

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

**Minutes
August 21, 2023**

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Dianna Cooper-Bolinskey called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-14-1-12(a).

Board Members Present:

Dr. Dianna Cooper-Bolinskey, LCAC, LCSW, Board Chair
Jon Ferguson, LMFT, LCAC, Vice Chair
Kelley Gardner, LMFT, LMFT Section Chair
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
Peter Karalis, M.D., Psychiatric Physician Member

Board Members Not Present:

Katy Adams, LCAC, LCSW

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.

Richardson/Harner
Motion carried 8-0-0 Karalis not present.

III. APPROVAL OF MINUTES

A motion was made and seconded to approve the minutes of April 25, 2022; May 23, 2022; June 20, 2022; and July 25, 2022 as amended.

Viehweg/Justice
Motion carried 9/0/0

IV. PERSONAL APPEARANCES

A. Probation

1. **Phillisha Brown, LSW, License No. 33007602A**
Cause No. 2022 BHSB 0003

Ms. Brown did not appear.

2. **John DeMarsilis, LMHC, License No. 39003327A**
Cause No. 2021 BHSB 0017

Mr. DeMarsilis did not appear. Board expressed concern on lack of response.

Board Action: A motion was made and seconded to issue an Order to Show Cause for failure to appear as required in the matter of Mr. DeMarsilis.

Richardson/Justice
Motion carried 9/0/0

3. **Nesetta Gellizeau, LMHCA, License No. 88001928A**
Cause No. 2023 BHSB 0018

Ms. Gellizeau appeared as requested to discuss her ongoing probation. She stated that she is currently employed by private counseling service, and she has completed eleven (11) hours of continuing education on Telehealth and ethics. She discussed with the Board what she learned from her continuing education. The Board noted that they have not received the copies of her CE certificates, signed Board order, or information on her current work history. The Board discussed with her on when to submit her reports and documents, so she is compliant with her probation.

4. **Rebecca Hall, LSW, Temporary Permit No. 99117658A**
Cause No. 2023 BHSB 0019

Ms. Hall appeared as requested to discuss her ongoing probation. The Board noted that they have received the copy of her signed Board order and two (2) letters providing clarification on her supervision. She stated that she did work for Praxis Landmark, but the company has closed its operations. She informed the Board that she is still working with her supervisor, and they are having discussions on professionalism, boundaries, and advocacy. The Board discussed with her that she would need to do in order to request to withdraw probation if she felt she is ready.

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

Ms. Holbert did not appear.

6. **Amanda Pumphrey, LMFTA, License No. 85000511A**
Cause No. 2023 BHSB 0017

Ms. Pumphrey appeared as requested to discuss her ongoing probation. She stated that nothing has changed with her employment or home address. She informed the Board she had completed one (1) hour of continuing education regarding social media, completed the law examination, and a copy of her signed Order. She stated that she still has nine (9) more hours of continuing education to complete. The Board discussed with her what she learned from her continuing education course.

B. Reinstatement

There were no reinstatements for review.

C. Application

1. **Nicole Guido (LSW)**

Ms. Guido appeared as requested to discuss her yes response regarding past arrests. She provided a statement and supporting documentation for the Board to review. She indicated that she had an incident in 2019 and she completed her criminal probation in May 2023. She provided the Board with clarification on the circumstances that occurred during her arrest, and she stated that she only consumes alcohol once a month now. She informed the Board she just accepted a potential work position as a home-based therapist.

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

Harner/Viehweg
Motion carried 9/0/0

2. **Lee Ivey (LMHC)**

Mr. Ivey appeared as requested to discuss his application. The Board staff noted that he has documented multiple part time employments and supervision forms, which made it difficult to understand. The Board reviewed his documentation and informed him that his main issue, is that he has indicated time that cannot count as it is not post-degree. The Board stated that he can only start counting his hours from his mental health counselor associate license issued in 2022. Mr. Ivey stated that his application was lost, and it took a while to be given the LMHCA license. The Board staff inquired if his money order was cashed with the lost application. Mr. Ivey stated he was unsure. The Board noted that he will need to submit corrected forms starting his time from the issuance of the mental health counselor associate license.

Mr. Ivey's application was tabled pending corrected documentation.

3. **Kimberly Larsen (LCAC)**

Ms. Larsen appeared as requested to discuss her application. Ms. Larsen is requesting to use her field experience to meet the practicum requirements for the clinical addiction counseling license. The Board staff noted that her application was not clear about her current experience and supervision hours. The Board stated that she cannot use field experience and unlicensed practice to meet the clinical practicum requirements. They informed her she has to complete a practicum under the umbrella of a university. Ms. Larsen stated that was not clear on the IPLA website.

Ms. Larsen's clinical addiction counselors' application was tabled.

4. **Jennifer Rohrer (LCAC)**

Ms. Rohrer appeared as requested to discuss her application. She is requesting that the Board accept her field experience in place of the practicum. She stated that the statute and rules do indicate that she can use field experience to meet this requirement. The Board consulted with Board counsel, and Board counsel supported that if an applicant did not have a license to practice, then their field experience would be unlicensed practice. Ms. Rohrer stated that she does have the CADAC credential, and the Board informed her that the CADAC credential is not a license to practice. Ms. Rohrer inquired if she could use any of the time she worked as an addiction counselor. The Board counsel stated that if she was working at the LCAC level, and only holding the LAC level license, that would imply she was working outside her scope of practice. The Board also noted that the courses she listed for the course work are not all graduate level courses. The Board stated that they cannot go over every possibility that she could pursue, and she needs to pursue one plan in order to meet the requirements outlined in the law.

Ms. Rohrer application was tabled.

5. **Elena Makarenko (LSW)**

Ms. Makarenko appeared as requested to discuss why she did not disclose information on her criminal background. She provided a statement and supporting documentation for the Board to review. Ms. Makarenko stated that her arrest occurred twenty (20) years ago, and she rushed to complete the application so she could help her clients. She stated that the incident did not cross her mind. The Board discussed with her the importance of disclosing the information regardless of the time frame when it occurred.

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

Harner/Viehweg
Motion carried 9/0/0

6. **Amanda Stroud (LSW)**

Ms. Stroud did not appear.

7. **Stefani Tountzios (LAC)**

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

8. **Jeremy Wirtz (LMHCA)**

Mr. Wirtz did not appear. The board noted changes regarding his education and stated he meets requirements. They noted that an appearance is still being requested.

V. NOTICE OF PROPOSED DEFAULT

A. Amy Grace Kreitl.

Cause No. 2023 BHSB 0011

Parties Present:

Respondent was not present

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

Lindy Meyer, Court Reporter, Accurate Court Reporting

Participating Board Members:

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

Jon Ferguson, LMFT, LCAC, Vice Chair

Kelley Gardner, LMFT, MFT 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

Peter Karalis, M.D., Psychiatric Physician Member

Case Summary: On or about May 28, 2023 a Motion for Ms. Kreitl to Cease and Desist the unlicensed practice of mental health counseling was issued. Ms. Kreitl was requested to appear in June 2023 to discuss the matter, but she notified the Office of Attorney General that she could not appear due to a death in the family. Her case was continued for the July 2023. Ms. Kreitl then notified the Office of Attorney General that she could not appear due to illness. Mr. Waddel stated that it is up to the Board if they would like to continue her case or issue a Notice of Proposed Default due to her non-appearance.

Board Action: The Board's decision was to continue the hearing in this matter.

VI. PROPOSED SETTLEMENT AGREEMENT

A. Kelly King, LMHC

Cause No. 2021 BHSB 0011

Parties Present:

Respondent was not present

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

Lindy Meyer, Court Reporter, Accurate Court Reporting

Participating Board Members:

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

Jon Ferguson, LMFT, LCAC, Vice Chair

Kelley Gardner, LMFT, MFT 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

Peter Karalis, M.D., Psychiatric Physician Member

Case Summary: On or about August 5, 2021 Ms. King's license was suspended as she was determined to be a clear and present danger to the public. On or about October 12, 2021 an Administrative Complaint was filed against Ms. King with allegations that she engaged in lewd or immoral conduct and that she continued to work despite being impaired while using alcohol or substance abuse in the course of her providing services to clients. On or about August 15, 2023 a Proposed Settlement Agreement was reached with the following terms:

- Both parties execute this Agreement voluntarily.
- The 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 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 Respondent's Indiana behavioral health license.
- Respondent's license shall be placed on INDEFINITE SUSPENSION for a period of NO LESS THAN ONE (1) YEAR.
 - Prior to reinstatement, Respondent shall:
 - Complete twelve (12) continuing education hours in professionalism/ethics and twelve (12) continuing education hours in boundaries. Respondent shall submit proof of completion to IPLA.
 - Respondent shall receive a fitness for duty and psychological examination from an HSPP within two (2) months of her reinstatement petition.
 - Respondent shall submit the results to the Board and shall follow all recommendations made by the HSPP.

- Respondent may continue employment at Maple Heights Behavioral Health but shall not act as a L.M.H.C. or L.C.A.C. while suspended. Respondent has reviewed the requirements and definitions of practice under Ind. Code § 25-23,6.
- Respondent shall, prior to being eligible to petition for reinstatement, pursuant to Ind. Code§ 4-6-14-1 0(b), pay a FEE of FIVE DOLLARS (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
- 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.
- 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 between Ms. King and her counsel, and it has been communicated to her what constitutes as unlicensed or suspended practice. Mr. Eldridge stated that Ms. King’s counsel had intentions of being present but could not be due to illness. He stated that Ms. King reported to him that she has started completing some of the terms. He stated that this Agreement brings a framework for her to start the return to safe practice.

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

Richardson/Justice
Motion carried 9/0/0

VII. ADMINISTRATIVE HEARINGS

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

Cause No. 2023 BHSB 0020

Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was not present

Lorie Brown, Counsel for Respondent

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

Lindy Meyer, Court Reporter, Accurate Court Reporting

Participating Board Members:

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

Jon Ferguson, LMFT, LCAC, Vice Chair

Kelley Gardner, LMFT, MFT 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
Peter Karalis, M.D., Psychiatric Physician Member

Case Summary: On or about May 11, 2023 an Administrative Complaint was filed against Ms. Heinhuis with allegations that she engaged in a romantic relationship with a client and had two counts where she failed to refrain from an activity that might lead to inadequate performance of her therapeutic services for her client. Ms. Heinhuis and Ms. Brown attended a Pre-Settlement conference with Board Liaison, Andrew Harner. On or about July 20, 2023 a Proposed Settlement Agreement was met with the following terms:

- Both parties execute this Agreement voluntarily.
- The 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 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 Respondent's Indiana behavioral health license.
- Respondent's Mental Health Counselor license shall be placed on INDEFINITE PROBATION for a MINIMUM of TWO (2) YEARS from the date of the final order. Respondent may petition to withdraw the probation after TWO (2) YEARS of active practice from the Board's final order.
- While on probation, Respondent's license shall be governed by the following TERMS AND CONDITIONS:
 - Respondent shall complete six (6) continuing education units each in the areas of: 1) boundaries; and 2) professionalism and ethics.
 - Respondent shall provide a copy of all Board orders, including this one, imposing discipline or limiting practice to any behavioral health employer who shall sign and return a copy of such orders to the Board within ten (10) days of employment or receipt of the Order. Should Respondent's employer change, Respondent shall submit a new, signed copy of the Board's Final Order accepting the Agreement from the new employer within ten (10) days of Respondent beginning employment.
 - If Respondent is working as a behavioral health provider, Respondent shall be SUPERVISED by a practitioner licensed by the Board. Respondent shall cause her supervisor to submit written QUARTERLY SUPERVISORY REPORTS to the Board.
 - Respondent shall make QUARTERLY PERSONAL APPEARANCES, as scheduled by the Board, before the Board.
 - Respondent shall keep the Board apprised of the following information in writing and update it as necessary:
 - Respondent's current home address, mailing address, e-mail address and residential telephone number.

- Respondent's place of employment, employment telephone number, employment e-mail address and name of supervisor.
- Respondent shall comply with all statutes and rules regulating the practice of behavioral health and human services and immediately report any future arrests, instances of substance abuse, work discipline or terminations to the Board immediately in writing.
- Respondent shall, pursuant to Ind. Code § 4-6-14-10 (b), pay a FEE of FIVE DOLLARS (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
- 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.
- 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 licenses, 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 licenses.

Ms. Brown indicated that there were mitigating factors for this case and the determination of the Settlement terms. She stated that Ms. Heinhuis has voluntarily completed a fitness for duty evaluation and is continuing to complete personal therapy. She has also voluntarily undergone additional CE training in ethics and boundaries, and she has an LMHC supervisor review cases with her. Ms. Brown stated that her client has tried to be proactive in learning from this situation. The State noted no concerns with the Settlement Agreement.

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

Richardson/Justice
Motion carried 9/0/0

B. Reginald Murray, LCAC, License No. 87000987A
Cause No. 2023 BHSB 0010
Re: Administrative Complaint and Motion for Summary Judgment

The hearing in the matter of Mr. Murray was continued.

VIII DISCUSSION

A. Reinstatement

1. Robert Robinson, LCSW

The Board reviewed Mr. Robinson's clinical social work reinstatement application, which expired in 2006, to determine if an appearance is required.

The Board reviewed his statement and submitted continuing education. Mr. Robinson has been working with the police force and with their mobile crisis team. They determined that an appearance is not required.

Board Action: A motion was made and seconded to approve Mr. Robinson's clinical social work reinstatement pending the completion of the jurisprudence examination.

Harner/Viehweg
Motion carried 9/0/0

B. Application

1. Susan Callan, LCSW

Ms. Callan's application was submitted for review of her ASWB exam score that occurred in 1985. Based upon the ASWB's evaluation of the score it would be equivalent for the license. The Social work section approved the application, did not require full Board approval.

C. Removal of Probation

1. Courtney Carroll, LSW

Ms. Carroll submitted an evaluation completed by an addictionologist. Previously in November the Board determined in a virtual meeting with Ms. Carroll that her probation could be withdrawn provided that she submits proof that her evaluation was completed. The Board noted no concerns with the submitted evaluation.

Board Action: A motion was made and seconded to remove Ms. Carroll from probation.

Harner/Viehweg
Motion carried 8-0-1 Cooper-Bolinsky abstained

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 80 current open complaints and they have closed 117 since the beginning of the year. Primarily the complaints have been from Marion County followed by Lake and Hamilton County. The content of the complaints are unprofessional conduct, unlicensed practice, and professional incompetence. The average age of the open complaints is 7.7 months and primarily against Clinical Social Workers and Mental Health Counselors.

There are currently 14 open litigation cases with only 28 closed this year. The average duration of the litigation cases are 11.5 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 followed by Clinical Social Workers.

Mr. Eldridge discussed with the Board the differences of unprofessional conduct versus professional incompetence.

XI. FORMAL ADOPTION OF APPLICATION REVIEWS

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

Viehweg/Richardson
Motion carried 9-0-0

XII. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Maple Heights

The Board noted that this CE sponsor is providing good topics, but the application is missing two items. The Board stated that in order to further review their application they would need a sample of the presentation and an indication of the goals they are trying to achieve with their presentations.

The application was tabled for further documentation.

B. ThrivePoint Indiana LLC

ThrivePoint was previously reviewed, and the Board requested additional information. The Board reviewed the sample presentation and noted that it now meets requirements.

Board Action: A motion was made and seconded to approve ThrivePoint Indiana LLC application as a CE Sponsor.

Harner/Justice
Motion carried 9/0/0

C. Indiana Behavior Association

The Board noted that the application is missing objectives for the presentation, and they have to be specific based upon the presentation.

The application was tabled for further documentation.

D. Mental Health Awareness of Michiana

Mental Health Awareness of Michiana was previously reviewed, and the Board requested additional information. The Board reviewed the sample presentation and noted that it now meets requirements.

Board Action: A motion was made and seconded to approve Mental Health Awareness of Michiana's application as a CE Sponsor.

Harner/Viehweg
Motion carried 9/0/0

XIII. OLD/NEW BUSINESS

A. Nathan McGuire

The Board had previous concerns with a complaint that was filed against Mr. McGuire regarding misleading advertising on his website. He was issued a Cease and Desist where he agreed to remove the misleading advertising on his website within a specific period of time. The Board noted that time period has passed, and his website has not changed. They directed Board staff to file a complaint as no action has been taken.

B. State and Rule Suggestions

The Board discussed recommendations on statute changes and proposed language to make the requirements clearer. The Board noted that for each section they would like to see changes to provide more clarification on private practice/LLCs, supervision requirements, and unlicensed practice clarification. The Board discussed statute changes versus rule changes and time frames to get the updates completed. The Board noted concerns with opening up the language too far as it could impact the profession negatively. The NASW Association noted that most States are trying to streamline portability between States, and if there are any statute changes it cannot be too extreme of a change as it could be a risk with portability.

The Board discussed how compact licenses would be implemented, and which States have joined a compact. The Board noted that they would not be opposed to being part of the compact, but it would have to be approved by the Indiana legislature.

Board discussed reciprocity, and the fact that some States only require the NCE exam for Mental Health. For reciprocity in Indiana, we have always required the NCHMHCE examination to qualify for reciprocity. The Board also discussed that for

Social Work some States do not require the examination, but in order to qualify in Indiana for reciprocity you have to show proof of passing the ASWB exam.

The Board discussed the concerns of those applicants who stated that they are working as a non-licensed therapist. They also discussed licensees who hold multiple temps, and the associate license. The Board discussed the exemptions of licensure statute and rules and who could potentially qualify. Currently the biggest exemption is for those employed by DCS who are exempt from licensure IC 25-23.6-4.2. The Board debated the difference between being contract by DCS versus employed by DCS and how that would impact the need for licensure. Board discussed grace periods to obtain licensure and the feasibility on trying to put some of the responsibilities on the employer to ensure they have a licensed staff.

XIV. ADMINISTRATORS' REPORT

Ms. Vaught reported that currently there are a higher number of practitioners who that are on probation due to the unlicensed practice. As a result, there will be a number of administrative hearings that need to be scheduled for those who have met the requirements and are going to request to come off probation.

In order to address the reports that IPLA is not providing consistent updates, an automatic status email will be going out every two weeks for all pending applications in the IPLA system.

XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 12:39 p.m. by general consensus.

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

Date