

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

Minutes

November 13, 2023

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Dianna Cooper-Bolinskey called the meeting to order at 9:00 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:

Dr. Dianna Cooper-Bolinskey, LCAC, LCSW, Board Chair
Jon Ferguson, LMFT, LCAC, Vice Chair
Kelley Gardner, LMFT, LMFT Section Chair
Katy Adams, LCAC, LCSW
C. Martin Justice, LMHC, LCAC
Andrew Harner, MSW, LCSW, SW Section Chair, Board Designee
Stephan Viehweg, MSW, LCSW
Peter Karalis, M.D., Psychiatric Physician Member

Board Members Not Present:

Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC Section Chair
Jacqueline Eitel, RN, Consumer Member
Peter Karalis, M.D., Psychiatric Physician Member (left early)

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.

Justice/Gardner
Motion carried 8-0-0

III. APPROVAL OF MINUTES

The minutes of January 23, 2023 and February 27, 2023 are under review.

IV. PERSONAL APPEARANCES

A. Probation

1. **Dennis-James Dutcher, LMHCA, Temporary Permit No. 99117079A**
Cause No. 2023 BHSB 0015

Mr. Dutcher appeared as requested to discuss his ongoing probation. He discussed the continuing education trainings he has completed and what he learned from them. He provided a copy of his supervision report and discussed his progress. The Board discussed how he can petition to withdraw probation.

2. **Amy Holbert, LCACA, LMHCA, License No. 87001712A, 88001890A**
Cause N. 2021 BHSB 0004, 2022 BHSB 0015

Ms. Holbert did not appear.

3. **Kevin Pollert, LCSW, License No. 34006077A**
Cause No. 2023 BHSB 0012

Mr. Pollert did not appear. He sent an email to the Board which indicated that he is not currently practicing in the state of Indiana and that he is now in the state of Kentucky. He indicated he was unable to travel due to his health. The Board noted that his order requires him to appear quarterly. The Board discussed options on determining if this is considered violating his probation or to allow a grace period. The Board requested that Mr. Pollert be rescheduled.

4. **Alejandro Zapata Benitez, LCACA, Temporary Permit No. 99119919A**
Cause No. 2023 BHSB 0031

Mr. Zapata Benitez appeared as requested to discuss his ongoing probation. He stated that he is currently employed at the US Committee for Refugees and Immigrants as a social worker. He stated that he has not completed his continuing education requirements because of the shift in employment. Mr. Zapata Benitez stated his role just started September 25th and he did not yet report the change to the Board. The Board expressed concerns of him practicing as a Social Worker as he does not currently have a license or degree in Social Work. Mr. Zapata Benitez stated that he is doing case management work. The Board discussed title protection with him. He stated that his current supervisor Sarah Taylor resides in Chicago, and she holds an MSW. Mr. Zapata Benitez stated that he also works at the Monumental Behavioral Health under Dr. Perry, HSPP.

The Board inquired if Mr. Zapata Benitez has read the terms of his license probation. He indicated that he did. The Board noted that they have not received a signed order from either of his supervisors or supervision reports. Mr. Zapata Benitez stated that his 2nd job is not in addictions, so he did not have to have the order signed. The Board noted that it states employment, and it needs to be submitted within 10 days of starting his employment. Mr. Zapata Benitez stated that he works at the clinic 18-20 hours per week, and at the with the Committee for Refugees and Immigrants 40 hours per week. The Board discussed their concerns regarding his employment and that he has not followed his order. Mr. Zapata Benitez stated that he has not lied about what he is doing, and he is trying to be compliant.

B. Reinstatement

1. **Megan Lammert, LSW, License No. 33008995A**

Ms. Lammert did not appear. The Board reviewed her submitted documentation and noted concerns of potential unlicensed practice.

The Board requested that Ms. Lammert be rescheduled.

2. **Janice Skipper, LSW, License No. 33003225A**

Ms. Skipper did not appear. The Board reviewed her submitted documentation and noted concerns that she is practicing in Indiana without a license. The Board is required to act on her reinstatement due the statutory requirements.

Board Action: A motion was made and seconded to deny Ms. Skipper's reinstatement application due to her nonappearance.

Harner/Viehweg

The Board noted concerns of a denial on her record as she will have to report that to all other States on the denial.

Motion withdrawn.

A motion was made and seconded to approve the reinstatement pending completion of the law examination and filing a complaint regarding the unlicensed practice concern.

Harner/Viehweg

Motion carried 7-1-0 (Ferguson nay.)

C. Application

1. Sandra Bvungidzire (LSW)

Ms. Bvungidzire appeared as requested to discuss why she did not disclose her background. She provided a statement and supporting documentation for the Board to review. She indicated that the incident was reported only to immigration and would not be on her criminal record. Ms. Bvungidzire stated it was not her intention to not report what had occurred. She stated that immigration reviewed what occurred and she was granted asylum. She provided a summary of her current employment and an outline of her duties.

Board Action: A motion was made and seconded to approve Ms. Bvungidzire's social work application and to sit for the ASWB master's examination.

Harner/Viehweg

Motion carried 8-0-0

2. Grace Long (LMHCA)

Ms. Long appeared as requested to discuss her yes response regarding her background. She provided a statement and supporting documentation for the Board to review. She indicated that all matters with the courts have been resolved and discussed how it impacted her with the Board.

Board Action: A motion was made and seconded to approve Ms. Long's mental health counselor application and to sit for the NBCC NCE examination.

Justice/Gardner

Motion carried 8-0-0

3. Alexandra McCorkle (LMHCA)

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

4. Ruth Myers (LMHCA)

Ms. Myers appeared as requested to provide clarification on her work history. She graduated in August 2022 and indicated that she has been working as a therapist since September 2022. She provided a summary of her job duties for the Board to review. The Board discussed unlicensed practice with Ms. Myers.

Board Action: A motion was made and seconded to approve Ms. Myer’s mental health counselor associate application and to sit for the NBCC NCE examination. Upon passing issue her license on the following probation terms:

- The Applicant’s license shall be on **INDEFINITE PROBATION**. The Applicant may not petition for withdraw of the probation for at least three (3) months from November 13, 2023.
- The Applicant must keep the Board apprised of the following information in writing and update it as necessary:
 - The Applicant’s current home address, mailing address, e-mail address and residential telephone number.
 - The Applicant’s place of employment, employment telephone number, employment e-mail address and name of supervisor.
 - The Applicant’s title and work schedule, including the number of hours worked per week.
- The Applicant shall take at least ten (10) Continuing Education Units (“CEUs”) in ethics or licensure and submit documentation of those CEUs to the Board.
- The Applicant shall provide copies of this Order signed by any employers within fifteen (15) days of the issuance of the Order. If Applicant starts or secures different employment, Applicant shall provide a copy of the Board Order signed by the new employer within ten (15) days of starting employment.
- The Applicant shall take and pass the jurisprudence examination.
- The Applicant shall have at least ONE (1) personal appearance before the Board to discuss progress with the terms of this Order.
- Applicant shall cause her employer to submit QUARTERLY written employment supervision reports to the Board.
- The Applicant shall comply with all statutes and rules regulating the practice of mental health counseling and report any future arrests, work discipline, or terminations to the Board immediately in writing.
- The failure of the Applicant to comply with the terms of this probation may subject Applicant to a show cause hearing and the possible imposition of further sanctions.

Justice/Furgeson
Motion carried 7-0-1 (Gardner abstained)

5. Kevin Prather (LSW)

Mr. Prather appeared as requested to discuss his yes response regarding his background. He provided a statement and supporting documentation for the Board to review. He discussed with the Board his support system and self-care routine.

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

Harner/Viehweg
Motion carried 8-0-0

6. Jeremy Wirtz (LMHCA)

Mr. Wirtz appeared as requested to discuss his yes response regarding his background. He provided a statement and supporting documentation for the Board to review. He discussed his support system with the Board and he is employed with Crown Counseling working with DCS.

Board Action: A motion was made and seconded to approve Mr. Wirtz's mental health counselor associate application and to sit for the NBCC NCE examination.

Justice/Viehweg
Motion carried 8-0-0

V. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default for review.

VI. PROPOSED SETTLEMENT AGREEMENT

There were no Proposed Settlement Agreements.

VII. ADMINISTRATIVE HEARINGS

A. Libby Christianson, LCSW, LMHC, License No. 34002589A, 39000270A

Cause No. 2021 BHSB 0002

Re: Petition for Reinstatement

Parties Present:

Respondent was present

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

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Dianna Cooper-Bolinsky, LCAC, LCSW, (Hearing Officer)

Jon Ferguson, LMFT, LCAC, Vice Chair

Katy Adams, LCAC, LCSW

C. Martin Justice, LMHC, LCAC

Andrew Harner, MSW, LCSW, SW Section Chair, Board Designee

Stephan Viehweg, MSW, LCSW

Peter Karalis, M.D., Psychiatric Physician Member

Case Summary: On or about August 5, 2021 a Findings of Fact and Conclusion of Law was filed against Ms. Christianson which Suspended her license with the following terms:

- Indefinite Suspension for no less than twelve (12) months

- Prior to requesting reinstatement, she must complete 20 hours of CE in boundaries, documentation, ethics, and confidentiality
- Complete a Fitness for duty evaluation by an HSPP
- Complete a graduate level course in profession and ethical standards, and submit a transcript showing completion
- Pay a fee of \$5.00 to be Deposited in the Health Records and Personal Identifying Protection Trust Fund.

Ms. Christianson has submitted requests to reinstate and met with the Board on or about October 31, 2022 and on or about July 9, 2023. The Board took notice of her file in Exhibits A, B, and C which are copies of her previous hearings with regard to requesting reinstatement.

Ms. Christianson discussed what occurred that lead up to the suspension of her license. She discussed her current work in Georgia as a supervisor. She has recently started a small private practice, and there has been no disciplinary action taken on her Georgia license. Ms. Christianson presented all of her Exhibits that were provided in her previous hearings, and she stated that she has complied with all terms of the suspension.

Ms. Christianson tried to dispute the facts in her Final Order, the State objected as the appeal process to dispute the facts have passed.

Ms. Christianson discussed the continuing education courses she completed and that they were approved courses in Georgia. The State objected to some of the continuing education courses Ms. Christianson submitted as the topics do not appear to cover the criteria listed in the Order, and there is nothing from Georgia approving the continuing education. The Board stated that they will take that into consideration.

Ms. Christianson stated that Georgia is aware of her Indiana license discipline as she did report it. She provided a letter that verifies Georgia's acknowledgement. The Board accepted the letter and noted that it only shows a thank you for submitting the documentation. They stated that it does not show that they addressed and approved it.

Ms. Christianson provided her fitness for duty evaluation. The State inquired if the HSPP received a copy of the Final Order when he completed the evaluation. Ms. Christianson stated he did not. The Board discussed the evaluation results with Ms. Christianson.

Ms. Christianson discussed how she has gone above and beyond to demonstrate she has addressed the issue. The Board discussed with Ms. Christianson her understanding of practice after her suspension. The Board inquired if her employer and supervisees were aware of the discipline. She stated that her employer was, but her supervisees do not.

The Board expressed concerns about the HSPP evaluation, and knowledge Georgia has regarding her situation as it did not appear to them that she has been transparent about her Indiana discipline. The Board indicated that the individuals could not make an informed decision without all the facts of her situation.

Board Action: A motion was made and seconded to deny Ms. Christianson's petition for reinstatement of her suspended license.

Harner/Viehweg

Motion carried 7-0-0

Dr. Karalis left the meeting.

B. Wendy L. Tucker

Cause No. 2023 BHSB 0029

Re: Order to Show Cause – Motion to Cease and Desist

Parties Present:

Respondent was present

Patrick Callahan, Respondent counsel

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

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Dianna Cooper-Bolinsky, LCAC, LCSW, (Hearing Officer)

Jon Ferguson, LMFT, LCAC, Vice Chair

Katy Adams, LCAC, LCSW

C. Martin Justice, LMHC, LCAC

Andrew Harner, MSW, LCSW, SW Section Chair, Board Designee

Stephan Viehweg, MSW, LCSW

Case Summary: On or about July 18, 2023 an Order to Cease and Desist was issued to Ms. Tucker as she was practicing and representing herself as a mental health counselor and marriage and family therapist without holding the license to practice. On or about August 28, 2023 an Order to show Cause was issued to Ms. Tucker for her to discuss the Cease and Desist. The State alleges that she is engaging in psychotherapy without a license. Mr. Callahan stated that Ms. Tucker is practicing as a pastoral counselor and is therefore exempt from licensure.

The Board discussed Ms. Tucker's attempts to obtain a license to practice, and she indicated that she has not passed the national exam for the license. She provided an overview of her counseling practice emphasizing that that focus on faith counseling. She stated that a client can opt out of the faith-based counseling and are then referred out. The State submitted their Exhibit which is a copy of the administrative complaint against Ms. Tucker. Mr. Callahan objected to some of the allegations in exhibit. The Board accepted the Exhibit with redactions.

The State reviewed Ms. Tucker's education, training, and what techniques she implements to uses to assess her clients. The State submitted Exhibits B, C, D, D1, E, F, and G. The State reviewed the exhibits of Ms. Tucker's website, advertising, and client assessment forms.

Ms. Tucker provided a summary of her training and passion for faith-based counseling. She discussed the supervision and training locations she engaged in to better serve her clients. She indicated that she is a licensed chaplin, has not engaged in any clinical work for over a year. She stated that she is in the process of updating her website to reflect that change. The Board inquired in the delay in showing that switch over on her website. She indicated that she is not the most technology savvy, but it is in process. The Board discussed how that can be confusing to clients and other individuals. The Board discussed her current staff, and the status of their licenses. The Board discussed how billing is handled with the office.

Mr. Callahan stated that Ms. Tucker is very passionate about her faith and the counseling she can do to support her community as a faith-based counselor. She is aware of the advertising issues and is in the process of correcting it.

Board Action: A motion was made and seconded to issue a Cease and Desist against Ms. Tucker.

Justice/Harner
Motion carried 6-0-0

C. Amy Grace Kreitl

Cause No. 2023 BHSB 0011

Re: Order to Show Cause – Motion to Cease and Desist

Parties Present:

Respondent was not present

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

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Dianna Cooper-Bolinsky, LCAC, LCSW, (Hearing Officer)

Jon Ferguson, LMFT, LCAC, Vice Chair

Katy Adams, LCAC, LCSW

C. Martin Justice, LMHC, LCAC

Andrew Harner, MSW, LCSW, SW Section Chair, Board Designee

Stephan Viehweg, MSW, LCSW

State Witness:

Deanna Silva, Deputy Attorney General Investigator

Case Summary: On or about March 28, 2023 a Motion for Order to Cease and Desist was sent to Ms. Kreitl as she was listing herself as a mental health counselor without holding the license to practice. On or about June 6, 2023 an Order to Show Cause was sent to Ms. Kreitl to appear and present her case. Ms. Kreitl sent an email on or about August 18, 2023 indicating that she is unable to be present at the hearing. She has not indicated that she obtained counsel to speak on her behalf. The State indicated that there have been two requests for her to appear to discuss this matter, or for her to obtain counsel to address the matter on her behalf.

Board Action: A motion was made and seconded to hold Ms. Kreitl in Default.

Harner/Viehweg
Motion carried 6-0-0

The State informed the Board that there have been two Administrative Complaints filed against Ms. Kreitl. The State called Deanna Silva as witness, and submitted Exhibit's A-F.

Ms. Silva discussed each Exhibit and how she obtained the information. The State attests that Ms. Kreitl is holding and providing services as a mental health counselor on her website, and email. They contend that based upon the Exhibits it appears that the State's concern is not only the use of the title, but also the practice.

Board Action: A motion was made and seconded to issue a Cease and Desist in the matter of Ms. Kreitl.

Justice/Harner
Motion carried 6-0-0

VIII DISCUSSION

A. Reginald Murray, LCAC, License No. 87000987A

Cause No. 2023 BHSB 0010

Re: Dr. Reginald Murray's Motion For Summary Judgment and Petitioners Response in Opposition to Respondent's Motion for Summary Judgment

Dr. Murray has submitted a request to move his hearing to December and Dismiss his case. Evan Bartel, Deputy Director of Indiana Professional Licensing Agency discussed with the Board on Dr. Murray's request. He stated that we have received a response from the State, who noted that they are willing to Dismiss the case, provided that the Board did not note any concerns. Mr. Bartel stated as there are four violations to consider, it is up to the Board to decide next steps. The Board reviewed the initial complaint, Dr. Murray's response to the complaint, and the evidence provided. The Board noted that there was enough of a concern for the State to bring the matter forward to the Board, and the Board stated that they will not accept Dr. Murray's request to Dismiss.

The Board noted that for first of the three violations are issues with billing. The Board noted that there is not sufficient evidence for them to dismiss as it appears from what has been provided there is a concern of practicing without a license.

Mr. Bartel stated then the Board could dispute the material facts or designate that the evidence does not allow the Board to make a decision.

The Board reviewed the affidavits of the HSPPs who supervised Dr. Murray. The affidavits note that the HSPPs discussed clinical work only with Dr. Murray, not billing.

Mr. Bartel noted if that was the case then he has not made designated evidence for the Board to make a decision.

The Board noted that for the 4th violation indicates that might have been practicing outside his scope of practice. The State might have seen his work as case management.

Board Action: A motion was made and seconded to deny request for summary judgement, and that Dr. Murray failed to make a case.

Justice/Harner
Motion carried 8-0-0

B. Bowen Center- Playbook

Hannah Maxey and her team discussed creating a Playbook sponsored by Lilly Endowment to help with providing information on Indiana licensure. She stated that they are currently engaging in policy research, strategic support, and data research using their license renewal

surveys and workforce reports. She talked about what they hope the Playbook will allow the public to see in regard to trends over time, and where potential shortages might be.

Ms. Maxey stated that they want to address where the shortages are. She indicated that the Bowen Center is working with the Commission of Higher Education and IPLA to provide feedback on how education meets statute.

Ms. Maxey stated that they have also reached out to various employers like Community Health Network and hospital associations to get clinical training feedback. She indicated that they would like to launch the Playbook in April. The Board discussed if they are able to include explicit language about when to start practice, so individuals are not practicing without a license. Ms. Maxey stated that the goal of the playbook is to be a resource for everyone, not just new graduates.

IX. APPLICATIONS FOR REVIEW

There were no applications for review.

X. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General's office reported to the Board that they have 8 new complaints opened with 91 current open complaints and they have closed 153 since the beginning of the year. Primarily the complaints have been from Marion County followed by Hamilton County. The content of the complaints are professional incompetence, unprofessional conduct, and unlicensed practice. The average age of the open complaints is 6.3 months and primarily against Clinical Social Workers and Mental Health Counselors.

There are currently 17 open litigation cases with only 33 closed this year. The average duration of the litigation cases are 11.1 months. The litigation has occurred mostly in Marion and Hamilton counties. The current litigation charges are for unprofessional conduct followed by unlicensed practice, lewd/immoral conduct, and criminal conviction. Primarily the charges have been filed against Mental Health Counselors and Clinical Social Workers.

XI. FORMAL ADOPTION OF APPLICATION REVIEWS

A motion was made and seconded to formally adopt the application reviews.

Justice/Harner
Motion carried 6-0-0

XII. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Ambassadors of Hope, LLC

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

Harner/Viehweg
Motion carried 6-0-0

B. West Rose Therapy and Consultation, LLC

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

Harner/Viehweg
Motion carried 6-0-0

XIII. OLD/NEW BUSINESS

The Indiana Chapter of NASW is expected to have a presentation on November 28th to discuss licensure laws. The Board noted that it would be beneficial for employers to attend.

XIV. ADMINISTRATORS' REPORT

Cindy Vaught, Board Director, noted that as of January 1, 2024 IPLA will be going paperless. There are online applications, and applicants have the ability to upload their documents directly to their pending applications. This will eliminate paper documents coming into the office and allow faster processing.

The 2024 Renewal cycle will open in December, and notices to renew will be emailed.

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 4:51 p.m. by general consensus.

Dr. Dianna Cooper-Bolinsky, LCAC, LCSW
Board Chair

Date