BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD Minutes

December 11, 2023

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Jon Ferguson called the meeting to order at 9:01 a.m. in the Professional Licensing Agency Conference Room Conference Center Room 1, 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:

Jon Ferguson, LMFT, LCAC, Vice Chair Kelley Gardner, LMFT, LMFT Section Chair (Arrived late) Katy Adams, LCAC, LCSW (Left early) Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC Section Chair C. Martin Justice, LMHC, LCAC Andrew Harner, MSW, LCSW, SW Section Chair, Board Designee Stephan Viehweg, MSW, LCSW Jacqueline Eitel, RN, Consumer Member

Board Members Not Present:

Peter Karalis, M.D., Psychiatric Physician Member Dr. Dianna Cooper-Bolinskey, LCAC, LCSW, Board Chair

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.

Harner/Richardson Motion carried 7-0-0

III. APPROVAL OF MINUTES

A motion was made and seconded to adopt the minutes of August 2022 through December 2022 were accepted as amended.

Harner/Justice Motion carried 7-0-0

IV. PERSONAL APPEARANCES

A. Probation

1. Carrie Boyed, LMHCA, License No. 88002026A

Cause No. 2023 BHSB 0013

Ms. Boyed appeared as requested to discuss her ongoing probation. She indicated that her contact information has not changed, and discussed the continuing education she has completed. The Board reviewed her quarterly reports and the process of how to withdraw probation.

2. Phillisha Brown, LSW, License No. 33007602A

Cause No. 2022 BHSB 0003

Ms. Brown did not appear. There has been no responses from Ms. Brown regarding her probation.

Board Action: A motion was made and seconded to issue an Order to Show Cause in the matter of Ms. Brown for noncompliance of her probationary order.

Harner/Viehweg Motion carried 7-0-0

3. Elizabeth Heinhuis, LMHC, License No. 39003373A

Cause No. 2023 BHSB 0020

Ms. Heinhuis appeared as requested to discuss her ongoing probation. She discussed her private practice (self-owned), and that she meets with her supervisor on a monthly basis. She discussed her personal counseling and support system. The Board discussed the continuing education programs she has completed and what she has learned.

4. Jessica Lala, LCSW, License No. 34006551A

Cause No. 2023 BHSB 0022

Ms. Lala appeared as requested to discuss her ongoing probation. She indicated that her board order was not clear to her on what information should be included with her quarterly reports. The Board discussed what they expected. The Board discussed what topics she covers has with her supervisors. She discussed the CE trainings she has completed and what she learned.

5. Latresa Moore, LMFTA, Temporary Permit No. 99117190A

Cause No. 2023 BHSB 0008

Ms. Moore did not appear due to her pregnancy. Ms. Vaught, Board Director, did email Ms. Moore requesting that she submit her reports but as of this date they are not received yet. The Board requested staff to contact her again for her reports and other information.

6. Kevin Pollert, LCSW, License No. 34006077A

Cause No. 2023 BHSB 0012

Mr. Poller did not appear. Ms. Vaught, Board Director, informed the Board that he has not submitted any of his required probation reports.

Board Action: A motion was made and seconded to issue an Order to Show Cause in the matter of Mr. Pollert for failure to comply with his probation order.

Harner/Viehweg Motion carried 8-0-0

7. Nesetta Gellizeau, LMHCA, License No. 88001928A

Ms. Gellizeau appeared as requested to discuss her ongoing probation. She stated that she has completed all of the terms of her Board order, and submitted a petition for withdraw of probation. The Board discussed with Ms. Gellizeau her current employment and continuing education she has completed.

B. Reinstatement

1. Eve Johnson, LSW, License No. 33006947A

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

2. Megan Lammert, LSW, License No. 33008995A

Ms. Lammert appeared as requested to discuss the reinstatement of her social work license that expired in 2020. She provided a statement and continuing education for the Board to review. She discussed her work in the school district and inquired if she holds a school counseling license through the Indiana Department of Education. She stated that she does not. The Board discussed her responsibility as a professional, and the differences between school social worker and social work.

Board Action: A motion was made and seconded to reinstate Ms. Lammert's social work license pending the passing of the jurisprudence exam.

Harner/Viehweg
Motion carried 8-0-0

C. Application

1. Tami Greene (LSW)

Ms. Greene appeared as requested to discuss her yes response regarding her background. She provided a statement and supporting documentation for the Board to review. The Board noted that her explanation was not clear and discussed the circumstances around each of her incidents. Ms. Greene discussed what she learned and that all matters have been resolved by the courts.

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

Harner/Viehweg
Motion carried 8-0-0

2. Alexandra McCorkle (LMHCA)

Ms. McCorkle appeared as requested to provide clarification of her work history. She graduated in August 2020 and indicated on her application that she has been working as a counselor since October 2022. She provided a summary of her job duties for the Board to review. She stated that her understanding was that if she did not identify herself as a therapist she could work and obtain

her hours provided as she was under supervision. The Board discussed unlicensed practice with her, and when she can start counting her post-degree experience and supervision hours.

Board Action: A motion was made and seconded to approve Ms. McCorkle mental health counselor associate and to sit for the NBCC NCE examination. Upon passing the examination, place her license on probation with the following terms:

- O 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 December 11, 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.
- o 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.
- o 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.

Richardson/Justice Motion carried 8-0-0

3. Renee Muhammad (LMHCA)

Ms. Muhammad appeared as requested to discuss her yes response regarding her background and provide clarification on her work history. She provided a statement and supporting documentation for the Board to review. She discussed with the Board what occurred that led to her incident and how she has addressed the issue to prevent it from re-occurring.

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

Justice/Richardson

4. Brittany Perez (LMHC)

Ms. Perez appeared as requested with her supervisor to provide clarification on her work history. The Board noted that she graduated in April 2020 and indicated on her application that she has been working as a counselor since that time. She did not apply for the mental health counselor associate license until April 2021 and was granted the associate license in November 2021. Ms. Perez stated she was told that as long as she was working towards licensure and being supervised she could work. The Board discussed when she can start counting her hours, and the licensure process.

Board Action: A motion was made and seconded to approve Ms. Perez's mental health counselor application for the NCMHCE examination pending receipt of corrected E2 and S2 documents and passing the Indiana Jurisprudence examination.

Richardson/Justice Motion carried 8-0-0

5. Chelzie Smith (LSW)

Ms. Smith 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 she was never arrested, and there was an administrative error regarding what occurred. She stated that her case was dismissed. The Board informed her that the questions on the application are not asking about convictions. Ms. Smith indicated that she was not trying to mislead the Board.

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

Harner/Viehweg
Motion carried 8-0-0

6. Brandon Stansberry (LMHCA)

Mr. Stansberry appeared as requested to provide clarification on his work history. He indicated that he graduated in August 2022, and has been working as a skills coach/case manager since July 2022. He discussed his job duties and supervision with the Board since graduation. The Board discussed unlicensed practice with him.

Board Action: A motion was made and seconded to approve Mr. Stansberry's mental health counselor associate application and to sit for the NBCC NCE examination. Upon passing the examination, place his license on probation with the following 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 December 11, 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.
- o 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.
- o 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 his 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/Richardson Motion carried 8-0-0

V. NOTICE OF PROPOSED DEFAULT

A. John DeMarsilis, LMHC, License No. 39003327A

Cause No. 2021 BHSB 0017

Re: Notice of Proposed Default and Response

Parties Present:

Respondent was not present Gavin Hunter, Deputy Attorney General, Office of the Attorney General Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)
Kelley Gardner, LMFT,
Katy Adams, LCAC, LCSW
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC
C. Martin Justice, LMHC, LCAC
Andrew Harner, MSW, LCSW,
Stephan Viehweg, MSW, LCSW
Jacqueline Eitel, RN, Consumer Member

State Witness:

Cindy Vaught, Board Director, Indiana Professional Licensing Agency

Case Summary: On or about September 12, 2023 an Order to Show Cause was issued to Mr. DeMarsilis to address is non-compliance with his probationary terms. Mr. DeMarsilis requested in September to continue his case in order for him to obtain legal counsel. Mr. Hunter indicated that as of October, Mr. DeMarsilis has reached a Settlement with the AG's office to surrender his license, but he has informed the State that he will not sign the agreement until he has obtained counsel. The State recommended that the Board find Mr. DeMarsilis in default as he has not found counsel and is not present to provide clarification on his circumstances.

Board Action: A motion was made and seconded to find Mr. DeMarsilis in Default.

Jutice/Richardson Motion carried 8-0-0

The State called Ms. Vaught as a witness. Ms. Vaught confirmed that Mr. DeMarsilis did enter a Settlement Agreement with the Board that included probation with terms. She indicated that Mr. DeMarsilis has not appeared or provided any reports per the terms he agreed upon. She stated that he has not notified the Board regarding any change in his contact or mailing address. The State requested that the Board impose further sanctions against Mr. DeMarsilis due to his non-compliance.

Board Action: A motion was made and seconded to suspend Mr. DeMarsilis' license with the following terms:

- o Respondent's Indiana Mental Health Counselor license is hereby placed on INDEFINITE SUSPENSION for no less than ONE (1) YEAR.
- Respondent shall submit to a fitness for duty evaluation performed by a Health Service Provider in Psychology (HSPP) with no conflict of interest within NINETY (90) DAYS of petitioning for reinstatement.

Richardson/Justice Motion carried 8-0-0

VI. PROPOSED SETTLEMENT AGREEMENT

There were no Proposed Settlement Agreements.

VII. ADMINISTRATIVE HEARINGS

A. Ginger Allman

Cause No. 2023 BHSB 0037

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

Parties Present:

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

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer) Kelley Gardner, LMFT, Katy Adams, LCAC, LCSW Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC C. Martin Justice, LMHC, LCAC Andrew Harner, MSW, LCSW, Stephan Viehweg, MSW, LCSW Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about November 8, 2023 a Motion to Dismiss without Prejudice was filed by the State. The motion states that Ms. Allman no longer works in the position with the Bartholomew County Jail. She is no longer working as a therapist; she has remedied the issue before the Board. Mr. Eldridge stated that should a new case of similar occurrence of unlicensed practice be filed, then this case can be referenced.

Board Action: A motion was made and seconded to grant the State's Motion to Dismiss in the matter of Ms. Allman.

Harner/Viehweg Motion carried 8-0-0

B. Michael Hagedorn, LCAC, LMHC, License No. 87001568A, 39003253A

Cause No. 2023 BHSB 0005

Re: Extension of Summary Suspension

Parties Present:

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

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)
Kelley Gardner, LMFT,
Katy Adams, LCAC, LCSW
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC
C. Martin Justice, LMHC, LCAC
Andrew Harner, MSW, LCSW,
Stephan Viehweg, MSW, LCSW
Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about October 13, 2023 a request to extend Mr. Hagedorn's license suspension was submitted. The State has provided notice by mail and phone to all known addresses and phone numbers. Mr. Hagedorn did provide correspondence to the State in October with a denial of the allegations and that he relapsed with his addiction. The State attested that Mr. Hagedorn is still considered to be a clear and immediate danger to the public, and they do not know if Mr. Hagedorn has enrolled in any treatment program.

Board Action: A motion was made and seconded to extend Mr. Hagedorn's summary suspension an additional ninety (90) days.

Richardson/Harner Motion carried 7-0-1 Adams abstained.

C. Olivia Franko, LSW, License No. 33011214A

Cause No. 2023 BHSB 0041 Re: Administrative Complaint

Parties Present:

Respondent was present Sha'na Terry, Deputy Attorney General, Office of the Attorney General Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)
Kelley Gardner, LMFT,
Katy Adams, LCAC, LCSW
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC
C. Martin Justice, LMHC, LCAC
Andrew Harner, MSW, LCSW,
Stephan Viehweg, MSW, LCSW
Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about October 3, 2023 an Administrative Complaint was filed against Ms. Franko with allegations of having an inappropriate conversation with her client and failing to remain current with general accepted practices. The State indicated that Ms. Franko earned her LSW license in December 2022 and was terminated from her position in December 2022. The State indicated that the incident occurred while Ms. Franko held her Temporary LSW Permit. Ms. Franko indicated that the incident occurred due to her being the only therapist on staff, and not having proper support.

The State presented Exhibits A-C which are a copy of the complaint, comply of Ms. Franko's employment record, and copy of Ms. Franko's response to the complaint.

The State discussed with Ms. Franko of the client of her employment Aspire, who had the same address as Ms. Franko. They discussed the screenshots of the text messages between Ms. Franko and the client. Ms Franko stated that the address issue was a clerical issue, as Ms. Franko stated she was overwhelmed with documentation. Ms. Franko discussed the workload with the Board, and the policies she took to try to keep in contact with her clients as she was not getting support or responses from Aspire. She indicated what she was advised from her supervisor regarding the detail of documentation required and that she did not have a relationship with the client. Ms. Franko described the supervision she had at Aspire and the conversations topics she had with her supervisor. She indicated that she was terminated by Aspire, and she no longer has contact with that client or any of her Aspire clients. She indicated that she has had clients reach out to her on facebook since her termination, and she has to inform them that she is no longer working at Aspire.

The State indicated that based upon her testimony Ms. Franko has shown there is a boundary issue concern regarding current professional practices with judgement, as the text messages between Ms. Franko and the client use explicit language. The State attested that the messages are not professional, and Ms. Franko shared messages between her and another client. The Stated acknowledged the mitigating factor that Ms. Franko was in training as she was working under a Temporary Permit.

Ms. Franko stated that she knows how to protect the public, and she can acknowledge that the text messages were not appropriate. She indicated that the language she used was to help her build a rapport with her clients.

Board Action: A motion was made and seconded that the State met its burden of proof for Violation Count 1.

Harner/Viehweg
Motion carried 8-0-0

A motion was made and seconded that the State met its burden of proof for Violation Count 2.

4-4-0 Richardson, Viehweg, Gardner, and Ferguson nay. Motion failed.

State did not meet burden of proof.

A motion was made and seconded to place Ms. Franko's license on probation with the following terms:

- Indefinite probation for no less than 1 year
- Employer signed Board Order
- Quarterly supervision reports while on probation
- Quarterly appearances before the Board while on probation
- 10 hours of CE in ethics and boundaries

Harner/Viehweg Motion carried 7-1-0 Gardner nay

Ms. Adams left the meeting.

D. Amy Holbert, LCACA, LMHCA, License No. 87001712A, 88001890A

Cause No. 2021 BHSB 0004, 2022 BHSB 0015

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present Ryan Eldridge, Deputy Attorney General, Office of the Attorney General Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)
Kelley Gardner, LMFT,
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC
C. Martin Justice, LMHC, LCAC
Andrew Harner, MSW, LCSW,
Stephan Viehweg, MSW, LCSW
Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about August 12, 2022 the Board voted to approve Ms. Holbert's license on the following probation terms:

- Indefinite Probation mirrored to the terms identical to the Settlement Agreement between the Board and Ms. Holbert made on November 3, 2021 for her LCACA license application.
- Ms. Holbert shall enter into the ISNAP program and follow all terms of the ISNAP program.
- Shall appear monthly and provide therapist reports and employer reports while on probation
- Signed Board order by employer
- Shall report to the Board of any immediate action against her nursing license.

Ms. Holbert stated that she has completed two years of probation and has followed all terms of her probation. She indicated that she is currently enrolled in the ISNAP program, and provided all reports to the Board. Ms. Holbert indicated that she does attend weekly supervision with her clinical supervisor. She provided a copy of her probation reports for the Board as an exhibit. She indicated that she attends 3 self-help meetings a week, and she is in personal counseling as well. The State attested they do not have any objection to the withdraw of the probation status.

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

Richardson/Justice Motion carried 7-0-0

E. Tamara Files (LMHC)

Cause No. 2023 BHSB 0046

Re: Appeal of Denial of Examination

Parties Present:

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

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer) Kelley Gardner, LMFT, Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC C. Martin Justice, LMHC, LCAC Andrew Harner, MSW, LCSW, Stephan Viehweg, MSW, LCSW Jacqueline Eitel, RN, Consumer Member

Case Summary: On or about September 20, 2023 Ms. File's application for Mental Health Counseling was denied on the basis that she failed to pass the NCMHCE examination. She submitted a petition of appeal on or about October 4, 2023. Ms. Files indicated that she is an army veteran and currently holds the mental health associate license. She was given approval to test with accommodations for the NCMHCE and did not pass. Ms. Files stated that the reason she could not pass was due to the conditions of additional time, and that she missed by 5 points. She discussed with the Board her issues with the topics covered in the examination and the format. She indicated that she has been approved to re-test; however, she wished for the Board to take into consideration her accommodations and that she has been a professional for the past thirty (30) years. She stated that the examination is not a good reflection of her effectiveness as a therapist. The Board discussed with her that if she has concerns with the topics of the examination questions, she will need to reach out to the NBCC.

Board Action: A motion was made and seconded to grant Ms. File's appeal and uphold the decision to deny the license application.

Richardson/Justice
Motion carried 7-0-0

VIII DISCUSSION

A. Ellen Cristina Correia Mendonca (LSW)

Re: Appeal of Reinstatement of Temporary Permit

Ms. Correia Mendonca submitted a request for an extension of her temporary permit or request of another one. Her email to the Board noted extenuating circumstances regarding her visa. The Board noted that they understand her situation; however, there is nothing in the statue or rules to grant her request. The Board advised staff to email the applicant.

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 7 new complaints opened with 92 current open complaints and they have closed 159 since the beginning of the year. Primarily the complaints have been from Marion County followed by Hamilton County. The content of the complaints are unprofessional conduct, professional incompetence, and unlicensed practice. The average age of the open complaints is 6 months and primarily against Mental Health Counselors and Clinical Social Workers.

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

Mr. Eldridge discussed with the Board of the increase in complaints of unlicensed practice, and if the trend keeps increasing then the Office of Attorney General may have to pursue civil action against the companies.

XI. FORMAL ADOPTION OF APPLICATION REVIEWS

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

Harner/Viehweg
Motion carried 7-0-0

XII. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

There were no CE Sponsor applications for review.

XIII. OLD/NEW BUSINESS

CC1			1 1 /	1 .	. 1.
There	MAG :	$n \cap \alpha$	ld/new	hileinece	to discuss
111010	was	IIO O	IU/IICW	Dusiness	io discuss.

XIV. ADMINISTRATORS' REPORT

Ms. Vaught reported that the 2024 renewal notices will be going out with information on the new renewal system.

XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Healtl and Human Services Licensing Board adjourned at 3:11 p.m. by general consensus.