

MINUTES
BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
July 26, 2010

I. CALL TO ORDER AND ESTABLISH QUORUM

Andrew Harner called the meeting to order at 9:07 a.m. in Room W064, 402 West Washington Street, Indianapolis, Indiana and declared a quorum, in accordance with IC § 25-23.6-2.

Members Present:

Andrew Harner, MSW, L.C.S.W., President
Kimble Richardson, M.S. L.M.H.C., L.C.S.W., L.M.F.T., MHC Section Chair
Geneva Osawe, MSW, L.M.F.T., L.C.S.W., MFT Section Chair, Vice-President
Michael Aemmer, MA, L.S.W., L.M.F.T.
George Brenner, L.C.S.W., L.M.F.T., L.C.A.C.
Carla Gaff-Clark, Ed.D., L.M.H.C., CADAC-IV, L.C.A.C.
Ruth Hallett, Consumer Member

Members Absent:

Rex Stockton, Ed.D., L.M.H.C., L.C.S.W., L.M.F.T., Psychologist, MHC Section Chair
Vacant, SW Section Chair
Vacant, Consumer Member
Vacant, Psychiatrist Member

Staff Present:

Valerie Jones, 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.

RICHARDSON/HALLETT
Motion carried 7-0-0

III. APPROVAL OF MINUTES FROM MAY 24, 2010

A motion was made and seconded to approve the minutes of the May 24, 2010 meeting of the Board, as amended.

RICHARDSON/STOCKTON
Motion carried 7-0-0

IV. PERSONAL APPEARANCES

A. Cheryl Gay, License #34004806A

Re: Probationary Personal Appearance

Ms. Gay appeared before the board as required by her Probation Order.

Ms. Gay informed the Board that she recently attended a continuing education course about dual relationships. Ms. Gay discussed the course and explained to the Board what she believed that she learned.

Ms. Gay stated that she learned that some dual relationships are ok when they are not harmful to the client. Ms. Gay further discussed the boundary issues discussed during the conference and how they related to the situation that led to her disciplinary action.

The Board encouraged Ms. Gay to work toward determining what she should consider good boundaries and to continue with her professional supervision.

No Board action was required.

B. Timothy D. Theye, License #34004130A & 39000457A

Re: Positive Response on Renewal Application

Mr. Theye appeared before the Board to discuss the positive response on his renewal application. Mr. Theye answered “yes” to the following questions:

“Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline – or have you resigned in lieu of discipline or termination?”

Mr. Theye informed the Board that he was terminated from his position at Atria after a 5-month employment period as a result of failing to follow up with specific orders from his supervisor. Mr. Theye stated that he did not have clinical responsibilities at Atria nor was he required to hold a license.

After discussion, a motion was made and seconded to reinstate Mr. Theye’s license to practice clinical social work and mental health counseling.

BRENNER/OSAW
Motion carried 7-0-0

C. Nicole Danielle Wallick, License #33005067A

Re: Positive Response on Renewal Application

Ms Wallick appeared before the Board to discuss the reasons she failed to check “yes” on her renewal application to the following question:

“Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending?”

Ms. Wallick signed a Consent Agreement with the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board to surrender her social work license after failing to comply with a continuing education audit.

Ms. Wallick informed the Board that she believed she was renewing her Indiana license and not her Ohio license during a the time when she was facing issues with her pregnancy. Ms. Wallick stated that she only learned of this error after being audited by the Ohio Board. Ms. Wallick stated that she failed to submit her proof of continuing education to the Ohio Board.

The Board reviewed the continuing education hours for Ms. Wallick and it was determined that she had more than the required number of hours.

A motion was made and seconded to reinstate Ms. Wallick’s license to practice social work and approve her addiction counselor licensure application.

HALLETT/OSAW
Motion carried 7-0-0

D. Naomi Adams, LCSW Applicant

Re: Repeat Exam Attempts

Ms. Adams appeared before the Board to discuss the reason she believes that she has failed to pass the ASWB clinical level exam. Ms. Adams has failed the exam three (3) times and explained the issues she has faced while sitting for the exam.

Ms. Adams informed the Board that she has taken a prep course and reviewed numerous practice exams. Ms. Adams further stated that she is working on improving her test taking skills by learning to take a standardized test and is working with a person on how to better improve her ability to take a standardized test.

The Board had questions about whether Ms. Adams has taken the appropriate psychopathology course required for licensure.

After discussion, a motion was made and seconded to require Ms. Adams to take and pass a psychopathology course prior to allowing Ms. Adams to sit for the exam.

HARNER/OSAWA
Motion carried 6-1-0

Mr. Richardson voted nay.

E. Sheila E. Buckler, LSW Applicant

Re: Repeat Exam Attempts

Ms. Buckler appeared before the Board to discuss the reason she believes that she has failed to pass the ASWB masters level exam. Ms. Buckler has failed the exam three (3) times and explained the issues she has faced with sitting for the exam.

Ms. Buckler informed the Board that she believes that her skill level does not match the exam content. The Board expressed concerns with the fact that Ms. Buckler has a BSW and two-years of experience rather than a MSW. However, the Board assured Ms. Buckler that she does meet the licensure requirements necessary to sit for the exam.

After a review of Ms. Buckler's academic background, the Board informed Ms. Buckler that she would likely qualify for the mental health counselor license and should consider applying.

After discussion, a motion was made and seconded to allow Ms. Buckler to sit for the exam.

RICHARDSON/AEMMER
Motion carried 7-0-0

F. Bridgette E. McLaurin, LMHC Applicant

Re: Repeat Exam Attempts

Ms. McLaurin appeared before the Board to discuss the reason she believes that she has failed to pass the NCMHCE examination needed to obtain her license to practice mental health counseling in the State of Indiana. Ms. McLaurin has failed the exam three (3) times and explained the issues she has faced with sitting for the exam.

Ms. McLaurin explained that she is not a good test taker and has continued studying and is currently trying to resolve her anxiety with her test taking skills.

Ms. McLaurin explained her areas of concern including extra time and the possible need for special accommodations. The Board encouraged Ms. McLaurin to request the special accommodations she may need in order to pass the exam.

After discussion, a motion was made and seconded to allow Ms. McLaurin to sit for the exam.

RICHARDSON/OSAWA
Motion carried 7-0-0

G. Brenda Thompson, LMHC Applicant

Re: Coursework Discussion

Ms. Thompson appeared before the Board at 8:00 a.m. to discuss the issues the Board is having approving her application due to the course content areas she has submitted.

Mr. Richardson met with Ms. Thompson to discuss four course content areas of concern. After review, one content area was approved and Mr. Richardson gave Ms. Thompson direction on the three remaining areas of concern.

Ms. Thompson's application will remain with the LMHC section of the Board until additional courses have been submitted.

No Board action was required.

H. Larry Shaver, LCAC Applicant

Re: Positive Response on Initial Application

Mr. Shaver appeared before the Board to discuss the positive response on his application for licensure as a clinical addiction counselor.

Mr. Shaver answered "yes" to the following question:

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

Mr. Shaver was also issued a letter of written reprimand by the Board on April 27, 2004 as a result of a complaint filed by the Office of the Attorney General on January 6, 2004. The written reprimand admonished Mr. Shaver for failing to keep the Board fully informed of his residential address as well as reminding him to follow all laws and protocols when obtaining proper consent to disclose confidential client information.

Mr. Shaver explained his reasons for leaving the mental health counselor profession and the reasons he was disciplined by the Board.

The Board expressed concerns with Mr. Shaver's failure to obtain proper consent and client confidentiality based on the professional standards required with the field of addiction counseling.

Dr. Harman spoke on Mr. Shaver's behalf as Mr. Shaver's former supervisor. Dr. Harman spoke to the circumstances that led to Mr. Shaver's disciplinary action and the counseling that he gave Mr. Shaver which led to him taking responsibility for his actions and eventually leaving the profession of mental health counseling.

After discussion, a motion was made and seconded to approve Mr. Shaver's clinical addiction counselor application.

BRENNER/GAFF-CLARK
Motion carried 7-0-0

I. Daniel Adam Brodsky, License # 39001770A

Re: Positive Response on Renewal Application

Mr. Brodsky appeared before the Board to discuss the positive response on his renewal application. Mr. Brodsky answered "yes" to the following question:

"Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?"

Mr. Brodsky was sentenced for a year of probation after being convicted of criminal recklessness. Mr. Brodsky was also recently arrested and has criminal charges pending for domestic violence with children present.

The Board questioned Mr. Brodsky about his pending charges and criminal conviction. Mr. Brodsky was further questioned by the Board about the personal and marital counseling he has received. Mr. Brodsky informed the Board of the reasoning for counseling and the results of his sessions.

Mr. Brodsky is currently an addictions counselor in group format and has a background as a marriage and family therapist. However, Mr. Brodsky stated that he is not providing couple's therapy. He further stated that he receives individual clinical supervision from a licensed clinical social worker.

Mr. Brodsky stated that he has been divorced for four (4) years and that the situation with his ex-wife has made him "stressed out and depressed."

After discussion, a motion was made and seconded to renew Mr. Brodsky's license on probation with the following terms and conditions:

1. Indefinite probation until criminal probation is completed.
2. Bi-weekly supervision with an emphasis on counter-transference issues
3. Bi-monthly reports from Board licensed clinical supervisor.
4. Make quarterly personal appearances before the Board.
5. Obtain 10 Category I Continuing Education hours in courses related to domestic violence and control issues with at least one course completed prior to the first quarterly personal appearance.
6. Report to the Board the results of his pending criminal charges.

RICHARDSON/OSAWA
Motion carried 7-0-0

J. Danny Edward Crossley, License #39001068A
Re: Positive Response on Renewal Application

Mr. Crossley appeared before the Board to discuss the positive response on his renewal application. Mr. Crossley answered "yes" to the following question:

"Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?"

Mr. Crossley was convicted of felony welfare fraud while Director of "Catch the Fire" Christian Fellowship Church. Mr. Crossley explained the circumstances leading to his conviction. Mr. Crossley spent one year in prison and is currently on parole.

The Board questioned Mr. Crossley about his continuing education hours.

The Board reviewed the appellate decision of Mr. Crossley's case and expressed concerns with Mr. Crossley's credibility.

After discussion, a motion was made and seconded to renew Mr. Crossley's license to practice mental health counseling on probation with the following terms and conditions:

1. Indefinite probation with no opportunity for withdrawal for at least two (2) years.
2. Submit proof of completion of parole and re-payment of all restitution.
3. Restriction on billing requiring supervision of all third-party billing.
4. Clinical supervision of clinical work with a quarterly report from a Board licensed clinical supervisor.
5. Obtain 20 Category I hours of continuing education in record keeping and billing and 20 category I hours of ethics.
6. Personally appear before the Board every 6 months.

RICHARDSON/BRENNER
Motion carried 5-1-0

V. OLD/NEW BUSINESS

A. Reinstatement for Licenses Expired for Three-Plus Years

1. Pamela M. Spear, License # 34001509A

The Board reviewed documentation from Ms. Spear regarding her request to renew her expired license to practice clinical social work. Ms. Spear's licenses have been expired since April 1, 2002. Ms. Spear submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Spear submitted a letter detailing the reasons for failing to renew her license.

After review and discussion, a motion was made and seconded to require her to take the ASWB clinical exam prior to reinstating her license to practice clinical social work.

HARNER/RICHARDSON
Motion carried 6-0-0

2. Marcia Kay Rigg, License # 33001334A

The Board reviewed documentation from Ms. Rigg regarding her request to renew her expired license to practice social work. Ms. Rigg's license has been expired since April 1, 2004. Ms. Rigg submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Rigg submitted a letter detailing the reasons for failing to renew her license.

After review and discussion, a motion was made and seconded to require her to take the Indiana jurisprudence exam prior to reinstating her license to practice social work.

HALLETT/HARNER
Motion carried 6-0-0

3. Rebecca Anne Fortuna, License #33004839A

The Board reviewed documentation from Ms. Fortuna regarding her request to renew her expired license to practice social work. Ms. Fortuna's license has been expired since April 1, 2006. Ms. Fortuna submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Fortuna submitted a letter detailing the reasons for failing to renew her license.

After review and discussion, a motion was made and seconded to request a letter from her university indicating when she taught each of the courses for first time presented as proof of meeting the continuing education requirement.

HALLETT/RICHARDSON
Motion carried 6-0-0

4. Mary Louise Lazoff Fyfe, License #33001468A

The Board reviewed documentation from Ms. Fyfe regarding her request to renew her expired license to practice social work. Ms. Fyfe's license has been expired since April 1, 2000. Ms. Fyfe submitted documentation of having

completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Fyfe submitted a letter detailing the reasons for failing to renew her license.

After review and discussion, a motion was made and seconded to require her to take the ASWB master level exam and Indiana jurisprudence exam prior to reinstating her license to practice social work.

RICHARDSON/HALLETT
Motion carried 6-0-0

5. Pamela Annette Clark, License #33003685A

The Board reviewed documentation from Ms. Clark regarding her request to renew her expired license to practice social work. Ms. Clark's license has been expired since April 1, 2006. Ms. Clark submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Clark submitted a letter detailing the reasons for failing to renew her license.

After review and discussion, a motion was made and seconded to require her to take the Indiana jurisprudence exam prior to reinstating her license to practice social work.

RICHARDSON/HALLETT
Motion carried 6-0-0

6. K. Jeanine Childs, License #39001262A

The Board reviewed documentation from Ms. Childs regarding her request to renew her expired license to practice mental health counseling. Ms. Childs' license has been expired since April 1, 2006. Ms. Childs submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Childs submitted a letter detailing the reasons for failing to renew her license.

After review and discussion, a motion was made and seconded to require her to take the Indiana jurisprudence exam prior to reinstating her license to practice mental health counseling.

HALLETT/RICHARDSON
Motion carried 6-0-0

7. Bradford L. Snyder, License #35001220A

The Board reviewed documentation from Mr. Snyder regarding his request to renew his expired license to practice marriage and family therapy. Mr. Snyder's license has been expired since April 1, 2006. Mr. Snyder submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Mr. Snyder submitted a letter detailing the reasons for failing to renew his license.

After review and discussion, a motion was made and seconded to require the him to take the Indiana jurisprudence exam prior to the reinstating his license to practice marriage and family therapy.

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

B. Sub-Committee Report - Addiction Counselor Certification Review

A Sub-Committee of the Board consisting of George Brenner, Carla Graff-Clark, and Kimble Richardson reviewed the following certifications for approval as equivalent addiction counselor certifications to the Level II:

1. National Board for Certified Counselors' (NBCC) Master Addictions Counselor (MAC)
2. Indiana University East
3. Indiana University South Bend
4. Indiana Wesleyan University - Graduate
5. Indiana Wesleyan University - Undergraduate

The committee recommended that all five (5) programs be approved as equivalent to the Level II certification for the purposes of grandfathering and be added to the Board approved certification list.

After review and discussion, a motion was made and seconded to approve the committee recommendations.

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

VI. CE SPONSOR APPLICATION REVIEW

- A. A motion was made and seconded to approve the continuing education sponsor application of Consulting Advocacy Resources Education, Inc.

HALLETT/RICHARDSON
Motion carried 6-0-0

- B. A motion was made and seconded to approve the continuing education sponsor application of National Association of Forensic Counselor.

HALLETT/RICHARDSON
Motion carried 6-0-0

- C. A motion was made and seconded to approve the continuing education sponsor application of Treat & Lindsey Counseling Associate, Inc.

HALLETT/RICHARDSON
Motion carried 6-0-0

VII. FORMAL ADOPTION OF APPLICATION REVIEW

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.

HALLETT/BRENNER
Motion carried 6-0-0

VIII. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 2:19 p.m.

Andrew Harner, MSW, L.C.S.W., President
Behavioral Health and Human Services Licensing Board