

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
Minutes
June 19, 2023

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Jon Ferguson 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:

Jon Ferguson, LMFT, LCAC, Vice Chair
Kelley Gardner, LMFT, LMFT Section Chair
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 (arrived 9:15 a.m.)

Board Members Not Present:

Dr. Dianna Cooper-Bolinsky, LCAC, LCSW, Board Chair
Jacqueline Eitel, RN, Consumer Member (arrived 9:15 a.m.)
LCAC Member - Vacant
LMFT Member - Vacant

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/Gardner
Motion carried 6-0-0

III. APPROVAL OF MINUTES

There were no minutes for review.

IV. PERSONAL APPEARANCES

A. Probation

1. **Jennifer Campbell, LCSW, LCAC, License No. 34006177A, 87001499A**
Cause No. 2021 BHSB 0029

Ms. Campbell appeared as requested to discuss her ongoing probation. She provided the Board with copies of the continuing education certificates she completed and discussed what she learned.

The Board discussed some of her casework, and asked how she handles professional boundaries. The Board recommended that she reach out to her supervisor should she have struggles with boundaries. Ms. Campbell expresses issues with reaching out to supervisor as she does not feel she can bounce ideas off of her because of HIPPA. The Board recommended a book on professional boundaries for supplemental reading. Ms. Campbell stated that her employment and personal contact information have remained the same, and she is still attending personal counseling.

2. **Jennifer Dyarman, LCSW, LCAC, License No. 34006895A, 87001541A**
Cause No. 2021 BHSB 0027

Dr. Dyarman appeared as requested to discuss her ongoing probation. She provided copies of her supervision reports to the Board this morning. The Board staff stated that in order for the Board to receive her reports, they must receive them at least 3 days prior to the Board meeting to allow processing into the file and allow the Board to review the information. Dr. Dyarman stated that she is providing home-based therapy in a rural setting using telehealth. She discussed with the Board how she is maintaining professional boundaries, and how it is being handled differently. She stated that she has completed the required continuing education and submitted the certificates for the Board. Her contact and employment details have not changed.

3. **Noel Perry, LMHCA, Temporary Permit No. 99117657A**
Cause No. 2023 BHSB 0014

Mr. Perry appeared as requested to discuss his ongoing probation. Mr. Perry informed the Board that he has submitted his signed Order and his supervisor report for review. He stated that he has submitted the ten (10) continuing education certificates and the Board noted them as accepted. Mr. Perry discussed with the Board what he learned from his experience. The Board noted that if he feels he has met all requirements, he can submit his request to withdraw probation.

4. **Nathaniel Wagner, LMHC, License No. 39003306A**
Cause No. 2022 BHSB 0022

Mr. Wagner appeared as requested to discuss his ongoing probation. Mr. Wagner stated that he has submitted his continuing education certificates, completed the anger management course required by the courts, and that his appearance today is the last requirement before he can request to withdraw probation. Mr. Wagner provided a letter from his counselor, and a letter from the courts that shows he is currently on informal criminal probation. The Board noted that if he would like them to consider his therapist's report, it will need to be on official letterhead. The Board discussed with him what he learned from the continuing education he completed and how the incident has impacted on his professional practice. The Board informed him that it is up to him to show he has met the deficiencies that placed him on probation should he request to withdraw off probation.

5. **Amy Holbert, LCACA, License No. 88001890A, 870001712A**
Cause No. 2021 BHSB 0004

Ms. Holbert appeared as requested to discuss her ongoing probation. She stated that the Nursing Board is scheduling an appearance date, and after her appearance she can re-enroll into the APRP program. She informed the Board that her personal counseling is going well, and she sees her counselor once a month. She stated that she attends her support group meetings three (3) times a week and meets with her sponsor regularly.

B. Reinstatement

1. Arlene Gardner, LMHC, License No. 39001593AA

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

2. Melinda Humbert, LMHC, License No. 39001512A

Ms. Humbert appeared as requested to discuss the reinstatement of her license that expired in 2014. She provided the Board with a copy of forty (40) hours of continuing education certificates and a letter for their review. Ms. Humbert stated that she has been working at the University of Kentucky, and she hopes to work with young adults once her license is reinstated.

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

Richardson/Justice
Motion carried 7-0-0

3. Denise Polen, LMHC, License No. 39001239A

Mr. Polen did not appear as requested. He will be rescheduled.

4. LeAnn Price, LCSW, License No. 34000604A

Ms. Price appeared as requested to discuss the reinstatement of her license that expired in 2002. She provided the Board with a copy of fifty point five (50.5) hours of continuing education certificates and a letter for their review. She stated that she has been working as the co-founder of Project Hope at Lawrence High School. She stated that she let her license lapse as she had switched to the school system where the duties, she was doing did not require a license. She stated that once she started her program, she wished to return to the profession on a part-time basis to better assist those coming to her for help. The Board noted that she Lhas not taken the ASWB Clinical examination.

Board Action: A motion was made and seconded to approve Ms. Price's reinstatement pending the taking and passing of the ASWB Clinical examination and jurisprudence examination.

Harner/Viehweg
Motion carried 7-0-0

C. Application

1. Tameka Behrens (LCACA)

Ms. Behren's appeared as requested to discuss her request to take the LCACA examination for the fourth time. She stated that she has been working in a detox facility as an inpatient counselor. She stated that she is trying to get a temporary permit for work, and asked if the temporary LACA permit can count towards her clinical hours for the LCAC. The Board informed her that the hours she obtains under the Temporary LACA cannot count toward the LCAC license as that is a different license level. Ms. Behren's has already held the LCACA temporary permit and is not eligible for an additional permit of that level.

Board Action: A motion was made and seconded to approve Ms. Behren’s application to sit for the LCACA MAC examination for the fourth time.

Justice/Harner
Motion carried 7-0-0

2. **Jasmine Bell (LMHC)**

Ms. Bell appeared as requested to provide clarification on her work history. Ms. Bell provided information on her application that she has been working as an inpatient therapist since February 2023 at Bloomington Meadows Hospital. Ms. Bell stated that she was informed that as long as she was working under supervision she would be allowed to work. She stated that she does not do any diagnosis, and her duties involve safety planning and discharge. Ms. Bell provided the Board with email correspondence on her current work and supervision for their review. The Board informed her that her employment did not give her accurate information, and the information that provided her appears to be clinical work that requires a license. Ms. Bell stated that she moved from Tennessee to Indiana, and she was working on the assumption that the work she completed in Tennessee did not require a license would be similar in Indiana.

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

Richardson/Harner
Motion carried 6-1-0 Gardner opposed

3. **Margaret Brawley (LCACA, LSW)**

Ms. Brawley appeared as requested to discuss her yes response regarding past arrests. Ms. Brawley submitted a statement and supporting documentation for the Board to review. She provided the Board with information on her recovery support system, and the attendance at group support meetings. She is currently working as a clinical specialist in their hotline support at Deaconess Hospital. She connects people with resources. The Board expressed concerns on the job title as “clinical specialist” and discussed the potential misleading information. The Board discussed with her what is considered clinical work as she indicated she would eventually like to pursue clinical social work and clinical addiction counselor licenses.

Board Action: A motion was made and seconded to approve Ms. Brawley’s application to sit for the ASWB master’s examination, the addictions examination she chooses.

Harner/Viehweg
Motion carried 7-0-0

4. **Ashley Case (LCACA)**

Ms. Case appeared as requested to provide clarification on her work history. She stated that she is currently working at Counseling Center for Change, and her current role involves her providing orientation and skill building. She stated that she indicated her work title as therapist on her application as she does case management work. She stated that she does individual and group

sessions as a skills coach. The Board noted that if she pursues the social work license for the 4th time, she will need to submit a new application and a study plan. The Board noted that for her LCACA application she provided Form E2 and Form S2 which verifies post-degree clinical level experience, and the work she described is not considered clinical work. The Board stated that they would need clarification of the conflicting information as her employer and supervisor have provided documentation on clinical work, but Ms. Case is stating it is not.

Board Action: A motion was made and seconded to approve Ms. Case to sit for her addiction's examination, and upon issuance of her license she will be placed on probation with the following terms:

- Indefinite Probation for no less than three (3) months
- Must provide a copy of her Final Order to any employers, and have her employer sign a copy within ten (10) days from either the issuance of the Order or starting a new employment.
- Must complete the Indiana jurisprudence examination.
- Must complete ten (10) hours of CE in the area of ethics or licensure and submit copies of completion to the Board.

Justice/Gardner

Motion carried 6-0-1 Viehweg abstained

5. **Fatimah Chu (LMHCA)**

Ms. Chu appeared as requested to provide clarification on her work history. She graduated with her Master's in 2018. She stated that she enlisted in the Airforce and moved to the state of Florida after graduation. She lived in the state of Florida until April of 2023. She stated that she was informed that as long as she was under supervision, she would be able to work. The Board discussed unlicensed practice with her.

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

Richardson/Justice

Motion carried 6-1-0 Gardner nay.

6. **Alyssa DeMatteo (LCSW)**

Ms. DeMatteo did not appear as requested to discuss why she did not disclose her background. She provided an email to the Board that she is unable to attend as she currently resides in the state of Connecticut. She requested that the Board review her application "as is." She provided a statement and supporting documentation for the Board to review. The Board stated that they cannot decide on her application since she did not disclose her background, and the information she has submitted does not answer all their questions. The Board provided a list of questions to the Board staff that Ms. DeMatteo must answer within one month. If Ms. DeMatteo is unable to answer the questions within the requested timeframe, she will be required to make an appearance.

7. **Teresa Durstine (LMHC)**

Ms. Durstine did not appear as requested. The Board reviewed her documentation and had questions on her post-degree experience and supervision as she does not currently hold a mental health counselor associate license. The Board noted that she meets the requirements to be approved for the mental health counselor associate, but they need clarification of her work history and if she has been practicing without a license.

The Board tabled Ms. Durstine's application for further information.

8. **Amy Gaines (LCSW)**

Ms. Gaines appeared as requested to discuss her yes response regarding her background. She provided a statement and supporting documentation for the Board to review. She stated that her incident occurred in 2016 and she has resolved all items with the courts. She provided the Board with information of what she learned from the incident and her current work status. Ms. Gaines stated that she is currently working at Landmark Health, with her current duty being training new staff. She stated that since the expiration of her Indiana LSW license, she has been licensed and working in the state of Kentucky with no issues.

Board Action: A motion was made and seconded to approve Ms. Gaines' application for clinical social work licensure by reciprocity.

Viehweg/Harner
Motion carried 7-0-0

9. **Jay Hall (LSW)**

Mr. Hall appeared as requested to discuss why he did not disclose his background. He provided a statement and supporting documentation for the Board to review. The Board noted confusion on why he applied for an LSW license, when he had a license for LCSW that expired in 2008 in Indiana. Mr. Hall stated that he thought his current application was his reinstatement. Board staff explained that he has applied for a new license, and they had attempted to reach out to him for clarification. The Board inquired if would like to reinstate his LCSW. Mr. Hall stated he would. Mr. Hall stated that in regard to his background, he did not know that the incident was on his record. He stated he was pulled over for a DUI and completed three breathalyzers. The officers had let him go the same day, and he did not think a formal arrest occurred.

Board Action: A motion was made and seconded to approve Mr. Hall's explanation, switch his social work application to a clinical social work reinstatement, and approve his reinstatement pending the submission of forty (40) hours of approved continuing education certificates and submit a fee of \$50.00 to complete the reinstatement.

Harner/Richardson
Motion carried 7-0-0

10. **Justin Heck (LSW)**

Mr. Heck appeared as requested to discuss his yes response regarding past arrests. He provided a statement and supporting documents for the Board to review. Mr. Heck informed the Board that

he is currently working at LifeSprings Community Health in their communications area. He provided the Board with what he learned from his arrests.

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

Harner/Viehweg
Motion carried 7-0-0

11. Rachelle Kennedy (LCAC, LCSW)

Ms. Kennedy did not appear as requested. She will be rescheduled to appear.

12. Danielle McClain (LMHC)

Ms. McClain appeared as requested to discuss her 6th attempt for the mental health counselor examination. She provided a study plan for the Board to review. Ms. McClain stated that during her last examination attempt she ran out of time to complete the examination. She stated that she is currently working in student support services and is not providing counseling.

Board Action: A motion was made and seconded to approve Ms. McClain's application to retake the NBCC NCMHCE examination.

Richardson/Justice
Motion carried 7-0-0

13. James Moore (LSW)

Mr. Moore appeared as requested to discuss why he did not disclose his background for his 4th examination attempt. He provided a statement and supporting documentation for the Board to review. Mr. Moore stated that the incident occurred in 2012. He stated that he had already addressed it in a previous application and appeared before the Board to discuss the incident. He stated that his understanding was that this matter was a traffic that he thought was a traffic ticket, but he now understands that it was a misdemeanor. He stated that his intention is not to deceive the Board. The Board discussed his study strategies, and provided resources he may explore in order to prepare for his next examination attempt.

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

Harner/Viehweg
Motion carried 7-0-0

14. Pamela Morgan (LMHCA)

Ms. Morgan appeared as requested to discuss her yes response regarding past arrests. She provided a statement and supporting documentation for the Board to review. She stated that she will be released from her criminal probation in July of this year. Ms. Morgan stated that she did complete an alcohol assessment per the court order and provided a copy for the Board. She stated that she

has been sober since the incident and working on her self-care. The Board stated that her education meets requirements, but they will need additional information regarding her charge.

Board Action: A motion was made and seconded to approve Ms. Morgan’s application to sit for the NBCC NCE examination, pending the receipt of her alcohol assessment and letter from court showing probation release.

Richardson/Justice
Motion carried 7-0-0

15. Aimee Norton (LSW)

Ms. Norton appeared as requested to discuss her yes response regarding past arrests. She provided a statement and supporting documentation for the Board to review. She reported incidents that have occurred in 1999, 2016, 2018 and 2022. She stated that she does not drink heavily and attends personal counseling. She discussed with the Board what she has learned from the incident, and what she would have done differently. She graduated with her Masters in December of 2022.

Board Action: A motion was made to approve Ms. Norton’s application to sit for the ASWB masters examination pending a receipt of a fitness for duty report.

Motion died for lack of a second.

Board asked Ms. Norton clarification if her school was aware of the incident. She stated that she was not sure. At the time the officer had offered a breathalyzer test, which she refused. She stated that that she was only given a ticket and was released. She stated that her understanding is that the incident is resolved.

Board Action: A motion was made and seconded to approve Ms. Norton to sit for the ASWB master’s examination, and upon passing place her license on probation with the following terms:

- Indefinite probation for no less than six (6) months.
- Must complete a fitness for duty evaluation from an Indiana HSPP psychologist and follow all recommendations. The fitness for duty evaluation must be completed within ninety (90) days of the issuance of the Final Order.
- Must provide a copy of her Final Order to any employers, and have her employer sign a copy within fifteen (15) days from either the issuance of the Order or starting a new employment.
- If fitness for duty has a recommendation for personal counseling, Ms. Norton must have her counselor provide quarterly reports on her progress.
- Quarterly appearances before the Board while on probation
- Quarterly employment or supervision reports on progress if she is employed as a behavior health professional. If she is not employed, Ms. Norton must provide quarterly self-reports on her status.

Harner/Viehweg
Motion carried 7-0-0

16. Victoria Thompson (LMHCA)

Ms. Thompson appeared as requested to provide clarification on her work history. Ms. Thompson graduated from Indiana University with her master's degree in 2017. She provided information that she has been working as a mental health clinician since 2018. Ms. Thompson stated that she has been doing clinical work and assessments. She was hired at her internship location by an HSPP, and her client base has been mostly Medicaid clients. She stated that to her knowledge if she has Medicaid clients, she did not need a license to practice since she was under supervision. She stated that she is pursuing a license to elevate her professional life. The Board explained that Medicaid does not have jurisdiction over the license to practice. They discussed with Ms. Thompson title protection and scope of practice. The Board informed her that she will not be able to count any of the post-degree hours she obtained from graduation since it is unlicensed practice.

Board Action: A motion was made and seconded to approve Ms. Thompson's application to sit for the NBCC NCE examination and to issue her temporary permit and license on probation with the following terms:

- Indefinite probation for no less than six (6) months.
- Must complete ten (10) hours of CE in the area of ethics or licensure and submit copies of completion to the Board.
- Must provide a copy of her Final Order to any employers, and have her employer sign a copy within ten (10) days from either the issuance of the Order or starting a new employment.
- Must complete the Indiana jurisprudence examination.
- Must appear before the Board on a quarterly basis while on probation.
- Quarterly employment or supervision reports on progress if she is employed as a behavior health professional.

Richardson/Justice
Motion carried 7-0-0

17. David Werdine (LMHC)

Mr. Werdine appeared as requested to provide clarification on his work history. Mr. Werdine graduated from Indiana State University with a master's degree in 1990 and provided information that he has been working in various counseling capacities, including as a therapist, since graduation. He did not provide any information on his application that he has held a license in Indiana, or any other State. Mr. Werdine did provide a statement regarding his termination from Memorial Hospital for the Board to review. He stated that the hospital was a fast-paced environment, and he had trouble keeping up. The Board inquired why he had never pursued a license. Mr. Werdine stated that he was unaware that a license was required, and his supervisor did not tell him it was required. The Board discussed with him the importance to keep abreast of current practice requirements and standards. Mr. Werdine stated that he is currently planning to work at Community Health, and all the positions require a license. The Board discussed if they would accept his post-degree hours.

Board Action: A motion was made to approve Mr. Werdine's application to sit for the NBCC NCMHCE examination, and upon passing place his license on probation.

Motion died for lack of a second.

The Board discussed being consistent with unlicensed practice. Mr. Werdine stated that he is willing to switch his application to the associate license and obtain new post-degree experience and supervision.

A motion was made and seconded to switch Mr. Werdine his application to a mental health counselor associate, approve him to sit for the NBCC NCE examination, and upon passing place his license and/or temporary permit on probation with the following terms:

- Indefinite probation for no less than six (6) months.
- Must complete ten (10) hours of CE in the area of ethics or licensure and submit copies of completion to the Board.
- Must provide a copy of her Final Order to any employers, and have her employer sign a copy within fifteen (15) days from either the issuance of the Order or starting a new employment.
- Must complete the Indiana jurisprudence examination.
- Must complete at least six (6) months of employment in a clinical practice setting.
- Must have employer submit quarterly reports to the Board regarding Mr. Werdine' s progress with employment and practice skills.
- Must make quarterly appearances before the Board to report on progress.

Richardson/Justice
Motion carried 7-0-0

18. **Alejandro Zapata Benitez (LCAC)**

Mr. Zapata Benitez appeared as requested to provide clarification of his work history. He graduated from St. John Fisher College and Liberty University with a master's degree in 2015 and 2018. He has applied for the mental health counselor license but has not passed the examination. He stated that he is working as a case manager at Monumental Behavioral Health under supervision since 2021. He provided information that his past work was crisis intervention in New York and Pennsylvania. He stated while working in those States he was supervised by at Nurse Practitioner and a clinical supervisor. Mr. Zapata Benitez stated that his client base is a Hispanic population. The Board discussed with him working with a license, and if he no longer has a temporary permit, he must cease practice if he has not earned his license.

Board Action: A motion was made and seconded to approve Mr. Zapata Benitez to sit for the addiction examination and issue his temporary permit and license on probation with the following terms:

- Indefinite probation for no less than six (6) months.
- Must keep the Board up to date on his contact information, employment contact information, his job title and work schedule, and the number of hours he works per week.
- Must complete ten (10) hours of CE in the area of ethics or licensure and submit copies of completion to the Board.
- Must provide a copy of her Final Order to any employers, and have her employer sign a copy within ten (10) days from either the issuance of the Order or starting a new employment.
- Must complete the Indiana jurisprudence examination.
- Must make quarterly appearances before the Board to report on progress.
- Quarterly employment or supervision reports on progress if he is employed as a behavior health professional. If he is not employed, Mr. Zapata Benitez must provide quarterly self-reports on his status.

Richardson/Justice

Motion carried 7-0-0

V. PROPOSED SETTLEMENT AGREEMENTS

A. Dee Allen Cotner, LMFT, License No. 35000566A

Cause No. 2022 BHSB 0004

Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was not present

Ryan Eldridge, Deputy Attorney General, Office of the Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)

Kelley Gardner, LMFT

Kimble Richardson, LMHC, LCSW, LMFT, LCAC

C. Martin Justice, LMHC

Andrew Harner, LCSW

Stephan Viehweg, LCSW

Jacqueline Eitel, Consumer Member

Case Summary: On or about March 11, 2022 an Administrative Complaint was filed against Ms. Cotner with allegations of exploitation of a former client. On or about June 13, 2023 a Proposed Settlement was reached with the following terms:

- The parties execute this Agreement voluntarily.
- Both parties voluntarily waive their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law, including judicial review.
- Respondent's Indiana L.M.F.T. license shall remain on INDEFINITE PROBATION for a MINIMUM of ONE (1) YEAR.
- While on probation, Respondent's license shall be governed by the following TERMS AND CONDITIONS:
 - Respondent shall keep the Board informed of her residential address and telephone number at all times.
 - Respondent shall keep the Board informed of her behavioral health employer(s) name, address, and telephone number at all times.
 - Respondent shall enter into a supervisory agreement with a Licensed Marriage and Family Therapist who is licensed in the State of Indiana and has no prior discipline. This supervisor will not be required to work at the same location as Respondent. The supervisory agreement shall be provided to the Board before Respondent engages in practice as an L.M.F.T. under probation.
 - Respondent's supervisor shall be required to submit quarterly reports of Respondent's performance to the board. If Respondent is not employed as an LM.F.T., she shall submit quarterly self-reports to the Board.
 - Respondent shall make appearances before the Board every six (6) months.
 - Respondent shall complete twenty-four (24) continuing education hours, which include twelve (12) in professionalism and ethics, and twelve (12) in communication and effective treatment of clients. Respondent shall submit proof of completion to the Board.

- Respondent shall not violate any statutes or rules regulating the practice of behavioral health.
- Respondent shall pay a FEE of FIVE DOLLARS (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
- The Respondent must maintain her license in active status at all times while this order is in effect. If the Respondent fails to maintain this license in active status, the Respondent agrees that any renewal application shall be denied by the Board unless the Respondent agrees to continue the terms of discipline ordered under this cause number on the renewed license.
- Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of behavioral health, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

Mr. Eldridge stated that this Settlement was reached after a Settlement Conference with Ms. Cotner and Board Liaison Andrew Harner. Mr. Eldridge stated that Ms. Cotner was given a warning of this violation previously in 2020.

Board Action: A motion was made and seconded to approve the Proposed Settlement Agreement in the matter of Ms. Allen-Cotner.

Richardson/Gardner
Motion carried 7-0-0

VI. ADMINISTRATIVE HEARINGS

A. Christy Garau, LCSW, License No. 34007249A

Cause No. 2022 BHSB 0010

Re: Administrative Complaint

The hearing in the matter of Ms. Garau was continued.

B. Carlyn Smith, LCACA, Temporary Permit No. 99118302A

Cause No. 2023 BHSB 0021

Re: Petition for Review of Board's Decision

Parties Present:

Respondent was present with counsel Matthew Kelsey

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)

Kelley Gardner, LMFT

Kimble Richardson, LMHC,

C. Martin Justice, LMHC

Andrew Harner, LCSW

Stephan Viehweg, LCSW

Jacqueline Eitel, Consumer Member

Witness for Board:

Cindy Vaught, Board Director, Indiana Professional Licensing Agency

Case Summary: On or about March 27, 2023 Ms. Smith appeared before the Board to discuss her application. She graduated from Indiana Wesleyan University with a master's degree in 2016 and is requesting that the Board to license her under the old statute and rules at the time of her graduation when a license was not required or offered. Mr. Kelsey stated that Ms. Smith was practicing addictions prior to when there was a clinical addictions counselor license. He stated that the Board minutes of the March 2023 Board meeting indicate that she was approved for the Associate level license. Mr. Kelsey attested that was incorrect, and Ms. Smith was approved for the full clinical license. Mr. Kelsey stated that Ms. Smith has already completed the hours necessarily needed for the license. He asked that the Board to review her application again under this reconsideration.

Ms. Smith stated that at the time of her graduation her understanding was that she could practice under the supervision of a licensed counselor, which she completed under Lisa May. She stated that after she submitted her application, she was requested to appear to discuss her application and work history. Ms. Smith stated that after her appearance, her understanding was that she was approved for the full clinical license, not the clinical associate license. She stated that she understands she was put on probation for unlicensed practice; however, she had a conversation with Professor Donald Osborn, a former Board member, where he stated that she did not need a license for her hours. She stated that he informed her she would need the license to do clinical work. Ms. Smith informed the Board that her current supervisor is retiring, and she does not want to complete the hours she has already completed as it will be a significant hardship. The Board asked when she was aware that the associate license was available. She stated that she is unsure, but she stated that the statute and rules do not state that the associate license is required.

Ms. Cindy Vaught, Board Director of the Professional Licensing Agency, appeared as witness. The Board asked Ms. Vaught to clarify the procedures for Ms. Smith's application. Ms. Vaught stated that Ms. Smith applied for the full clinical license, and after her appearance before the Board, they had determined that they would accept Ms. Smith's post-degree experience and supervision from 2016 to 2017. Any time after that time frame she would have to be obtained under the associate license. Ms. Vaught noted that the Board had concerns as the time frames on the hours as experience that the Board accepted were part-time hours.

The Board asked counsel if there anything in the statute and rules that allow them to review her hours under previous statutes due to age. Board counsel noted there is no caveat for that.

Ms. Smith asked about the difference between a mental health applicant that appeared earlier, where the Board accepted the hours that were not obtained under an Associate license. The Board explained that that applicant was a different license type and has different requirements.

The Board reviewed Ms. Smith's employment and supervision confirming the totals she completed. Ms. Smith stated that if a client had concerns about her services, they are referred to her supervisor, and her clients pay her directly. The Board inquired if she works under her supervisor. She stated that she works at Live Transforming, a non-profit private practice, and she is not paid by the employer. The Board asked if her employment would change if her supervisor left the practice. She stated that if her supervisor left the practice, it would not impact the practice. Board expressed concerns on employment.

Mr. Kelsey concluded that it is not Ms. Smith's intention to practice without a license, but that she was given advice from Dr. Osborn that the hours she completed would be accepted. It will be a hardship on Ms. Smith to complete the hours again under the Associate license, and they believe that the issue is the timing of the licensure application.

Board Action: A motion was made and seconded to uphold the Board’s original decision in the matter of Ms. Smith.

Richardson/Harner
Motion carried 6-0-1 Justice abstained

A motion was made to issue an Order to Show cause to address potential private practice concerns. Motion died with no second.

C. Michael Russ, LCSW, License No. 34009434A

Cause No. 2021 BHSB 0031

Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent not present

Autumn Murphy, Deputy Attorney General, Office of the Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)

Kelley Gardner, LMFT

Kimble Richardson, LMHC,

C. Martin Justice, LMHC

Andrew Harner, LCSW

Stephan Viehweg, LCSW

Jacqueline Eitel, Consumer Member

Case Summary: On or about November 8, 2021 and November 10, 2021 an Administrative Complaint was filed against Mr. Russ with allegations that he was being charged for child molestation. On or about October 31, 2021 Mr. Russ was convicted on three counts of this felony violation, and his professional license was summarily suspended on or about January 20, 2022. Mr. Russ plead guilty to the charges on or about March 13, 2023. On or about June 16, 2023 a Proposed Settlement was reached with the following terms:

- The parties execute this Agreement voluntarily.
- Both parties voluntarily waive their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law, including judicial review.
- The parties agree that the terms of this Agreement will resolve any and all pending claims or allegations relating to the Complaint filed in the above-referenced cause against Mr. Russ’ Indiana behavioral health license.
- Respondent’s license for Clinical Social Work shall be REVOKED.
- Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a Final Order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

Ms. Murphy asked that the Board accept the Proposed Settlement and should seven years pass Mr. Russ will have the opportunity to request a reinstatement of his license per the law. Ms. Murphy stated that if he does request reinstatement, the Board can address any concerns on the matter at that time.

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

Harner/Viehweg
Motion carried 7-0-0

D. Amy Grace Kreitl

Cause No. 2023 BHSB 0011

Re: Order to Show Cause – Cease and Desist

Parties Present:

Respondent not present

Jeremy Waddle, Deputy Attorney General, Office of the Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Jon Ferguson, LMFT, LCAC, (Hearing Officer)

Kelley Gardner, LMFT

Kimble Richardson, LMHC,

C. Martin Justice, LMHC

Andrew Harner, LCSW

Stephan Viehweg, LCSW

Jacqueline Eitel, Consumer Member

Case Summary: On or about March 28, 2023 a Motion for Cease and Desist was filed against Ms. Kreitl for advertising and practicing as a mental health counselor without a license. Mr. Waddle stated that the Office of Attorney General has given Ms. Kreitl adequate notice, and she has failed to appear to respond to the requests. Mr. Waddle stated that he asks the Board to find Ms. Kreitl in Default.

Board Action: A motion was made and seconded to issue a Notice of Proposed Default in the matter of Ms. Kreitl.

Viehweg/Harner
Motion carried 7-0-0

VII DISCUSSION

There were no discussion items.

VIII. APPLICATIONS FOR REVIEW

A. Augustine Lansana (LCSW, LMFT, LMHC)

Dr. Lansana has submitted applications for Clinical Social Work, Marriage and Family Therapist, and Mental Health Counseling. Dr. Lansana holds a Doctorate degree in Divinity from Esoteric Inter Faith Theological Seminary and a master's degree from the University of The Rockies. He does not hold any counseling licenses in another state.

The Mental Health Section stated that he might qualify for Mental Health Counseling, but he has not provided any of the application forms for review. He has only provided certificate of trainings, his transcripts, and letters of recommendation. The Board noted that they do not believe his Doctorate is accredited for mental health.

Application tabled for additional information.

The Marriage and Family Therapy section stated that he might qualify for Marriage and Family Therapy, but he has not provided any of the application forms for review. He has only provided certificate of trainings, his transcripts, and letters of recommendation. The Board noted that they do not believe his Doctorate is accredited for Marriage and Family Therapy. Application tabled for additional information.

The Social Work Section stated that he would not qualify for Social Work as he does not hold a Master of Social work, nor is his program CSWE accredited.

Board Action: A motion was made and seconded to deny Dr. Lansana's clinical social work application due to not meeting the education requirements.

Harner/Viehweg
Motion carried 7-0-0

B. Tina Miller (LCSW)

Ms. Miller was requested to appear before the Board today to discuss potentially working without a license. She emailed the Board prior to the meeting that she is unable to appear and provided a letter of explanation for them to consider. The Board reviewed her information and stated that she needs to appear to provide the clarification.

C. Nicole Mogavero (LCSW)

Ms. Mogavero has applied for reciprocity as she has been licensed in New York since 2006. She submitted a request to waive the requirement for the ASWB Clinical Exam as she was not required to pass that exam for her license. The Board stated that they cannot waive the examination requirement, and she will be required to apply by examination.

IX. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General's office reported to the Board that they have 5 new complaints opened with 77 current open complaints. They have closed 97 since the beginning of the year. Primarily the complaints have been from Marion County followed by Lake County. The content of the complaints are unlicensed practice, unprofessional conduct, and professional incompetence. The average age of the open complaints is 8.4 months and primarily against Clinical Social Workers, Social Workers, and Mental Health Counselors.

The Office of Attorney General reported that due to the trend of unlicensed practice that they are currently seeing, they are currently considering civil suits against employers, as a similar trend is also occurring in other Boards.

There are currently 21 open litigation cases with only 18 closed this year. The average duration of the litigation cases are 10.7 months. The litigation has occurred mostly in Marion County followed by Hamilton. The current litigation charges are for unprofessional conduct followed by lewd/immoral conduct, and unlicensed practice. Primarily the charges have been filed against Clinical Social Workers followed by Mental Health Counselors.

X. FORMAL ADOPTION OF APPLICATION REVIEWS

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

Viehweg/Justice
Motion carried 7-0-0

XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

There were no continuing education applications for review.

XII. OLD/NEW BUSINESS

The Board discussed updating and making rule changes. Once all of the sections have reviewed their rules and decided on topic changes, those proposed changes can be brought forward for discussion.

XIII. ADMINISTRATORS' REPORT

Ms. Vaught stated that IPLA has seen an increase in examination failure, but that the NBCC has implemented a new examination format which should allow those retaking the exam to pass more often.

Currently IPLA will be receiving additional funds within the budget so there might be some updates in the future.

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 5:08 p.m. by general consensus.

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

Date