

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
Minutes
November 18, 2024

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Dianna Cooper-Bolinskey called the meeting to order at 9:01 a.m. in the Indiana Government Center South, Conference Center - Rooms 4 & 5, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum.

Board Members Present:

Dr. Dianna Cooper-Bolinskey, LCAC, LCSW, Board Chair
Jon Ferguson, LMFT, LCAC, Vice Chair
Kelley Gardner, LMFT, LMFT, Section Chair (present at 9:05 a.m.)
Kathryn Adams, LCAC, LCSW, Section Chair
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Section Chair
C. Martin Justice, LMHC, LCAC, Board Designee
Stephan Viehweg, MSW, LCSW, Section Chair
Peter Karalis, MD, Psychiatry Member (present at 9:04 a.m.)
Jacqueline Eitel, RN, Consumer Member

Board Members Not Present:

Licensed Clinical Social Worker - Vacant

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Brad Repass, Litigation Specialist, 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/Richardson
Motion carried 7-0-0 (Karalis and Gardner not present.)

III. APPROVAL OF MINUTES

A motion was made and seconded to adopt the minutes of October 28, 2024.

Viehweg/Ferguson
Motion carried 7-0-0 (Karalis and Gardner not present.)

IV. ADMINISTRATIVE HEARINGS

- A. Brianna Jenae Finney, LMHC, License No. 39004021A**
Cause No. 202405-BHSB-0026
Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was not present
Ryan Eldridge, Deputy Attorney General
Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Dianna Cooper-Bolinskey, LCAC, LCSW, (Hearing Officer)
Jon Ferguson, LMFT, LCAC
Kelley Gardner, LMFT
Kathryn Adams, LCAC, LCSW
Kimble Richardson, LMHC, LCSW, LMFT, LCAC
C. Martin Justice, LMHC, LCAC
Stephan Viehweg, LCSW
Peter Karalis, MD, Psychiatry Member
Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about May 16, 2024 an Administrative Complaint was filed against Ms. Brianna Finney with allegations that she provided telehealth services without obtaining a telehealth certificate prior to engaging in services. On or about October 10, 2024 a Proposed Settlement Agreement was reached with the following terms:

- Letter of Reprimand
- Pay a fee of \$5.00 into the Health Records Fund

Mr. Eldridge requested that the Board accept the agreement, and that as of July 1, 2024 the telehealth certificate is no longer required, and Ms. Finney has obtained a license to practice in the State.

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

Richardson/Justice
Motion carried 9-0-0

B. Jeanna Evans, LMHCA, License No. 88002513A

Cause No. 202408-BHS-0046
Re: Petition For Withdraw of Probation

Parties Present:

Respondent was present
Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Dianna Cooper-Bolinskey, LCAC, LCSW, (Hearing Officer)
Jon Ferguson, LMFT, LCAC
Kelley Gardner, LMFT
Kathryn Adams, LCAC, LCSW
Kimble Richardson, LMHC, LCSW, LMFT, LCAC

C. Martin Justice, LMHC, LCAC
Stephan Viehweg, LCSW
Peter Karalis, MD, Psychiatry Member
Jacqueline Eitel, RN, Consumer Member

Witness for Board:

Bradley Repass, Litigation Specialist, Indiana Professional Licensing Agency.

Case Summary: On or about August 16, 2024 the Board granted Ms. Jenna a license on probation with the following terms:

- Indefinite probation for no less than 3 months from the date of April 22, 2024.
- While on probation she agrees to complete the following terms:
 - Keep the Board up to date with her contact information
 - Keep the Board up to date with her employment and their contact information
 - Keep the Board up to date with her work title, schedule, and average number of hours worked per week.
 - Complete 10 hours of CE in the area of ethics or licensure, and submit certificate of completion to the Board
 - Submit a copy of her Final Order signed by her employer
 - Take and pass the Indiana Jurisprudence exam
 - Follow all regulations and laws in the profession and Indiana.

Ms. Evans discussed the impact of having a license on probation, and the measures she has taken to communicate unlicensed concerns with other professionals. She discussed the different committees and outreach programs she has been a part of developing with her employers and professional colleagues.

The Board swore in Mr. Repass, who attested that Ms. Evans has submitted all documentation required for her probation.

Board Action: A motion was made and seconded to grant Ms. Evan’s petition to withdraw probation.

Richardson/Justice
Motion carried 9-0-0

C. David Martin, LMHCA, License No. 88001044A
Cause No. 202408-BHS-0036
Re: Administrative Complaint & Notice of Proposed Default

Parties Present:

Respondent was not present
Whitney Cooper, Deputy Attorney General
Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Dr. Dianna Cooper-Bolinskey, LCAC, LCSW, (Hearing Officer)
Jon Ferguson, LMFT, LCAC
Kelley Gardner, LMFT
Kathryn Adams, LCAC, LCSW
Kimble Richardson, LMHC, LCSW, LMFT, LCAC
C. Martin Justice, LMHC, LCAC
Stephan Viehweg, LCSW
Peter Karalis, MD, Psychiatry Member
Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about August 5, 2024 an Administrative Complaint was filed against Mr. Martin with allegations of professional incompetence and engaging in fraud in the course of providing services. Ms. Cooper stated that attempts have been made to contact Mr. Martin to appear to address these concerns with his contact information on file. She informed the Board that adequate notice had been given and asked the Board to find him in Default.

Board Action: A motion was made and seconded to find Mr. Martin in default.

Richardson/Justice
Motion carried 9-0-0

Ms. Cooper stated that Mr. Martin's license has been expired since April 1, 2024. She submitted Exhibits 1-5 for the Board to consider. The Board accepted the exhibits. Ms. Cooper explained that the certified records obtained from FSSA shows that Mr. Martin was billing services that did not occur. She stated the client provided FSSA text messages which shows Mr. Martin would cancel the appointment, but then bill the services that were going to be sent to Medicaid. Ms. Cooper indicated one of the exhibits is a copy of the investigation that FSSA completed regarding the matter. They concluded that Mr. Martin did engage in fraud. Ms. Cooper stated that they have not been able to get in contact with Mr. Martin to determine if he is able to pay any restitution. The State requested that the Board consider either a lengthy suspension or revocation of his license.

Board Action: A motion was made and seconded that the State has met their burden of proof in Violation I and Violation II of the Administrative Complaint.

Richardson/Justice
Motion carried 9-0-0

Board Action: A motion was made and seconded to place Mr. Martin's license on indefinite suspension for no less than three (3) years. To be eligible to apply for the reinstatement of Respondent's license, Respondent must fulfill the following conditions:

- In the ninety (90) days immediately preceding Respondent’s request to reinstate the license, Respondent must submit to a Fitness for Duty evaluation by a licensed Health Service Provider in Psychology (“HSP”). Because the report is likely to contain confidential material, the HSP report regarding Respondent’s fitness for duty shall be submitted, without redaction, to the Board once completed and labeled “NOT FOR PUBLIC ACCESS.”
- Respondent shall complete Category One Continuing Education on the following topics: Twenty (20) hours on the topics of ethics and/or billing practices and twenty (20) hours on the topic of best practices for the care of children with disabilities.
- Respondent shall, within ninety (90) days of this Final Order, pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
- Should any such matters be filed against Respondent, Respondent shall submit proof of the resolution of any civil or criminal cases related to his actions while subcontracted through SBS.
- Respondent shall keep the Board informed of Respondent’s residential address, email address, and telephone number at all times.
- No violation of any statute and administrative rules.

Richardson/Justice
Motion carried 9-0-0

D. Christina Thacker, LSW, License No. 33006961A

Cause No. 202408-BHS-0045

Re: Petition For Extension of Summary Suspension

Parties Present:

Respondent was not present

Carah Rochester, Deputy Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

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

Jon Ferguson, LMFT, LCAC

Kelley Gardner, LMFT

Kathryn Adams, LCAC, LCSW

Kimble Richardson, LMHC, LCSW, LMFT, LCAC

C. Martin Justice, LMHC, LCAC

Stephan Viehweg, LCSW

Peter Karalis, MD, Psychiatry Member

Case Summary: On or about September 4, 2024 the Board placed Ms. Christina Thacker’s license on summary suspension following a hearing on August 26, 2024 where it was determined that she was a clear and present danger to the public. Ms. Rochester stated that she did reach out to Ms. Thacker to appear today via phone; however, the phone number was out of service. Ms. Rochester stated that she did get an email response from Ms. Thacker that her phone number was changed, but she did not indicate if she would be present today. It was determined that adequate notice was given to Ms. Thacker to appear, and Ms. Rochester requested that the Board extend the summary suspension of

Ms. Thacker's license for an additional 90 days. The Board inquired concerns regarding potential practicing on a suspended license based upon the testimony that Ms. Thacker provided during her last appearance. Ms. Rochester stated that the AG's office has not received a complaint or correspondence regarding that occurring; however, they could investigate her current practice if it is a concern.

Board Action: A motion was made and seconded to grant the State's motion to extend the summary suspension of Ms. Thacker's license for an additional ninety (90) days.

Viehweg/Adams

Motion carried 8-0-0 (Eitel not present.)

E. Raychel Marion Minisian, LCSW, License No. 34009430A

Cause No. 2022-BHSB-0001

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present

Carah Rochester, Deputy Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

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

Jon Ferguson, LMFT, LCAC

Kelley Gardner, LMFT

Kathryn Adams, LCAC, LCSW

Kimble Richardson, LMHC, LCSW, LMFT, LCAC

C. Martin Justice, LMHC, LCAC

Stephan Viehweg, LCSW

Peter Karalis, MD, Psychiatry Member

Jacqueline Eitel, RN, Consumer Member

Respondent Witnesses:

Patricia Hancock, LCSW

Stephan Bright, LCSW

Case Summary: On or about July 26, 2022 Ms. Minisian agreed to the following Settlement Agreement with the Board:

- Indefinite probation for no less than one (1) year.
- Complete ten (10) hours of continuing education in personal boundaries.
- Final Order signed by Employer.
- Quarterly Employment reports.
 - If engaged in private practice, she shall meet weekly with a supervisor/mentor who is an LCSW who shall review the client charts to ensure that professional boundaries are maintained. The supervisor shall submit quarterly reports
 - If not employed, Ms. Minisian shall submit quarterly self-reports.
- One (1) appearance before the Board prior to the request to withdraw probation.
- Pay a fee of \$5.00 into the Health Records Fund.
- Follow all statute and rules of the profession and the state.

Ms. Minisian submitted Exhibit's 1-6 for the Board to review. The Board accepted the exhibits which are a copy of her Order, copy of her signed board order, copy of her completed continuing education, copy of her quarterly reports, receipt that she paid the \$5.00 fee, and a written reflection. She discussed what she learned while on probation and reviewed her exhibits with the Board.

Ms. Hancock was called as witness. She supervised Ms. Minisian while she was on probation. She discussed the supervision she did with Ms. Minisian and noted no issues of concern. Ms. Hancock indicated that she has retired from the profession.

Mr. Bright was called as witness. He assumed Ms. Minisian's supervision after Ms. Hancock retired. He discussed the supervision Ms. Minisian completed with him. He noted no concerns with her performance and stated she is a top performer.

The State informed the Board that they believe Ms. Minisian has met all conditions of the probation and asked the Board to take notice of the Joint Stipulation of Facts filed in this matter.

Board Action: A motion was made and seconded to grant Ms. Minisian's petition for withdraw of probation.

Viehweg/Richardson
Motion carried 9-0-0

V. PERSONAL APPEARANCES

A. Application

1. Janis Ashburn (LMHC)

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

2. Jamichael Fann, Jr., (LBSW)

Mr. Fann, Jr. appeared as requested to discuss his background. He provided a statement and supporting documentation for the Board to review. The Board noted that his last incident occurred in 2015. Mr. Fann discussed his support system along with his professional background and volunteer work.

Board Action: A motion was made and seconded to approve Mr. Fann's application to sit for the ASWB Bachelor examination.

Viehweg/Adams
Motion carried 9-0-0

3. Chunia Graves (LMFTA)

Ms. Graves appeared as requested to discuss her marriage and family therapy application. Ms. Grave stated that she attended Pepperdine University during COVID. During this time her program and the California Board lowered the number of supervision hours required for her practicum. She stated that she obtained a California

license, and when she moved to Indiana she started working as a behavior health therapist. Ms. Graves stated that she hopes the Board will accept the hours she completed after her program to make up the supervision hour requirements. The Board informed her that work is considered unlicensed practice and cannot be accepted. The Board discussed the difference between post-degree work and practicum work. Ms. Graves stated that the work she did in her practicum is the same type of work she did after she graduated. Ms. Graves inquired why those hours could not count. The Board explained that it is unlicensed practice, and she needs to complete the hours at a university in a practicum, according to the laws. They recommended that she reach out to her university to see if they can allow her to make up the hours in order to meet state requirements. Ms. Graves discussed her frustration and struggles with the application process, and that the Board's suggestion does not resolve the issue of being issued a license.

Ms. Graves' application was tabled at this time.

4. **Ricky Jones (LMHCA)**

Mr. Jones appeared as requested with his supervisor, Alice Melinda Saylor, to provide clarification regarding his work history since graduation. He obtained his master's degree in 2016 and indicated that he has been working as a counselor since graduation at Union Chapel. Mr. Jones indicated that he has been a minister since 1992 and the work he was engaging in was pastoral counseling. The Board discussed the details of the counseling practice at Union Chapel as the website did not indicate that pastoral counseling was offered. The Board stated that they would need clarification that clients know they are receiving pastoral counseling as his supervisor holds a clinical social work credential. The Board stated that they would also like to see a copy of his pastoral credential.

Board Action: A motion was made and seconded to approve Mr. Jones' mental health counseling associate application pending receipt of additional documentation.

Richardson/Justice
Motion carried 9-0-0

5. **Jonathan Mitchell (LMHCA)**

Mr. Mitchell appeared as requested to discuss his response regarding his background. He provided a statement and supporting documentation for the Board to review. The Board inquired if his 2021 incident has been resolved by the courts. Mr. Mitchell provided the Board with a summary of events that led up to the incident. He stated that he attends therapy and maintains self-care.

Board Action: A motion was made and seconded to approve Mr. Mitchell's application to take the NBCC NCE examination.

Richardson/Justice
Motion carried 9-0-0

6. Julie Moeller (LMHCA)

Ms. Moeller appeared as requested to provide clarification of her work history since she graduated in December 2023. She indicated that she has been working at Mosaic Counseling since graduation. She informed the Board that she does not call herself a licensed professional and informs her clients that she does not have a license. The Board discussed the distinction between doing the practice of mental health, even if she does not call herself a mental health counselor. She discussed her confusion on the application process and that stated that she did not know how to apply differently. The Board discussed when she would be able to start counting her post-degree hours, that she qualifies for the “first available exam” section that allows hours to count prior to the license provided they take the 1st available exam after graduation.

Board Action: A motion was made and seconded to approve Ms. Moeller’s application to sit for the NBCC NCE examination.

Richardson/Justice
7-2-0 (Furgeson and Gardner nay.)

7. Sarah Owens (LCACA)

Ms. Owens did not appear as requested. She will be rescheduled.

8. Cynthia Whitten (LSW)

Ms. Whitten appeared as requested to discuss her response regarding past action against a license she held. She provided a statement and supporting documentation for the Board to review. She indicated that she had to resolve matters with the Nursing Board, and to address the nursing employment requirements. She stated that she has resolved all matters with the Nursing Board and is ready to obtain her social work license. She provided the Board with a summary of how she is preparing for the examination and addressing her self-care, so she does not enter into a similar position as with her nursing license.

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

Viehweg/Adams
Motion carried 9-0-0

9. Loren Wykoff (LCAC)

Mr. Wykoff appeared as requested to provide clarification of his work history. He indicated that he had been listening to the meeting and understood that he was engaging in the unlicensed practice. He stated that he has been working at Meridian Health services for five years. The Board discussed steps to move forward, and when he can start counting his post-degree hours.

Board Action: A motion was made and seconded to switch Mr. Wykoff's application to the clinical addiction counselor associate, approving him to test, and upon passing the examination issue his license on probation with the following terms:

- Indefinite probation for no less than six (6) months.
- Take and pass the Indiana jurisprudence examination.
- Ten (10) hours of continuing education in the area of ethics and licensure.
- Submit a copy of the probation order signed by his employer.

Adams/Viehweg
Motion carried 9-0-0

B. Reinstatement

1. Tina Huffman, LMHC, LCAC, License No. 39000240A, 87000725A

Ms. Huffman appeared as requested to discuss the reinstatement of her license that was retired in 2022. She provided a statement and twenty (20) hours of continuing education for the Board to review. She indicated that she has been working at a nursing home since she retired and gave a summary of her duties. She indicated that now with the ease of telehealth, she wishes to return to practice so she could work remotely.

Board Action: A motion was made and seconded to approve Ms. Huffman's application to reinstate her licenses.

Richardson/Adams
Motion carried 9-0-0

2. Danny Lackey, LMFT, LSW, License No. 35000851A, 33001869A

Mr. Lackey appeared as requested to discuss the reinstatement of his marriage and family therapy and social work license which expired in 2006. He provided a statement and forty (40) hours of continuing education for the Board to review. He stated that after his license expired, he remained in the field, but in a more administrative and teaching capacity. He stated that he wished to reinstate his licenses to help support the system. The Board discussed reinstatement options as he obtained his license by grandfathering and did not take either of the national examinations.

Board Action: A motion was made and seconded to approve the reinstatement of Mr. Lackey's marriage and family therapist and social work license pending the taking and passing of the ASWB Master examination and AMFTRB Examination.

Gardner/Viehweg
Motion carried 9-0-0

VI. DISCUSSION

A. Private Practice with an LLC

Mr. Viehweg, SW Section Chair, discussed the NASW conference. He stated that one of the topics for discussion was private practice if you did not hold the LCSW license, and where the line was for 1099 employees. He stated that according to the IRS definitions a 1099 employee is someone who does not need to be supervised. He stated that was a helpful distinction as LSW would need to be supervised. He stated that an LSW could create their own LLC, but they cannot use that LLC to bill for services or use it to obtain hours for their clinical license. Board counsel, Adam Harvey, stated that distinction is in line with previous discussions that the Board has had in this matter. The Board discussed the implication of employers hiring 1099 employees that need to be supervised.

B. ASWB Delegation Conference

Mr. Viehweg attended and stated one of the topics of conversations was the communication between jurisdictions. He discussed how other States review revocations of licenses and the impact they have on the professional and on the States. Mr. Viehweg discussed that the ASWB Delegation conference will be held in Indianapolis next year.

VII. APPLICATIONS FOR REVIEW

There were no applications for review.

VIII. FORMAL ADOPTION OF APPLICATION REVIEWS

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

Richardson/Viehweg
Motion carried 8-0-0 (Eitel not present.)

IX. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

1. Carlyn Welding

2. Counseling Center for Change

A motion was made and seconded to approve both continuing education sponsor applications.

Gardner/Richardson
Motion carried 8-0-0 (Eitel not present.)

X. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

Ryan Eldridge reported to the Board that they have 24 new complaints opened within past 30 days with 143 current open complaints and they have closed 131 since the beginning of the year. Primarily the complaints were from Marion County followed by out of the State, and Hamilton

County. The content of the complaints are unlicensed practice, unprofessional conduct, and professional incompetence. The average age of the open complaints is 6.6 months and primarily against Clinical Social Workers and Mental Health Counselors.

There are currently 4 litigation cases open the past 30 days with 15 open litigation cases and 27 closed this year. The average duration of the litigation cases is 4.4 months. Litigation has occurred mostly in Hamilton County. The current litigation charges are for unprofessional conduct followed by unlicensed practice, and lewd and immoral conduct. Primarily the charges have been filed against Clinical Social Workers followed by Mental Health Counselors.

XI. OLD/NEW BUSINESS

There was no old/new business to discuss.

XII. ADMINISTRATORS' REPORT

Cindy Vaught, Board Director, informed the Board that Evan Bartel, Deputy Director of IPLA, has left the office to obtain a position with the Indiana Medical Association.

She discussed the progress on the creation of the new online applications as IPLA is moving to the new my license one platform.

She discussed that IPLA is currently going through an office remodel.

She stated that there have been discussions in the office to update the website to be more user friendly and revamp each individuals FAQ sections to provide better guidance.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 1:37 p.m. by general consensus.