

**MINUTES
BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
MARCH 25, 2013**

I. CALL TO ORDER AND ESTABLISH QUORUM

George Brenner called the meeting to order at 9:24 a.m. in Room W-064, 402 West Washington Street, Indianapolis, Indiana and determined that a quorum could be established, in accordance with IC § 25-23.6-2.

Members Present:

George Brenner, M.S., L.C.S.W., L.M.F.T., L.C.A.C., Board Chair
Chris Falley, L.M.F.T., Board Vice Chair (Appeared by telephone)
Andrew Harner, M.S.W., L.C.S.W., SW Section Chair
Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C., MHC Section Chair
Carla Gaff-Clark, Ed.D, L.M.H.C., CADAC-IV, L.C.A.C., AC Section Chair
Alan Schmetzer, M.D.

Members Absent:

Sherry Rediger, Ph.D., L.M.F.T., MFT Section Chair
Rex Stockton, Ed.D. L.M.H.C., L.C.S.W., L.M.F.T,
Steven Douglas, J.D.
Roger Reeves
Vacant, Social Work Member

Staff Present:

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

II. ADOPTION OF AGENDA

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

SCMETZER/RICHARDSON
Motion carried 6-0-0

III. APPROVAL OF THE MINUTES FROM JANUARY 28, 2013.

A motion was made and seconded to approve the minutes of the January 28, 2013 meeting of the Board, as amended.

RICHARDSON/HARNER
Motion carried 6-0-0

IV. PERSONAL APPEARANCES

**a. Carolyn Jean Duwe, LCSW Applicant
Re: Positive Response on Initial Application**

Ms. Duwe appeared before the Board to explain her positive response on her initial application for licensure in Indiana. Ms. Duwe indicated that she had been terminated from her place of employment due to a failure to provide a complete and truthful response to application questions regarding her mental health.

Ms. Duwe explained that she had been extremely overwhelmed in her work with the Veterans' Administration and had asked for assistance. As a result of this request, she was required to undergo a complete review of all her work. During this review, it was determined that she had lied on her initial application for employment in that she did not disclose mental health issues.

A motion was made and seconded to issue Ms. Duwe a license on indefinite probation with no right to petition for withdrawal for two years. Under the terms of her probation, she is required to keep the board abreast of her current contact and employment information and have quarterly reports submitted to the board from a supervisor if she is working in the social work field.

HARNER/SCHMETZER
Motion Carried 6-0-0

b. Bryan Robin Overbey, LSW Applicant
Re: Positive Response on Initial Application

Mr. Overbey indicated that he was initially arrested at age 17 for visiting a common nuisance, a known drug house. Mr. Overbey indicated that he was arrested again at age 18 while fleeing for a theft committed by another individual he has been driving with at the time. He ultimately pled guilty to two counts of conspiracy to commit burglary. He went to jail for 6 months and said that he resumed using drugs upon his release.

He ultimately went to drug treatment in exchange for a lessened sentence for drug possession. He said the treatment in St. Louis changed his life. Later, he reported graduating from college and is now celebrating 9 years of sobriety.

A motion was made and seconded to allow him to sit for the LSW examination and grant a license upon successful passing the examination.

HARNER/RICHARDSON
Motion Carried 6-0-0

c. David Michael Moore, LSW Applicant
Re: Positive Response on Initial Application

Mr. Moore indicated that he was arrested for OWI after drinking at a New Years Eve party. Mr. Moore indicated that it was his understanding that the incident would be expunged according to his attorney. He indicated that he had not had any other drug or alcohol-related incidents and no incidents of criminal conduct.

A motion was made and seconded to allow him to sit for the LSW examination and grant a license upon successful passing the examination.

HARNER/SCHMETZER
Motion Carried 6-0-0

d. Steven Richard Wham, LCSW Applicant
Re: Positive Response on Initial Application

Mr. Wham indicated that he is currently being treated for alcohol addiction under an agreement with the Kentucky Impaired Professional Program. Mr. Wham has been in this diversion agreement since 2009 and it is a five year contract. Mr. Wham self reported the alcohol addiction and is thus not under a disciplinary order with Kentucky.

A motion was made and seconded to allow him to sit for the LCSW examination and grant a license upon successful passing the examination.

HARNER/RICHARDSON
Motion Carried 6-0-0

V. ADMINISTRATIVE HEARINGS

A. In the Matter of Don Kristen Small

Administrative Cause No. 2012 BHSB 022

Re: Complaint

Parties and Counsel Present:

Kelsie Moore, DAG (Petitioner)

Don Kristen Small (Respondent)

Participating Board Members:

Mr. Brenner (Hearing Officer)

Mr. Richardson

Mr. Harner

Dr. Gaff-Clark

Dr. Schmetzer

Ms. Falley (appeared by telephone)

Non-Participating Board Members:

Dr. Rediger

Dr. Stockton

Mr. Douglas

Mr. Reeves

Case Summary:

Barb Greene, Attorney General Investigator, testified on behalf of the Board. She testified that she interviewed Dawn Rutherford, the consumer who filed the initial complaint. She indicated that there were multiple complaints, one that Dr. Small had been taking out health premiums from her paycheck without paying those premiums to the insurance company, and that Dr. Small had had an affair with Mellissa Lynch, a student intern in the office.

The state called Dr. Small to testify. Dr. Small admitted to having a relationship with Ms. Lynch, whom he later married. Dr. Small also admitted to not paying health premiums. Dr. Small went on to testify on his own behalf. He testified that Ms. Rutherford was in charge of the billing was responsible for \$36,000 in losses by the practice resulting in the ultimate collapse of the business. He testified that he filed for divorce in March of 2009 and his relationship with Ms. Lynch started after that time. He indicated that he was upfront and honest about the relationship with his staff and did not attempt to hide the conduct. He indicated that the health care premiums could not be paid because there were not enough assets in the practice to pay them, by the time the money had been collected; the insurance company had already cancelled the policy. Dr. Small maintains that none of his conduct was unethical.

A motion was made and seconded that Dr. Small was in violation of Count I of the Complaint.

Richardson/Harner
Motion carried 6-0-0

A motion was made and seconded that Dr. Small was in violation of Count II of the Complaint.

Richardson/Harner
Motion carried 6-0-0

A motion was made and seconded to place Dr. Smalls license on indefinite probation for a period of at least 1 year, with quarterly reported from supervisor and ½ of his CEUs from 2012 to 2014 coming in ethics and boundary issues.

Richardson/Harner
Motion failed 3-3-0

A motion was made and seconded to issue a letter of reprimand.

Schmetzer/Gaff-Clark
Motion carried 4-2-0

VI. CE SPONSOR APPLICATION REVIEW

a. Edgewater Systems of Balanced Living

A motion was made and seconded to approve Edgewater Systems of Balanced Living as a Continuing Education Sponsor.

SCHMETZER/BRENNER
Motion Carried 6-0-0

b. New Avenues, Inc.

A motion was made and seconded to approve New Avenues, Inc. as a Continuing Education Sponsor.

SCHMETZER/HARNER
Motion Carried 6-0-0

c. Indiana Association for Marriage and Family Therapy

A motion was made and seconded to approve Indiana Association for Marriage and Family Therapy as a Continuing Education Sponsor.

SCHMETZER/HARNER
Motion Carried 6-0-0

d. Mobile Medical Maintenance

A motion was made and seconded to approve Mobile Medical Maintenance as a Continuing Education Sponsor.

SCHMETZER/HARNER
Motion Carried 6-0-0

VII. FORMAL ADOPTION OF APPLICATION REVIEWS

A motion was made and seconded to approve the recommendations made by each section of the Board for the licensure application reviews conducted from 8:00 a.m. to 9:00 a.m., and at any other time since the previous board meeting.

RICHARDSON/SCMETZER
Motion carried 6-0-0

VIII. OLD/NEW BUSINESS

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

1. Peggy L. Jobst Matson, 34002733A

A motion was made and seconded to renew her license pending the passing of the Clinical level ASWB exam and the jurisprudence examination.

HARNER/RICHARDSON
Motion carried 6-0-0

2. Loretta Anne Olesky, 33003867A

A motion was made and seconded to accept her application to renew her license pending the passing of the jurisprudence examination.

RICHARDSON/HARNER
Motion carried 6-0-0

3. David S. Strombaugh, 35000993A

A motion was made and seconded to renew his license pending the passing of the AMFTRB exam and the jurisprudence examination.

RICHARDSON/HARNER
Motion carried 6-0-0

**B. Proposed Offer of Licensure Reciprocity from the Tennessee Board of
Professional Counselors**

This matter was tabled to the May 13, 2013 Board meeting.

IX. ADMINISTRATORS' REPORT

Mr. McGee informed the Board that the board had received the statistical results from ASWB regarding the clinical and masters level examination. These results were then reviewed by the Board. Mr. McGee informed the Board that Dr. Rediger would be attending new board member training through ASWB over the summer. Mr. McGee informed the board of all pending legislation in the Indiana General Assembly which could potentially affect the board directly or indirectly.

X. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 2:34 p.m.

**George Brenner, M.S., L.C.S.W., L.M.F.T., L.C.A.C., Board President
Behavioral Health and Human Services Licensing Board**