

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

JANUARY 27, 2014

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Brenner called the meeting to order at 9:00 a.m. in the Indiana Government Center South, 402 West Washington Street, Room W064, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

George Brenner, MS, LCSW, LMFT, LCAC, Board Chair
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC Section Chair
Andrew Harner, MSW, LCSW, SW Section Chair
Carla Gaff-Clark, Ed. D, LMHC, CADAC-IV, LCAC, AC Section Chair
Donald Osborn, Ph.D., LMFT, LCSW, LMHC, LCAC
Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Steven Douglas, JD, Consumer Member

Board Members Not Present:

Sherry Rediger, Ph.D., LMFT, MFT Section Chair
Roger Reeves, Consumer Member
Vacant, Social Work Member
Vacant, Psychiatric Physician Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Donna Sembroski, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA AS AMENDED

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

GAFF-CLARK/HARNER

Motion carried 7-0-0

III. ADOPTION OF THE MINUTES FROM NOVEMBER 18, 2013 MEETING

A motion was made and seconded to adopt the minutes from the November 18, 2013 meeting of the Board, as amended.

HARNER/DOUGLAS

Motion carried 7-0-0

IV. PERSONAL APPEARANCES

A. Application

1. Sarah Dang (LMHC)

Ms. Dang appeared before the Board, as requested, regarding her application for mental health counselor licensure. Ms. Dang answered yes to question 4B on the application that asks "Have you ever been convicted of, plead guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Ms. Dang explained that she has had three (3) convictions for Operating While Intoxicated in January 2004, August 2004, and April 2007. Ms. Dang stated she has completed all requirements for all charges and an IOP program for substance abuse as well as individual therapy. All potential charges were dismissed in August 2009. She explained that she has been through extensive counseling and attends AA meetings regularly.

Board action: The Board voted to approve Ms. Dang's application for the examination pending submission of a letter from her supervisor regarding her work performance.

HARNER/STOCKTON

Motion carried 6/0/1 with Mr. Richardson abstaining because he was not present for the entire appearance.

2. L. Allen Grecula (LAC)

Mr. Grecula appeared before the Board, as requested, regarding his application for licensure as an addiction counselor. Mr. Grecula answered yes to questions 3, 4A and 4B on the application that ask "Are you now or have you ever been treated for drug or alcohol abuse?", "Have you ever been convicted of, pled guilty or nolo contendere to a violation of any Federal, State or local law relating to the use, manufacturing, distribution or dispensing of controlled substances or drug addiction", and "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Mr. Grecula explained that in 1999 while in high school he was arrested on two (2) charges for dealing cocaine, in 2004 he was arrested and charged with Domestic Battery, and in 2009 he was charged with Disorderly Conduct. Mr. Grecula indicated he has completed all court requirements for his arrests. The Board stated that he cannot work independently. Mr. Grecula stated he will be working under the supervision of Dr. Stanley Lack although Dr. Lack will not be on the premises. The Board showed concerns with this supervision. Mr. Grecula stated he has completed 2 years of house arrest, of which he was released 6 months early for good behavior and five (5) years of probation.

Board action: A motion was made and seconded to grant Mr. Grecula an addiction counselor license.

HARNER/STOCKTON

Motion carried 6-1-0

*Mr. Richardson opposed

3. Alfred Hughes (LMFT)

Mr. Hughes did not appear as requested by the Board. Mr. Hughes will be scheduled to appear at the March 24, 2014 meeting of the Board.

B. Examination Attempts

1. Queen Yoder (LCSW)

Ms. Yoder appeared before the Board, as requested, regarding her application for clinical social worker licensure. Ms. Yoder has failed the clinical examination three (3) times and was approved in June 2013 to sit for the Master's examination for a social worker license. She explained that her employer is now requiring employees to have at minimum the clinical social worker license. Ms. Yoder submitted a letter of recommendation from her current employer. The Board advised her to get an evaluation regarding a disability from someone other than a colleague.

Board action: A motion was made and seconded to approve Ms. Yoder to take the clinical examination for the fourth time.

HARNER/GAFF-CLARK

Motion carried 7-0-0

2. Daisy Hollon (LCSW)

Ms. Hollon appeared before the Board, to request approval to take the clinical examination for the fourth time. She explained that the first time she did not adequately prepare for the examination; the second time, she prepared more, but not enough; and the third time, she did try really hard but was not able to pass. She stated she has ordered the ASWB study guide and pre-test. Ms. Hollon also requested that the Board waive the ninety (90) day waiting period to retake the examination. This waiver has been approved by the ASWB pending approval by the Board.

Board action: A motion was made and seconded to approve Ms. Hollon to retake the clinical examination for the fourth time and to grant the approval of the waiver of the ninety (90) day waiting period.

HARNER/GAFF-CLARK

Motion carried 6-0-0

*Dr. Stockton was not present for the vote

C. Probationary

- 1. Thomas A. Dworniczek, LCSW, LMFT, License Nos. 34001178A & 35000659A
Administrative Cause No. 2012 BHSB 003**

Mr. Dworniczek phoned and stated he would not be able to appear at this meeting due to weather conditions. Mr. Dworniczek will be scheduled to appear at the March 24, 2014 meeting of the Board.

D. Reinstatement

There were no reinstatement appearances before the Board.

V. ADMINISTRATIVE HEARINGS

A. State of Indiana vs. Elizabeth Covington, LCSW, License No. 34005521A

Administrative Cause No. 2012 BHSB 010

Re: Complaint

Parties Present:

Respondent was present, without Counsel

Kelsie Duggan, Deputy Attorney General for the State of Indiana

Sherri Rutledge, Court Reporter

Participating Board Members:

Mr. Brenner (Hearing Officer)

Mr. Richardson

Mr. Harner

Ms. Gaff-Clark

Dr. Stockton

Mr. Osborn

Mr. Douglas

Case Summary: On or around August 14, 2013, the State filed a complaint alleging Respondent has violated IC 25-1-9-4(a)(2)(A) in that Respondent has been convicted of a crime that has a direct bearing on Respondent's ability to continue to practice competently in that Respondent pled guilty to sexual misconduct with a patient; has violated IC 25-1-9-4(a)(4)(B) in that Respondent continued to practice although she had become unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by Respondents violation of 839 IAC 1-3-4(b)(8) by engaging in a sexual relationship with a Patient; has violated IC 25-1-9-4(a)(4)(B) in that Respondent continued to practice although she had become unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by Respondents violation of 839 IAC 1-3-4(b)(6) by violating a position of trust and dependency by committing an act detrimental to a client, as evidenced by her pursuing a romantic relationship with a Patient and smuggling contraband into the prison facility for the Patient's benefit; has violated IC 25-1-9-4(a)(5) in that Respondent has engaged in a course of lewd or immoral conduct in connection with the delivery of her services as evidenced by Respondent's engaging in a sexual relationship with a Patient; and has violated IC 24-1-9-4(a)(11) in that Respondent engaged in sexual contact with a patient under the practitioner's care. The State entered Exhibits A, B, and C; certified copies of court records. Respondent entered Exhibit 1, a response regarding State's Exhibit C. Respondent stated that Exhibit C states she has a record of criminal activity and when she asked her attorney about this, he stated it did not matter, although she thinks it does and just wanted the Board

to know that she does not in fact have a criminal history. She explained to the Board that she did not know when she crossed the professional boundary.

Board action: A motion was made and seconded to find Ms. Covington guilty on Counts I through V.

DOUGLAS/HARNER
Motion carried 7-0-0

Board action: A motion was made and seconded to place Ms. Covington's clinical social worker license on Indefinite Suspension with the following terms and conditions:

- Respondent may not petition for reinstatement for a period of five (5) years.
- Respondent must have HSPP psychological evaluation within six (6) months of petitioning for reinstatement to evaluate the fitness for practice.
- Respondent must submit forty (40) hours of continuing education in the area of ethics with 50% of the continuing education in Category I in addition to the number of hours required to maintain her license.
- Respondent must keep the Board apprised of her home address.
- Respondent must seek the guidance of a licensed behavioral health counselor or psychologist and follow their directives on counseling with a report to be submitted to the Board.

STOCKTON/RICHARDSON
Motion carried 6-1-0
*Mr. Osborn opposed

B. State of Indiana vs. Don L. Degner, LMHC, LCAC
License Nos. 39000793A & 87000567A
Administrative Cause No. 2013 BHSB 013
Re: Complaint

The hearing in this matter was Continued.

C. State of Indiana vs. Lindsay Anne Dings, LSW, License No. 33005569A
Administrative Cause No. 2013 BHSB 012

Parties Present:

Respondent was not present, nor represented by Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

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

Mr. Douglas

Case Summary: On or around November 21, 2013, the State filed a complaint alleging Respondent had violated 25-1-9-4(a)(4)(A) in that Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice by violating the NASW Code of Ethics 1.06(c) which states that social workers should not engage in dual or multiple relationships with clients or former clients in which there is a risk of exploitation or potential harm to the client. Specifically Respondent violated this provision when she overstepped professional boundaries with AP and patient CP, maintained inappropriate relationship with AP, failed to contact Child Protective Services, and allowed CP to stay in her personal residence. A Proposed Findings of Fact, Conclusions of Law and order was presented to the Board for review. The Proposed Order recommends:

- Respondent shall be placed on Indefinite Probation with no right to petition for withdrawal for one (1) year following the date of the Final Order.
- Shall make two (2) personal appearances before the Board during the probationary period. At least one (1) appearance shall take place within six (6) months of the Final Order.
- Shall complete all required continuing education units during her probation in the area of boundaries and ethics, with at least 50% of the CEUs in Category I.
- Shall be supervised for the duration of her probation by a licensed clinical behavioral health provider who shall submit quarterly reports to the Board. The reports shall address Respondent's professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others. If Respondent is unemployed while on probation, she will submit a written report to the Board notifying the Board of such in place of each required behavioral health employer report.
- Shall keep the Board abreast of her residential address and telephone number and shall notify the Board, in writing, within seventy-two (72) hours of any changes.
- Shall keep the Board abreast of the name, address, and telephone number of any and all behavioral health employers and shall notify the Board, in writing, within seventy-two (72) hours of any changes.
- Shall pay a fee of five dollars (\$5.00) to be deposited in the Health Records and Personal Identifying Information Protection Trust Fund.

Board action: A motion was made and seconded to accept the Proposed Findings of Fact, conclusions of Law and Order in the matter of Ms. Dings' social worker license.

HARNER/STOCKTON

Motion carried 7-0-0

D. State of Indiana vs. George T. Donelson, LMHC, License No. 39000743A
Administrative Cause No. 2013 BHSB 008
Re: Complaint and Proposed Findings of Fact, Conclusions of Law and Order

Parties Present:

Respondent was not present, nor represented by Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

Mr. Brenner (Hearing Officer)

Mr. Richardson
Mr. Harner
Ms. Gaff-Clark
Dr. Stockton
Mr. Osborn
Mr. Douglas

Case Summary: On or around September 12, 2013, the State filed a complaint alleging Respondent had violated IC 25-1-9-4 as evidenced by Respondent's continuation of practicing without a license. A Proposed Findings of Fact, Conclusions of Law and order was presented to the Board for review. The Proposed Order recommends:

- Issuance of a Letter of Reprimand.
- Complete fifty percent (50%) of his continuing education in the next renewal cycle in the area of boundaries, record keeping, or counselor ethics, all of which must be Category I. The Board will audit Respondent's CEUs at the end of the renewal cycle.
- Keep the Board abreast of his residential address and telephone number and shall notify the Board, in writing, within seventy-two (72) hours of any changes.
- Respondent shall keep the Board abreast of the name, address, and telephone number of any and all behavioral health employers and shall notify the Board in writing, within seventy-two (72) hours of any changes.
- Shall pay a fee of five dollars (\$5.00) to be deposited in the Health Records and Personal Identifying Information Protection Trust Fund.

Board action: A motion was made and seconded to accept the Proposed Findings of Fact, conclusions of Law and Order in the matter of Mr. Donelson's mental health counselor license.

STOCKTON/DOUGLAS
Motion carried 7-0-0

- E. State of Indiana vs. Kris M. Kasting**
Administrative Cause No 2013 BHSB 007
Re: Order to Show Cause – Motion for Order to Cease and Desist

The hearing in this matter was Continued.

- F. Matthew Heatherly, LMFT, License No. 35001674**
Administrative Cause No. 2012 BHSB 007
Re: Request for Withdrawal of Probation

Parties Present:

Petitioner was present, without Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

Mr. Brenner (Hearing Officer)
Mr. Richardson
Mr. Harner

Ms. Gaff-Clark
Dr. Stockton
Mr. Osborn
Mr. Douglas

Case Summary: On or around April 12, 2012, the Board placed Petitioner's marriage and family therapy license on Indefinite Probation with terms and conditions stemming from a positive response on his license renewal application. Petitioner states he has completed all requirements of the Board's Order as well as his criminal probation. On November 18, 2013, Respondent appeared at a hearing before the Board to consider his request to withdraw the probation on his license. Respondent submitted a letter from James Robertson, his clinical supervisor. The Board found that the letter did not meet the requirements of the Board's probation decision. The Board voted to deny Respondent's petition to withdraw his probation at that time because he had not completed all of the requirements for removal of probation. Respondent provided the Board with a letter from his clinical supervisor assessing his competency, work habits, and ability to work with others, along with letters from other professional attesting to Respondent's professional skills and qualifications. Petitioner is currently is employed with Anissa Counseling.

Board action: A motion was made and seconded to grant the withdrawal of probation in the matter of Mr. Heatherly's marriage and family therapy license.

RICHARDSON/HARNER
Motion carried 7-0-0

G. State of Indiana vs. Jennifer R. Peverly, LCSW, License No. 34004893A
Administrative Cause no. 2013 BHSB 011
Re: Complaint and Request for Continuance

Parties Present:

Petitioner was not present, nor represented by Counsel
Kelsie Duggan, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

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

Case Summary: On or around October 8, 2013, the State filed a complaint in the matter of Respondent's clinical social worker license alleging Respondent has violated IC 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities as evidenced by Respondent being dishonest on her application for employment with Cummins and the Cummins Credentialing Application regarding her termination from Granite House located in Maryland for engaging in a dual relationship with a client; Respondent has violated IC 25-1-9-4(a)(4)(B) in that Respondent has become unfit to

practice due to failure to keep abreast of current professional theory or practice by violating 839 IAC 1-3-4(b)(6) which states that relationships with clients shall not be exploited by the clinical social worker for personal gain as evidenced by Respondent exploiting her relationships with clients for personal gain when Respondent attempted to procure pain medication from clients during and outside of their therapy sessions; Respondent has violated IC 25-1-9-4(a)(4)(B) in that Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice by violating 839 IAC 1-3-4(b)(8) which states that a clinical social worker shall under no circumstances engage in sexual activities with clients as evidenced by Respondents sexual activity with a patient; Respondent violated IC 25-1-9-4(a)(4)(D) in that Respondent has become unfit to practice due to an addiction to, abuse of, or severe dependency upon alcohol or other drugs as evidenced by Respondent's attempt to purchase pain pills from clients on multiple occasions and admittedly having symptoms of withdrawal; Respondent has violated IC 25-1-9-4(a)(11), in that Respondent has engaged in sexual contact with a patient under her care; and Respondent has violated IC 25-1-9-4(a)(4)(A), in that Respondent has continued to practice although she has become unfit to practice due to professional incompetence as evidenced by Respondents violation of IC 25-23.6-6-1, which states that matters communicated to a counselor in the counselor's official capacity by a client are privileged information and may not be disclosed by the counselor to any person when Respondent disclosed private information about one patient to another patient. Respondent did not appear for the hearing, nor did she have a representative present in her absence. The State asks the Board to issue a Notice of Proposed Default in this matter.

Board action: A motion was made and seconded to issue a Notice of Proposed Default in the matter of Ms. Peverly's clinical social worker license.

DOUGLAS/RICHARDSON
Motion carried 7-0-0

VI. SETTLEMENT AGREEMENT

There were no Settlement Agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VIII. DISCUSSION

A. Cheryl Bukowski (LCSW)

Re: Request for Extension of Time

The Board reviewed the application file for Ms. Bukowski. Ms. Bukowski is requesting an extension of time to complete the application process. The Board recommends Ms. Bukowski either withdraw her application for licensure or allow the current approval to expire and reapply for licensure.

Board action: A motion was made and seconded to deny the request for an extension of time in the matter of Ms. Bukowski's request.

HARNER/RICHARDSON

Motion carried 6-1-0

*Mr. Brenner opposed

B. Jeanne Cannon, LCSW

Re: Request for Review of Graduate Level Courses for CE

The Board discussed correspondence from Ms. Cannon and stated they will accept the courses as continuing education if the courses include at least one (1) hour of ethics. Otherwise, she can complete one (1) hour of ethics free and online from the NASW

Board action: A motion was made and seconded to accept the courses reviewed as continuing education as requested by Ms. Cannon.

HARNER/GAFF-CLARK

Motion carried 7-0-0

C. Renewals

Re: Positive Responses

The Board discussed how they will manage renewal positive responses. They stated each section will review the positive responses for their renewal applications to determine whether or not the individuals of each license type will need to make a personal appearance before the full board.

IX. 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/HARNER

Motion carried 7-0-0

X. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A. Cohen & Malad, LLP

The Board reviewed the application submitted by Cohen & Malad, LLP and would like to verify whether or not they are requesting all professions to be approved.

Board action: A motion was made and seconded to grant the approval to Cohen & Malad, LLP as a continuing education provider upon clarification of whether or not they want to include addiction and clinical addiction counselors.

HARNER/DOUGLAS
Motion carried 6-0-0

B. National Institute of Crime Prevention

The Board reviewed the application submitted by National Institute of Crime Prevention to be approved as a continuing education provider.

Board action: A motion was made and seconded to approve National Institute of Crime Prevention as a continuing education provider.

HARNER/RICHARDSON
Motion carried 7-0-0

C. Delphia Large

The Board reviewed the application submitted by Delphia Large to be approved as a continuing education provider. The Board was pleased with the application packet.

Board action: A motion was made and seconded to approve Delphia Large as a continuing education provider

HARNER/STOCKTON
Motion carried 7-0-0

D. Mel Gardner Licensed Professional Counselor

The Board reviewed the application submitted by Mel Gardner to be approved as a continuing education provider. The Board was pleased with the application packet.

Board action: A motion was made and seconded to approve Mel Gardner as a continuing education provider

HARNER/STOCKTON
Motion carried 7-0-0

XI. OLD/NEW BUSINESS

The Board welcomed Donald Osborn as the new Marriage and Family Therapy board member.

XII. ADMINISTRATOR'S REPORT

There was no report from Ms. Vaught.

XIII. ADJOURNMENT

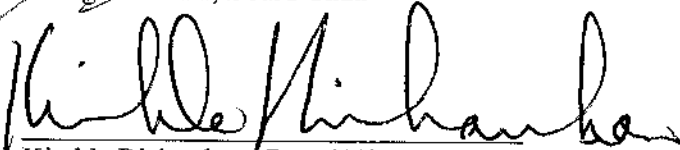
There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 1:30 p.m.

Board action: A motion was made seconded to adjourn the meeting of the Behavioral Health and Human Services Licensing Board at 1:30 p.m.

DOUGLAS/HARNER
Motion carried 7-0-0


George Brenner, Board Chair

7-28-14
Date


Kimble Richardson, Board Vice-Chair

7/28/2014
Date