

MINUTES
BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
January 23, 2012

I. CALL TO ORDER AND ESTABLISH QUORUM

Kimble Richardson called the meeting to order at 9:23 a.m. in Room W064, 402 West Washington Street, Indianapolis, Indiana and determined that a quorum could be established, in accordance with IC § 25-23.6-2.

Members Present:

Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C., Board President
George Brenner, M.S., L.C.S.W., L.M.F.T., L.C.A.C., Board Vice President
Andrew Harner, M.S.W., L.C.S.W., SW Section Chair
Rex Stockton, Ed.D., L.M.H.C., L.C.S.W., L.M.F.T., LMHC Section Chair
Carla Gaff-Clark, Ed.D., L.M.H.C., CADAC-IV, L.C.A.C., AC Section Chair
Geneva Osawe, M.S.W., L.M.F.T., L.C.S.W., M.F.T, MFT Section Chair

Members Absent:

Vacant, Marriage and Family Therapy Member
Vacant, Social Work Member
Vacant, Consumer Member
Vacant, Consumer Member
Vacant, Psychiatrist Member

Staff Present:

Thomas McGee, Board Director
Ronnie Saunders III, Assistant Board Director
Donna Sembroski, Legal Counsel, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

GAFF-CLARK/
Motion carried 6-0-0

III. APPROVAL OF MINUTES FROM NOVEMBER 28, 2011.

A motion was made and seconded to approve the minutes of the November 28, 2011 meeting of the Board, as amended.

HARNER/OSAWA
Motion carried 6-0-0

IV. APPOINTMENT OF ALJ

A motion was made and seconded to approve that any board member or combination of board members may serve as an ALJ in any hearing before this Board.

BRENNER/HARNER
Motion carried 6-0-0

V. PERSONAL APPEARANCES

A. Robert A. Hundt, 34004333A
Re: Probation Appearance

Mr. Hundt appeared before the Board for his scheduled quarterly probationary personal appearance. Mr. Hundt indicated that he is keeping up with probationary appearances

and is continuing to attend AA meetings. He indicates that he does not have a sponsor at the current time. Mr. Hundt indicated that he sent an apology to Patient A by text message. The Board determined that this was an acceptable written apology for the purposes of the Order.

B. Matthew Vincent Auciello, LSW Applicant
Re: Positive Response on Initial Application

Mr. Auciello appeared before the Board to discuss the positive response on his initial application for licensure as a Licensed Social Worker. Mr. Auciello answered "yes" to the following question:

Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?

Mr. Auciello was arrested for and convicted of possession of drug paraphernalia due to his possession of a pipe with marijuana. This occurred shortly after his graduation from high school.

A motion was made and accepted to his application for licensure as a Licensed Social Worker

HARNER/OSAWA
Motion Carried 6-0-0

C. Lisa Kristyne Vucko, LMHC Applicant
Re: Applicant Review

Ms. Vucko has a pending application as a Licensed Mental Health Counselor. Her license had been reviewed by Mr. Richardson and she was found to be missing required course content areas: Foundations of Mental Health Counseling and Contextual Dimensions. Ms. Vucko is also missing 6 hours of graduate education credits. She is requesting that the Board waive these requirements. The Board reviewed her application and determined that there was no legal basis upon which these requirements could be waived.

A motion was made and seconded to deny her request for the waiver

HARNER/STOCKTON
Motion Carried 6-0-0

D. Mark Piechowiak, LSW Applicant
Re: Positive Response on Initial Application

Mr. Piechowiak failed to appear before the Board to discuss the positive response on his initial application for licensure as a Licensed Social Worker. Mr. Piechoiak answered "yes" to the following question:

Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?

The Board tabled his personal appearance to the March 26, 2012 meeting.

E. George T. Donelson, 39000743A
Re: Renewal Application Review

Mr. Donelson was asked to come before the Board due to the fact that he has been expired since 2006. He indicated that he had continued to practice despite the fact that his license has been expired. He was notified by a friend that he was expired.

A motion was made and seconded to approve his application for renewal contingent on him passing the jurisprudence examination.

HARNER/STOCKTON
Motion Carried 6-0-0

**F. Roberta A. Williams, 35001310A
Re: Renewal Application Review**

Ms. Williams was asked to come before the Board due to the fact that her license has been expired since 2006. She indicated that she was under hardship at the time of her renewal due to issues with her family. She indicated that she simply forgot to renew her license. She indicated that she has always kept up with her CEU requirements during the period she was expired. She indicated she worked with the Postal Service Employee Assurances Program in Illinois during the time that she was expired. She indicated that she would like her license to be active in case she needed it for community service, if opportunities become available in the future.

A motion was made and seconded to renew Ms. Williams license contingent on her taking and passing the MFT examination.

STOCKTON/HARNER
Motion Carried 6-0-0

VI. ADMINISTRATIVE HEARING

A. In the Matter of the License of Marsha Goin, Denied LCAC Applicant

Administrative Cause No. 2011 BHSB 005
Re: Appeal of Denial

Parties and Counsel Present:
Marsha Goin, Petitioner

Participating Board Members:

Mr. Richardson (Hearing Officer)
Mr. Harner
Mr. Brenner
Dr. Stockton
Ms. Osawe
Ms. Gaff-Clark

Non-Participating Board Members:

Case Summary:

Ms. Goin's application for licensure as an Addiction Counselor was denied by the Board on August 5, 2011 due to her failure to meet the statutory requirements for licensure. Ms. Goin filed an appeal of the denial of her application on August 22, 2011.

Ms. Goin previously appeared before the Board on September 26, 2011 and November 28, 2011. Ms. Goin submitted her Wisconsin certification as a Registered Alcohol Drug Counselor I. Ms. Goin indicated that she is not certain if she has the required Level II equivalency. The Board, at that time, determined to adjourn the hearing and give her the chance to establish that she has the required Level II equivalency.

Ms. Goin failed to appear for the hearing.

A motion was made and seconded to continue the hearing to March 2012

B. In the Matter of Reginald Murray, Denied LMFT Applicant

Administrative Cause No. 2011 BHSB 007

Re: Appeal of Denial

Parties and Counsel Present:

Reginald Murray, Petitioner

Participating Board Members:

Mr. Richardson (Hearing Officer)

Mr. Harner

Mr. Brenner

Dr. Stockton

Ms. Gaff-Clark

Ms. Osawe

Non-Participating Board Members:

Case Summary:

Mr. Murray's application for licensure as a Marriage and Family Therapist was denied by the Board on September 29, 2011 due to his failure to meet the statutory requirements for licensure. Mr. Murray filed an appeal of the denial of his application on September 30, 2011.

Mr. Murray indicated that he would like clarification regarding his application and its reason for denial. He believes that he meets all the requirements for licensure. He submitted an exhibit showing all the coursework he has received matched up with the required coursework areas. He indicated that he has a Master of social work as well as a Master of arts in psychology. Mr. Murray also provided copies of the CEUs he has completed.

Mr. Murray advised that he wishes to receive licensure so that he will not be restricted to just practice as an LCSW. He indicated that he completed his experience requirements under Patricia House, who was a qualified supervisor. The Board discussed Mr. Murray's graduate course work and indicated the areas where he needed further documentation.

Ms. Osawe indicated that her concerns are that Mr. Murray has a degree in Social Work and that his experience was Social Work based rather than Marriage and Family Therapy. Mr. Murray indicated that his experience was done with Patricia House, who although not an LMFT, was qualified to provide MFT therapy supervision.

Ms. Osawe indicated that she has thoroughly reviewed Mr. Murray's application on several occasions and that he has not met the requirements for the licensure. Ms. House may be an appropriate supervisor, but the supervision provided was not Marriage and Family Therapy based. The Board reviewed each course requirement and found that he did not meet Theoretical Foundations of Marriage and Family Therapy, Major Models of Family Therapy, Family Development and Relationships, Behavior Research. The Board reviewed his practicum and found that it did not focus on Marriage and Family Therapy and did not meet the requirements for licensure.

A motion was made and seconded to uphold the denial of his application. The Board stayed its order for one week and allowed Mr. Murray the opportunity to withdraw his application prior to the denial being upheld.

C. In the Matter of the License of Elaine Dawn Williams

Administrative Cause No. 2011 BHSB 004
Re: Motion to Dismiss, Final Hearing

Parties and Counsel Present:

William Lawson and Mark Mader, Office of the Attorney General
Elaine Dawn Williams, Respondent
David F. McNamar, Counsel for Respondent

Participating Board Members:

Mr. Richardson (Hearing Officer)
Mr. Harner
Mr. Brenner
Ms. Osawe
Ms. Gaff-Clark
Dr. Stockton

Non-Participating Board Members:

Case Summary:

Mr. Lawson provided an opening statement for the State indicating that the Respondent is in violation of several sections of Indiana Code which impairs her ability to continue to practice. Mr. McNamar provided an opening statement for the Respondent indicating that the original consumer complaint was filed by Respondent's former employer on reasons completely unrelated to the proceeding. That the consumer complaint was filed as a result of a dispute over patients when she left her former employment. Mr. McNamar indicates that once the evidence has all been presented and properly weighed by the board, that the Board will issue a finding on behalf of his client.

Mr. Lawson called Ms. Barbara Greene to the stand. Ms. Greene indicated that she is an analyst for the Office of the Attorney General. Ms. Greene identified the initial consumer complaint in this matter which was admitted into evidence. Ms. Greene read certain sections from the complaint. Mr. McNamar had Ms. Greene identify the Respondent's response to the consumer complaint and entered it into evidence. Mr. McNamar also had Ms. Greene identify the additional response submitted by Barclay Wong on Respondent's behalf and entered it into evidence.

Mr. Lawson called Patient A to the stand. Patient A indicated that she was a patient of Elaine Williams for someone around 6 years. Patient A indicated that Ms. Williams informed her of the consumer complaint pending against her. She indicated that she became uncomfortable with Ms. Williams when Ms. Williams grabbed her during a session when she was trying to leave. Patient A indicated that she asked Ms. Williams to no longer have any contact with her after March 10, 2010. She then received numerous phone calls, e-mails and letters from Ms. Williams. She continued to insist that Ms. Williams no longer have contact with her. She indicated that she ultimately felt threatened by the contact she was receiving from Ms. Williams.

Mr. McNamar cross examined Patient A regarding her relationship with Ms. Williams. Ms. McNamar questioned Patient A regarding her relationship with her other care providers. Patient A identified several e-mails that she sent to Ms. Williams in February of 2010, as well as several pictures that Ms. Williams took of her. All of the e-mails and photographs were admitted into evidence. The Board members also asked questions of Patient A.

The State asked the Board to review its record from the Summary Suspension. Mr. McNamar objected to the admission of any of the testimony or exhibits from the Summary Suspension order.

Mr. McNamar moved the Board to dismiss Counts 2,3,4,5, and 6 for lack of sufficient evidence. The Board voted to dismiss Count 2 and Count 4 by a vote of 4-2-0. The Board voted to move forward with Counts 3, 5, and 6 by a voted of 6-0-0.

Mr. McNamar called Ms. Williams to testify. Ms. Williams testified to her employment history. Ms. Williams testified as to her history of treating Patient A. She testified that Patient A suffered from dissociative identity disorder, post traumatic stress disorder, and depression. She indicated that their relationship slowly transformed from therapist/patient to one of friendship. She felt that, given Patient A's fragile state, her being completely out of Patient A's life would be very disruptive. She states that she encouraged Patient A to continue to seek treatment during the period of their friendship. Ms. Williams indicated that she provided transportation services, crisis support, as well as general support to Patient A. She testified that she always told Patient A that if the friendship was not positive for Patient A, then they needed to reevaluate the relationship.

Mr. McNamar called Dr. Brinkenhoff to testify regarding his supervision of her working relationships with patients. He testified that she has excellent clinical competence. He testified that he has reviewed reports concerning her relationship with Patient A and felt that is was positive for many years, but obviously did not end well. He indicated that she did not engage in any boundary crossings, but not boundary violations.

Both parties presented closing statements.

The Board found the Respondent in violation of Count 1 by a vote of 6-0-0, Count 3 by a vote of 6-0-0, Count 5 by a vote of 6-0-0, Count 6 by a vote of 6-0-0.

A motion was made to revoke Ms. William's Mental Health Counselor License
HARNER/STOCKTON
Motion 5-1-0

VII. ALJ RECOMMENDATIONS

**A. In the Matter of Greig Ronald Thomson, Jr., 39001233A
Administrative Cause No. 2010 BHSB 003
Re: Request for Withdrawal of Probation**

A motion was made and seconded to accept the ALJ recommendation

HARNER/BRENNER
Motion carried 6-0-0

**B. In the Matter of Debra Susan Penrod, 39000853A
Administrative Cause No. 2011 BHSB 003
Re: Request for Withdrawal of Probation**

A motion was made and seconded to accept the ALJ recommendation

BRENNER/OSAWA
Motion carried 6-0-0

**C. In the Matter of Danny Edward Crossley, 39001068A
Administrative Cause No. 2010 BHSB 012**

A motion was made and seconded to issue a Notice of Proposed Default for Mr. Crossley's failure to appear at the November Hearing

VIII. BOARD DIRECTOR'S REPORT

Mr. McGee updated the Board on the current status of Senate Bill 24 which would reopen grandfathering applications for LAC and LCAC applicants, require background checks for all applicants, and change the calculation of LMFT years of post-graduate experience.

IX. OLD/NEW BUSINESS

A. Licensure Reinstatement for Licenses Expired for Three-Plus Years Recommendations

1. Alfred C. Dodini, 34004605A

After review and discussion, a motion was made and seconded to approve the ALJ Recommendations

HARNER/BRENNER
Motion carried 6-0-0

2. Thomas D. Robbins, 35001086A

After review and discussion, a motion was made and seconded to renew his license contingent on his passing the Jurisprudence examination.

STOCKTON/GAFF-CLARK
Motion carried 6-0-0

B. Continuing Education Waiver Request

1. Elizabeth Ervin Davis, 34006194A

After review and discussion, a motion was made and seconded to approve her request to waive her CEU requirement from the 2012 through 2014 biennium

HARNER/BRENNER
Motion carried 6-0-0

C. Marriage and Family Therapy Hours and Experience Discussion for Associates

A motion was made and seconded to draft a rule to allow for two years post graduate experience to begin from the date of graduation rather than from the date of becoming licensed as an LMFT to come in line with the coming statutory change.

BRENNER/GAFF-CLARK
Motion carried 6-0-0

D. Marriage and Family Therapist/Associate Application Forms Discussion and Review

A discussion was held to consider removing the 50% individual requirement from the LMFT application to make the application consistent with the current statutes and rules. Mr. McGee indicated that a form change would be submitted.

E. Ruth Hallett, Consumer Member

The Board set aside a moment to thank Ruth Hallett for her years of service to the Board as a consumer member and congratulate her on her retirement from the Board.

X. CE SPONSOR APPLICATION REVIEW

- A. A motion was made and seconded to recommend approving the continuing education sponsor application of Seniors Helpers.

HARNER/BRENNER
Motion carried 6-0-0

- B. A motion was made and seconded to request Alison H. Johnson to provide further information about the curriculum and the specific program.

HARNER/BRENNER
Motion carried 6-0-0

- C. A motion was made and seconded to request Justus Rental Properties to provide further information about the curriculum, who the provider is, and what the learning objectives are.

HARNER/OSAWA
Motion carried 6-0-0

XI. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 11:47 p.m.

GAFF-CLARK/HARNER
Motion carried 4-0-0

**Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C., Board President
Behavioral Health and Human Services Licensing Board**