be entitled by law, including judicial review.
- That Ms. Bell agrees that the terms of the Agreement resolve any and all claims and allegations relating to disciplinary action against her LMHC license.
- That Ms. Bell's LMHC license shall be placed in Indefinite Probation for no less than one (1) year with the following stipulations:
 - Ms. Bell shall complete twelve (12) hours of continuing education in that area of professionalism/ethics and law. She must submit proof of completion to IPLA.
 - Ms. Bell shall provide a copy of all Board orders to her employer, who shall sign the Order within ten (10) days of employment or receipt of the Order. Should her employer change, she shall submit a new signed Order from her employer within ten (10) days of her beginning employment.
 - If Ms. Bell is self- employed, she shall have a Practice Monitor audit her cases on a quarterly basis and submit quarterly reports to the Board of their audit. The practice monitor shall be a LMHC or LCSW in Indiana and not have any disciplinary sanctions against their license by the Board.
 - Ms. Bell must keep the Board apprised of her contact information including her mailing address, e-mail address, and phone number.
 - Ms. Bell shall comply with all statute and rules regulating the practice of mental health counseling and report any future arrests, instances of substance abuse, work discipline or termination to the Board in writing.
 - Ms. Bell shall make two (2) personal appearances before the Board.
 - Ms. Bell shall pay \$5.00 to the Health Records and Personal Identifying Information Protection Trust Fund.

The State requests that the Board accept the Proposed Settlement Agreement.

Board Action: A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Ms. Bell.

Brenner/Viehweg
Motion carried 6/0/0

VII. ADMINISTRATIVE HEARINGS

- A. **Kelly King, LMHC, License No. 39003049A**
Cause No. 2021 BHSB 0011
Re: Extension of Summary Suspension

Parties Present:

Respondent was present with counsel Will Lawson
Ryan Eldridge, Deputy Attorney General, Office of the Attorney General
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC (Hearing Officer)
Andrew Harner, LCSW
Stephan Viehweg, LCSW
George Brenner, LCAC
Elizabeth Cunningham, D.O.
Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about August 5, 2021, Ms. King's license was summarily suspended by this Board. The State requests that Ms. King's summary suspension be extended as she remains a clear and present danger to the public. Mr. Lawson stated the Ms. King is not a clear and present danger, and that the allegations against her are not accurate. Mr. Eldridge requested the Board take judicial notice of Ms. King's file and review Exhibit A, B, and C. Mr. Lawson objected to Exhibit B as that is a list of pending criminal charges, and that they are not filed charges. The Board accepted the Exhibits and noted Mr. Lawson's concerns.

Mr. Lawson called Ms. King as witness. Ms. King stated that she is aware of the allegations put forth against her. She confirmed that KB was an intern underneath her and explained how the internship was conducted during the pandemic. Ms. King stated that the arrangements for the internship were approved by the Assistant Director of the Bowen Center. Ms. King described some of the anxieties that herself and KB had during the pandemic, and the common ground they experienced together. Ms. King stated that she felt connected to KB, and they had a good banter. She attested that the allegations of kissing and touching of private parts was untrue. She stated that while she did have romantic thoughts, she never acted upon them. She stated that the allegations that she smacked KB's bottom and provided her alcohol, though she was a minor, are also untrue. Ms. King reported that she had an OWI in 2018 that impacted her greatly. She stated that her employer and KB were aware of her sexual orientation. Ms. King stated that she had a conversation with KB about their own orientation. The State objected to the statement based upon hearsay. The Board stated they will accept the testimony but will caution and weigh it appropriately. Ms. King stated that based upon their conversation, KB was willing to explore with Ms. King by kissing. Ms. King expanded on her perspective regarding a romantic relationship with KB. Ms. King stated that at the end of KB's internship, communication between them remained. She affirmed that KB never filed any complaints to Ms. King until she received a message from KB months later where KB accused her of pressuring her into kissing. Ms. King stated that she reported the information to her director about the allegations immediately. Her director advised her to have no contact with KB. Ms. King stated that her employment investigated and terminated her employment. She stated that she was informed of a police investigation after she was terminated from her employment. Ms. King informed the Board that she is has been in counseling for three (3) years ~~and sees them~~ once (1) a week. She stated that she would have done things differently, and not taken so much work on at once. Ms. King submitted Exhibit 1-6 as a character reference(s). The State objected as Ms. King did not submit it for the hearing until the night before. The Board accepted the

State's objection, and the Exhibits were not submitted. Ms. King stated that this experience has made her more aware of her interactions with others. She stated that prior to this incident, she maintained a high retention record with her clients. The State asked Ms. King if she had any prior disciplinary action. She stated that in 2017 she failed to meet her employment service hours, but otherwise has had no discipline. The State asked Ms. King if she has been criminally charged, she stated that she was charged with serving alcohol to a minor and battery. She stated that there is also a no contact order against her from KB. Ms. King stated that the allegations against her are untrue.

The State concluded that the facts of Ms. King's case remain the same such as the criminal charges, and previously submitted Exhibits and testimony. The State affirmed that Ms. King admitted to having romantic feelings towards KB prior to the events that led us here. The State affirms Ms. King is still a clear and present danger.

Mr. Lawson stated that Ms. King is not a danger to the public. He stated that this incident occurred during the pandemic when times were strained for everyone. Mr. Lawson stated that he finds exception to the States character reference towards Ms. King and the only discipline against Ms. King was one employment discipline years ago.

Board Action: A motion was made and seconded to continue the Summary Suspension in the matter of Ms. King.

Viehweg/Harner
Motion carried 6/0/0

- B. Tobyn Linton, LMHC, LCAC, License No. 39001582A, 87000462A**
Cause No. 2021 BHSB 0016
Re: Petition for Summary Suspension

Parties Present:

Respondent was present with counsel Drake Land
Carah Rochester, Deputy Attorney General, Office of the Attorney General
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC (Hearing Officer)
Andrew Harner, LCSW
Stephan Viehweg, LCSW
George Brenner, LCAC
Jacqueline Eitel, RN, Consumer Member
Elizabeth Cunningham, D.O.
Kelley Gardner, LMFT

State Witness

SaTerra Gillbert
Holly Homan

Melody Short

Case Summary: On or about July 2021 it was alleged that Mr. Linton engaged in a sexual relationship with a client. The State affirmed that Mr. Linton is a clear and present danger to the public. Mr. Land stated that a suspension of Mr. Linton's license is an extreme measure, and Mr. Linton has had no previous disciplinary action against his license in the past.

The State called SaTerra Gillbert as witness, now known as SG. SG stated that she entered group therapy with Mr. Linton at her treatment center and started feeling romantic feelings towards him. She stated that nothing occurred until July when they started exposure therapy. She stated that she had informed him of her feelings of attraction in March, and he assured her it was transference. She stated that after that his office location changed to the basement, at the atmosphere was more intimate. SG informed the Board that she attended three (3) exposure therapy sessions with Mr. Linton in July. SG explained to the Board how each session was conducted. She stated that the sessions made her feel confused and she briefly explained some of her past history and why she felt that way. SG stated that Mr. Linton did have a conversation with her about the techniques. The State submitted Exhibit A with no objections from Mr. Land. Exhibit A are copies of the text messages between Mr. Linton and SG. She stated that if she looks at the sessions objectively it was no concern for her; however, if someone outside of her sessions had known what was occurring, the sessions would not have happened. She stated that she filed the complaint after the sessions, due to the urging from others after they heard about what occurred in the sessions. She stated that she was told by Mr. Linton not to inform her sponsor about the therapy.

The State called Holly Homan as witness. Ms. Homan stated that she has held a LCSW and LCAC license in the State of Indiana since 2010. Ms. Homan stated that she was Mr. Linton's clinical supervisor and compliance officer. Ms. Homan stated that she is aware Mr. Linton received boundary training and can confirm that SG was a patient of Mr. Linton. She stated that SG's sponsor reached out to her with concerns. She stated that she spoke with Mr. Linton about the allegation, and he would be on administrative leave until an investigation was completed. The State submitted Exhibit B which is a copy of the text messages from SG's sponsor and Ms. Homan. Mr. Land objected to the exhibit due to its authenticity. He stated you cannot tell from the screen shots who each party is. SG later confirmed that this was a text message chain that she was involved in. Mr. Land withdrew objection on authenticity but affirmed that it was hearsay evidence. The Board accepted the Exhibit as hearsay evidence. Ms. Homan stated that she did have a conversation with Mr. Linton about transference. Ms. Homan stated that their employment does not do exposure therapy. She stated that for specific traumas, exposure therapy can verge into grooming. She did confirm that Mr. Linton's office was moved to the basement as their office expanded, and Mr. Linton expressed the need for more space.

The State called Melody Short as witness. Ms. Short stated that she is familiar with Mr. Linton since 2010. She is currently working as a Clinical Director and has experience as a clinical manager and compliance officer. She stated that she can confirm the same information as Ms. Homan. Ms. Short stated that she spoke with Mr. Linton while he was on administrative leave, and that she is involved in the investigation as his place of employment. She informed the Board that she cannot give details on this matter as it is still under investigation. She did review Mr. Linton's patient notes for SG which did report exposure therapy. She stated that Mr. Linton has not had any boundary issues before, and that they did discuss transference. She affirmed that prior to the start of the sessions, Mr. Linton did bring up the topic of exposure therapy in a group discussion. They had discussed the techniques and the importance of re-establishing boundaries during the session. She stated that after that discussion, exposure therapy was not brought up again. She stated that she expressed suspicion of what occurred when the investigation started, and she reviewed the text messages. She affirmed that what was in the text messages did not align with the information that Mr. Linton reported to the office.

Mr. Land called Mr. Linton as witness. Mr. Linton stated that he has held his LMHC and LCAC licenses since 2003. He affirmed that SG made a lot of progress in her sessions, and his intension with the exposure therapy and coping skills was to allow her to manage her sensations when issues came up. He stated that he usually does not conduct exposure therapy with patients, and if he could change what occurred, he would have completed more of an in-depth training overview on how to complete the procedure. He affirmed that SG brought up the transference with him, and he did reach out to Ms. Short to discuss the matter with her. He stated that there were no issues until the exposure therapy sessions. He stated that his own emotions during that session got away from himself. He affirmed that after the sessions, he is aware that he crossed a professional boundary, and has not seen SG in a professional capacity since those sessions. The Board questioned how Mr. Linton came to the idea of exposure therapy for this situation. Mr. Linton stated his intentions to minimize impact. He stated that he did go over all the details of the sessions with SG before any of them occurred. He stated that the reason he urged her not tell of the sessions was due to the fact that SG expressed that she was uncomfortable with therapy.

The State~~d~~ concluded that based upon the Exhibits and witnesses presented today, that Mr. Linton is a clear and present danger to the public. He has engaged in harmful therapy to a patient experiencing transference, encouraged her to not talk about it to others, and did not ensure proper supervision from his clinical supervisors.

Mr. Land concluded that the definition of present danger to the public is the fear that Mr. Linton will repeat the pattern of behavior. He has not expressed this pattern in the past, and there is no evidence that this pattern will continue in the future. He agrees that Mr. Linton might need to reaffirm professional boundaries.

Board Action: Based upon the testimony and evidence presented, a motion was made and seconded to issue a summary suspension in the matter of Mr. Linton.

Harner/Brenner
Motion carried 7/0/0

- C. John DeMarsilis, LMHC, License No. 39003327A**
Cause No. 2021 BHSB 0017
Re: Petition for Summary Suspension

Parties Present:

Respondent not present
Carah Rochester, Deputy Attorney General, Office of the Attorney General
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC (Hearing Officer)
Andrew Harner, LCSW
Stephan Viehweg, LCSW
George Brenner, LCAC
Jacqueline Eitel, RN, Consumer Member
Elizabeth Cunningham, D.O.
Kelley Gardner, LMFT

Case Summary: On or about August 19, 2021, a Petition for Summary Suspension in the matter of Mr. DeMarsillis. On August 22, 2021, Mr. DeMarsillis filed a Voluntary Summary Suspension Agreement. Mr. DeMarsillis agrees to the suspension of his license for a period of ninety (90) days. Mr. DeMarsillis reported to his place of employment that he has relapsed. The State affirms that due to his relapse he is determined to be a clear and present danger to the public and requests the Board accept Mr. DeMarsillis' agreement to the suspension of his license.

Board Action: A motion was made and seconded to accept the Voluntary Summary Suspension Agreement in the matter of Mr. DeMarsillis for a period of 90 days.

Gardner/Harner
Motion carried 6/1/0 (Brenner no)

VIII. DISCUSSION

There were no discussion items.

IX. APPLICATIONS FOR REVIEW

A. Ann Cowley (LMHC)

Ms. Cowley is a LMHC applying by reciprocity in our State. She has taken the EPPP examination, but the passing score for the EPPP exam for the State of Indiana is a 500 for a psychology license. Ms. Cowley is requesting the Board to accept her examination as an equivalent examination for licensure as an LMHC. The Board stated that she does not qualify for reciprocity as she does not hold a Mental Health license in the state of Minnesota, but rather a master level psychology license. The Board requested a copy of her Minnesota psychology application and transcripts to see if she meets licensure requirements.

X. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General's office reported to the Board that they have 82 open complaints and they have closed 85 since the beginning of the year. The average age of the open complaints is 5.8 months. There are currently 18 open litigation cases with only 9 opened this year. The average duration of the litigation cases are 6.9 months.

XI. FORMAL ADOPTION OF APPLICATION REVIEWS

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

Viehweg/Brenner
Motion carried 7/0/0 (Gardner not present. Stockton not present.)

XII. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

There are no continuing education sponsor applications for review.

XIII. OLD/NEW BUSINESS

There was no old/new business to discuss.

XIV. ADMINISTRATOR'S REPORT

There was no Administrator's report.

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 7:04 p.m. by general consensus.

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

Date