

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

MINUTES

JANUARY 25, 2021

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Richardson called the meeting to order at 8:15 a.m. through virtual video and audio conferencing and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Board Chair
George Brenner, MS, LCSW, LMFT, LCAC, Vice Chair
Stephan Viehweg, MSW, LCSW
Andrew Harner, MSW, LCSW, Board Chair, SW Section Chair, Board Designee
Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Kelley Gardner, LMFT
Elizabeth Cunningham, D.O., Psychiatric Physician Member
Jacqueline Eitel, RN, Consumer Member

Board Members Not Present:

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.

Harner/Cunningham
Motion carried 7-0-0 (Eitel not present)

III. APPROVAL OF MINUTES FROM SEPTEMBER 28, 2020 & OCTOBER 26, 2020

A motion was made and seconded to accept the minutes from September 28, 2020 and October 26, 2020 as edited.

Viehweg/Harner
Motion carried 7-0-0 (Eitel not present)

IV. ADMINISTRATIVE HEARINGS

A. Richard Russell, L.M.H.C., License No. 39002487A

Cause No. 2020 BHSB 0026
Re: Administrative Complaint

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

V. PROPOSED SETTLEMENT AGREEMENT

There were no settlement agreements for consideration.

VI. PERSONAL APPEARANCES

A. Probation

1. Kimberly Justus, L.M.H.C., Temporary No. 99094558A
Cause No. 2019 BHSB 0009

Ms. Justus appeared as requested to discuss her probation that was initially placed on July 31, 2019. Ms. Justus has applied to take the NCMHCE exam for her LMHC application three (3) times and has failed the exam. Her most recent exam attempt was on January 12, 2021 where she failed the exam by five (5) points. With each exam attempt she has scored higher. Currently she is working as a family support specialist and is studying extra courses to help her pass the exam on her next attempt. Ms. Justus explained to the Board that her biggest struggle to pass the exam is testing anxiety. The Board advised her to also attempt some relaxation techniques before her next exam attempt so she can lessen her stress levels.

Board Action: A motion was made and seconded to allow Ms. Justus to take the NCMHCE exam for the fourth time.

Stockton/Brenner
Motion carried 8-0-0

2. William Kuster, L.A.C., License No. 86000144A
Cause No. 2016 BHSB 0020

Mr. Kuster did not appear as requested to discuss his probation that was initially placed on November 29, 2016.

3. Jenna Thomas, L.C.S.W., License No. 34002496A
Cause No. 2016 BHSB 0009

Ms. Thomas could not appear as requested to discuss her probation that was initially placed on May 1, 2019. Ms. Thomas contacted the Board that she was unable to appear due to a medical issue.

B. Reinstatement

1. Karen S. Bimber, L.M.H.C., License No. 39001062A

Ms. Bimber did not appear as requested to discuss her reinstatement of her license.

2. Chris Schlosser, L.S.W., License No. 33003127A

Mr. Schlosser appeared as requested to discuss the reinstatement of his LSW license that expired in 2008. Since the expiration of his license Mr. Schlosser has been working in the school system and in the Real Estate field. Mr. Schlosser stated that he has been fixing

low-income housing and participating in volunteer opportunities. He indicated that now that his children have grown, he would like to activate his license again and become a therapist in the school system.

Board Action: A motion was made and seconded to approve Mr. Schlosser’s reinstatement pending completion of the jurisprudence exam.

Harner/Viehweg
Motion carried 8-0-0

C. Application

1. Rejina Congrove (LSW)

Ms. Congrove appeared as requested to discuss her yes response to question (4) “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?”. Ms. Congrove explained to the Board that she had 3 convictions. One which occurred in 2001 was for criminal conversion and the other 2 which occurred in 1997 were for a DUI’s . Ms. Congrove stated that her reasons for the DUI was that she did not know how to respond to stresses as she had grown up in the foster care system. She informed the Board that despite her turbulent life she obtained her master’s degree and found that her experiences allowed her to relate to her clients. The Board inquired why she did not obtain a license after she obtained her degree in 2018, and Ms. Congrove stated that her employment did not require a license at that time. She indicated that her new job at Families First is working with older adults and the job requires her to obtain a license. The Board informed her that regardless of what her employer required, for the State of Indiana, if she is doing the work of an LSW, she must hold a license.

Board Action: A motion was made and seconded to approve Ms. Congrove’s application to sit for the ASWB Master’s Level Exam.

Harner/Viehweg
Motion passed 8-0-0

2. Brian Griffin (LMHCA)

Mr. Griffin appeared as requested to discuss his yes response to question number four (4) “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any

offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” Mr. Griffin stated that he was arrested in 2012 while he was in the Army. He had attended a party on base where alcohol was consumed, and the Military Police were called to disband the party. Mr. Griffin stated that he has been working with an attorney to resolve the issue and to have it removed from his record. Currently the military has denied his appeal and he does not have the funds to fight the appeal decision. Mr. Griffin stated his Commander had dismissed the charges against him, however the Military Police would not change their reports to show the charge was dismissed. Mr. Griffin stated there have been no other incidents in his past, and his intention is to work with veterans once he obtains his license.

Board Action: A motion was made and seconded to approve Mr. Griffin’s application to sit for his NCE exam.

Brenner/Gardner
Motion carried 8-0-0

3. Nicole Jones (LSW)

Ms. Jones appeared as requested to discuss her yes response to question number four (4) “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” on her application. Ms. Jones was arrested for fraud in 2010. She informed the Board that that time in her life was difficult and while she was working at USPS, she would take gift cards. She was convicted of official misconduct and placed on probation with terms and conditions. Since that time, she has completed probation Ms. Jones indicated that it caused her to be more introspective and enter the mental health field. She started her work in a nonprofit agency of helping young women, but her employment is currently on hiatus while she is going through the licensure process.

Board Action: A motion was made and seconded to approve Ms. Jones’ application to sit for the ASWB Master’s exam.

Harner/Viehweg
Motion carried 8-0-0

4. Courtney Carroll (LSW)

Ms. Carroll appeared as requested to discuss her yes response to questions number four (4) “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?”, number three (3) “Do you have any condition or impairment (including a history of alcohol or substance abuse) that currently interferes, or if left untreated may interfere with your ability to practice in a competent and professional manner?”, and question number five (5) “Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended, or subjected to any restrictions, probation or other type of discipline or limitations?” Ms. Carroll was convicted of operating a vehicle while intoxicated in March of 2017 and was arrested in January of 2020 of operating with high BAC of .17g or more. This case is currently pending. She stated that the incident in 2017 happened prior to graduation in 2018. She submitted a detailed letter outlining the incidents and supporting documentation for the Board to review. She is currently attending counseling and AA meetings pending the outcome of 2020 charges. Ms. Carroll is employed at Oaklawn as an Addictions Therapist. She stated that when the incident occurred, she informed her employer who removed her from seeing clients for a period of two weeks. She was required to complete fitness for duty evaluation, which was done by Dr. Mahoney, and he had determined her fit for work. The Board inquired why she is only applying for licensure now when she graduated in 2018. She stated that after graduation she was working as an elementary school teacher and did not apply for Oaklawn until January 2019 and was working part time. She did not become a full-time therapist until August of 2019.

Board Action: A motion was made and seconded to approve Ms. Carroll’s application to sit for the ASWB Masters examination and to issue the temporary permit on Probation with the following terms:

1. Applicant’s LSW temporary permit, and Applicant’s LSW license when issued, shall be placed on **INDEFINITE PROBATION**. Applicant may not petition the Board for removal of probation for at least six (6) months. Applicant may not be released from probation until Applicant’s criminal charges are completed.
2. Applicant shall remain on probation until the Board withdraws the probation after a hearing in which Applicant demonstrates that the deficiency that warranted the probationary status has been remedied pursuant to Ind. Code § 25-1-9-16.
3. During the probationary period, Applicant’s permit and license shall be governed by the following **TERMS** and **CONDITIONS**:

- a. Applicant shall keep the Board informed of the following information and update it as necessary:
 - i. Applicant's current home address, mailing address and residential telephone number;
 - ii. Applicant's place of employment, employment telephone number, and name of supervisor; and
 - iii. Applicant's occupation title and work schedule, including the number of hours worked per week.
- b. Applicant shall promptly report any relapse or setback in Applicant's alcohol or substance abuse treatment to the board.
- c. Applicant shall promptly notify the Board of any arrest.
- d. The Board, in their discretion, may request that Applicant appear before the Board to give affirmative updates on Applicant's alcohol or substance abuse treatment and probation.
- e. Within three (3) months of applying for withdrawal of probation, Applicant shall have a psychological assessment/fitness for duty assessment conducted and a copy of that assessment provided to the Board.
- f. Applicant shall not violate any laws or regulations governing the practice of Licensed Social Workers.
- g. The failure of Applicant to comply with the terms of this order may subject Applicant to a show cause hearing and the imposition of further sanctions.

Harner/Viehweg
Motion carried 8-0-0

5. John Norman (LSW)

Mr. Norman appeared as requested to discuss his yes response to question number four (4) "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" on his application. Mr. Norman stated that he had incidents in 2010 and 2011, and while some of his charges have been expunged, not all of them have come off his record. He informed the Board that he has been sober for nine (9) years and is still ongoing. There have been no other incidents on his record since that time and he said the DUIs that occurred after he graduated were his wake-up call. He stated that at that time he saw how his drinking was impacting his family and he considers his past experiences vital in

allowing him to relate to his clients. He does attend AA meetings once a week and is a sponsor himself. He informed the Board that currently his support system is his family that helps him keep track of his sobriety.

Board Action: A motion was made and seconded to approve Mr. Norman's application to sit for the ASWB Master's Exam.

Harner/Viehweg
Motion carried 8-0-0

6. Roy Roberson (LSW)

Mr. Roberson appeared as requested to discuss why he did not respond yes on his application. Mr. Roberson submitted a letter of explanation and supporting documents for the Board to review. Mr. Roberson is licensed in Kentucky and the Board asked if he had disclosed his DUI to their Board. Mr. Roberson stated that he had disclosed it to the Kentucky Board, and that it was not his intention to deceive Indiana. He stated that because he had addressed it with Kentucky that the situation had been resolved. Mr. Roberson stated that the incident allowed him to relate to his clients better and that because of his history of battling addiction for the past twenty-two years he is able to empathize with his clients. Mr. Roberson stated that he currently is working with inmates and clients with a history of drug abuse. His current self-care plan is to maintain an active lifestyle through exercise and time with family. His current supervisor is aware of his past and appearance before the Board. Mr. Roberson also informed the Board that one of their talking points was his response on his application and walked through what his response would be if a client did a lie of omission.

Board Action: A motion was made and seconded to approve Mr. Roberson pending completion of the Indiana jurisprudence exam.

Harner/Viehweg
Motion carried 8-0-0

7. Courtney Sherman (LMHCA)

Ms. Sherman appeared per her request. Ms Sherman was granted her Associate License on August 30, 2017, and she requested an extension of time so she can obtain her hours in order to eventually obtain her LMHC license. Ms. Sherman submitted a letter of explanation that since the issuance of her LMHCA license she had gotten pregnant and currently has three (3) children under three (3). Her pregnancies delayed her work and ability to gain her post degree experience and supervision. She also informed the Board that the COVID pandemic further delayed her. Ms. Sherman did have a letter from her supervisor to support her request. Ms. Sherman informed the Board that currently she has eighteen (18) months of experience and eighty-six (86) supervision hours.

Board Action: A motion was made and seconded to grant extension of time to obtain post degree experience and supervision.

Viehweg/Eitel
Motion carried 7-0-0 (Cunningham not present)

8. Jessica Slaven (LSW)

Ms. Slaven appeared as requested to discuss her yes response to question number four (4) “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” on her application. Ms. Slaven stated that she had a DUI in 2006 and 2009. She had completed all terms as determined by the courts. She was required to complete driving classes after her incidents, and she also did volunteer work. She stated that she also exercises and practices self-reflection. She informed the Board that she was hired by Aspire Indiana as an Addiction Recovery Specialist and has been employed for the past five (5) years. She had to leave Aspire as the caseloads were increasing and she did not want to bring work home.

Board Action: A motion was made and seconded to approve Ms. Slaven’s application to sit for her ASWB Master’s Exam.

Viehweg/Harner
Motion carried 8-0-0

9. Beatrice Willis (LAC)

Ms. Willis appeared as requested to discuss her yes response to question number four (4) “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” Ms. Willis explained that she had a past history of drug addiction and has attended treatment many times to address her issues. She informed the Board that after her first incident she had been released and required to complete volunteer work two (2) times a week. She stated that the volunteer work inspired her to attend Calumet College to pursue a Master of Education degree. After she had obtained her masters, she pursued her doctorate

degree and during that time experienced some family tragedies. She stated that she has been in personal care for thirty-one (31) years and maintained her sobriety for that length as well. She stated that she does have a diagnosis of anxiety and depression that is currently being treated with Zoloft and counseling sessions through Adult and Child. Based upon the Board's review of her application and education she does not have a pharmacology course.

Board Action: A motion was made and seconded to approve Ms. Willis' positive response and her application will remain in pending status until she provides proof of completion of a pharmacology course.

Brenner/Stockton
Motion carried 8-0-0

10. Elizabeth Wriighthouse (LMHCA)

Ms. Wriighthouse did not appear per her request to discuss her application and the difficulties she is experiencing with the application process.

VII. DISCUSSION

A. Virtual Supervision

The Board received correspondence from NASW regarding how much in person supervision can be done virtually. The Board stated that the statute states that up to 50% of post-degree supervision can be done virtually. With concerns on how supervision was conducted since the COVID pandemic, the NASW asked for clarification if the Governor's Executive Order superseded the limit of 50%. Board counsel stated that more research will need to be conducted before the Board can address the issue. For the Board to make an official change they must go through an official rule making process if they want to give more clarification.

VIII. APPLICATIONS FOR REVIEW

There were no applications for review.

IX. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General's office reported to the Board that they have 100 complaints with an average age of the pending complaint being 7 months. There are currently 7 open litigation cases including those waiting for settlements and cases that are no older than 10 months. Currently the Attorney General's Office is going through a transition of their new computer software programs and staff restructuring.

X. FORMAL ADOPTION OF APPLICATION REVIEWS

A motion was made to adopt the application reviews.

Brenner/ Stockton
Motion carried 8-0-0

XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

There were no continuing education applications for review.

XII. OLD/NEW BUSINESS

There was not old/new business.

XIII. ADMINISTRATORS' REPORT

There was no administrator's report.

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 12:18 p.m. by general consensus.

Kimble Richardson, MS, LMHC, LCSW,
LMFT, LCAC, MHC
Chair

Date

George Brenner, MS, LCSW, LMFT,
LCAC, Vice Chair

Date