

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

MINUTES

OCTOBER 18, 2021

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Richardson called the meeting to order at 8:04 a.m. through virtual video and audio conferencing and declared a quorum.

Board Members Present:

Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Board Chair
George Brenner, MS, LCSW, LMFT, LCAC, Vice Chair
Rex Stockton, Ed. D., LMHC, LCSW, LMFT (signed in 8:45 a.m.)
Stephan Viehweg, MSW, LCSW
Andrew Harner, MSW, LCSW, Board Liaison, SW Section Chair, Board Designee
Kelley Gardner, LMFT
C. Martin Justice, LMHC, LCAC
Diana Cooper-Bolinsky, LCAC, LCSW (signed in 9:15 a.m.)
Jacqueline Eitel, RN, Consumer Member

Board Members Not Present:

Rex Stockton, Ed. D., LMHC, LCSW, LMFT
Elizabeth Cunningham, D.O., Psychiatric Physician Member

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 as amended.

Viehweg/Cunningham
Motion carried 7-0-0

III. APPROVAL OF MINUTES

There were no minutes for review.

IV. PERSONAL APPEARANCES

A. Probation

1. Erin Clarey, L.C.S.W., License No. 34008591A
Cause No. 2019 BHSB 0010

Ms. Clarey appeared as requested to discuss her ongoing probation. She stated that she provided the Board a written notice of her new employment at Golden Living Center. She currently assists with discharges, admissions, behavior monitoring, care plans, and other duties. She informed the Board she finds the work challenging as there is a current staff shortage. She stated that she is currently supervised, but it is a rotating basis from a consulting company. She stated that she has also submitted a written request to withdraw probation. The Board reminded her to review her Probationary Order as she must show proof that she has met all the requirements outlined. Ms. Clarey stated that she is attending her sobriety meetings and meets with her sponsor weekly. She indicated that her counselor meetings have not been consistent, but requested her counselor provide a letter of support.

2. David Moore, L.C.S.W., License No. 34007612A
Cause No. 2016 BHSB 0015

Mr. Moore appeared as requested to discuss his ongoing probation. He stated that he is currently in the process of moving to Michigan to be closer to his children. He informed the Board that he is currently employed, but it is not in the field of social work. He stated that he has completed the two years per his order from 2016 to 2018. Mr. Moore stated that he knows the Board has had discussion with him in the past regarding that time. He stated that he has not been in personal counseling recently but is currently working on finding a counselor in Michigan. Currently he is forty-five (45) minutes from the Michigan border. His intention is to resolve his matters here in Indiana before he moves to Michigan.

3. Delilah Spriggs, LSW, License No. 33010032A
Cause No. 2020 BHSB 0027

Ms. Spriggs appeared as requested to discuss her ongoing probation. The Board noted to her that she did not appear for their last two requests for probation appearances. Ms. Spriggs stated that she did not receive a notice to appear, and she has not changed her contact information. She indicated that her criminal charges have been resolved, and the courts determined that she needs to pay a fine and complete community service. She stated she will have everything complete for all charges by October 26th, and she is notifying IPLA as things resolve. She is still employed by Parkview and works in their crisis clinic. She informed the Board her current supervisor is Carolyn Brown, LCSW. The Board requested reports from her supervisor to see how she is progressing. Ms. Spriggs indicated she can do that. She indicated that she is completing individual therapy for her substance recovery. She stated that she does not have her substance evaluation as she has had difficulty contacting the evaluator. The Board reminded her that per her order that she needs to have it submitted to them by today and advised her to have it ready for her appearance in November.

B. Reinstatement

1. Kimberly Frazier, LSW, License No. 33002515A

Ms. Frazier appeared as requested to discuss the reinstatement of her license that expired in 2006. She submitted 43 hours of continuing education and documents for the Board to

review. Ms. Frazier stated that her she has primarily been working 4-H fairs and Purdue University. She stated that she let her license lapse, and while she is not doing clinical work, she is still in the field of Social Work. She is currently working as a school Social Worker. The Board informed her that if she is doing social work, she needs to ensure that she holds a license. They also noted that she was originally grandfathered in for her license. Ms. Frazier stated that she has not taken the ASWB exam.

Board Action: A motion was made and seconded to reinstate Ms. Frazier’s social worker license pending the passing of the ASWB Master’s examination and the Indiana jurisprudence examination.

Harner/Viehweg
Motion carried 9/0/0

2. Kelly McClarnon, LCSW, License No. 34006735A

Ms. McClarnon did not appear. She will be rescheduled.

3. Melissa Voelker, LCSW, License No. 34006492A

Ms. Voelker appeared as requested to discuss the reinstatement of her license that expired in 2020. She stated that she did not know she could place her license in retired status. She submitted a statement and continuing education for the Board to review. Ms. Voelker stated that she is looking for employment opportunities in school Social Work or NICU work.

Board Action: A motion was made and seconded to approve Ms. Voelker’s application for reinstatement pending the passing of the jurisprudence examination.

Harner/Viehweg
Motion carried 9/0/0

C. Application

1. John Clarizio (LSW)

Mr. Clarizio appeared as requested to discuss his yes response to “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?” and “Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?” Mr. Clarizio submitted a statement and supporting documents for the Board to review. He stated that he is currently licensed in Arizona, Florida, and West Virginia. He informed the Board that in his background he had drinking incidents which were a result of a bad divorce. He completed

treatment in 2016, and attends AA meetings, and is a sponsor. He meets with his clinical supervisor weekly as one of his support systems. Mr. Clarizio stated that the past discipline was against his Arizona license. He stated that in 2013 he was in the process of resigning from an employment, however they did not have a replacement yet. He had found an intern to take over some of his duties when he could not be present. He had instructed the intern to confirm that he was present on the records. He was disciplined by the Arizona Board in 2015 but has since completed all requirements. He has never had any other disciplinary action against his licenses since.

Board Action: A motion was made and seconded to approve Mr. Clarizio’s application for social work licensure pending the completion of the jurisprudence examination.

Harner/Viehweg
Motion carried 9/0/0

2. David DeBruicker (LSW & LCAC)

Mr. DeBruicker appeared as requested to discuss his yes response to the question “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?” He submitted a statement and supporting documents for the Board to review. Mr. DeBruicker stated that his incident occurred in an airport. He was involved in a loud argument over first amendment rights, and thought the incident was resolved. He is currently on a three-month diversion program. While his probation is completed, it is not officially marked completed in their records. Mr. DeBruicker stated that he is completing a twelve-step recovery program.

Board Action: A motion was made and seconded to approve Mr. DeBruicker’s positive response pending the receipt of proof of his probation completion.

Brenner/Harner
Motion carried 9/0/0

3. Dayle Brenner-Wild (LCSW)

Ms. Brenner-Wild appeared as requested to discuss her yes response to “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?” and “Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?” She submitted a statement and supporting documents for the Board to review. She stated that she is pursuing an Indiana license as she has a client who is now an Indiana resident. She stated that the discipline occurred against her New York license. Ms. Brenner-Wild informed the Board that the discipline was failure to document. She was placed on probation by the New York Board, which has been lifted. She stated that for her arrest in 2006 was for a DWI, she was only required to complete community service.

Board Action: A motion was made and seconded to approved Ms. Brenner-Wild’s application for clinical social work licensure pending the completion of the jurisprudence examination.

Harner/Viehweg
Motion carried 9/0/0

4. Amanda Fields (LSW)

Ms. Fields did not appear. She will be rescheduled.

5. Carolyn Kaflik (LSW)

Ms. Kaflik appeared as requested to discuss why she did not disclose her background. Ms. Kaflik submitted a statement and supporting documents for the Board to review. She stated that she misunderstood the differences between dismissed and expunged. She informed the Board that she is currently going through the expungement process. Ms. Kaflik stated that she had struggled in the past with addiction and has been sober since 2011. She still attends meetings and sees her sponsor. It was not her intention to mislead the Board.

Board Action: A motion was made and seconded to approve Ms. Kaflik to take the ASWB Master’s examination.

Harner/Viehweg
Motion carried 9/0/0

6. Andrew Rose (LAC)

Mr. Rose appeared as requested to discuss his yes response to the questions “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?” and “Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?” Mr. Rose is currently

licensed in Virginia, Kentucky, and has passed his Level II exam from NAADAC. Mr. Rose submitted a statement and supporting documents for the Board to review. He stated that he has had arrests in his past. He clarified that prior to one of the arrests in Virginia, he was working at an agency with his wife. He stated that his wife was the treasurer. He alleged that his wife had used the company card in her name to purchase items that were not work related. When the company shut down, ~~and~~ an investigation was made and the discrepancies in the accounts were discovered. Mr. Rose stated that he did not want to file charges against his wife, so he plead guilty. He has resolved all criminal matters with that arrest, and completed all requirements set forth by the courts. Mr. Rose stated that the other arrest was a contribute to the delinquency of a minor charge. He stated that he plead guilty to that as he did buy cigarettes for a family friend. He completed all requirements by the courts and has worked to obtain his education and all his rights including the right to obtain firearms.

Board Action: A motion was made and seconded to approve Mr. Rose’s application for an addiction counselor license.

Brenner/Viehweg
Motion carried 7-0-0 (Justice and Gardner not present)

7. Nicole Thompson (LSW)

Ms. Thompson appeared as requested to discuss her yes response to the question “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. Thompson submitted a statement and supporting documents for the Board to review. She stated that she was arrested in 2017. She entered into a diversion agreement and the courts required her to complete a drug and alcohol assessment. She completed the assessment and attended counseling. All her charges have been resolved and she is currently employed at Lutherwood Community Center.

Board Action: A motion was made and seconded to approve Ms. Thompson to take the ASWB Master examination.

Harner/Viehweg
Motion carried 7-0-0 (Gardner and Justice not present.)

8. Rebecca Edwards (LCSW)

Ms. Edwards appeared as requested to discuss her yes response to the question “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. Edwards submitted a statement and supporting documents for the Board to review. She is currently licensed in Florida and Alabama. She stated that she had arrests in 2001, 2002, and 2012. She informed the Board that they were drug charges that occurred when she was younger, and she has worked hard to improve herself. The incidents helped guide her to enter the addictions field. The 2012 incident was due to a violent relationship that she is no longer apart of. She stated that her experiences help her to relate to her clients. She stated that because of her experiences, she can help clients get a foundation.

Board Action: A motion was made and seconded to approve Ms. Edward's application for clinical social work licensure pending the passing of the jurisprudence examination.

Harner/Viehweg

Motion carried 7-0-0 (Justice and Gardner not present.)

9. Crystal Dawn Schultz (LAC)

Ms. Schultz appeared as requested to discuss her application. Ms. Schultz previously appeared September 27, 2022, where the Board requested clarification of her practicum hours, and advised that she reach out to a university. Ms. Schultz stated that she feels she meets all the post-degree hours and practicum requirements. She stated that she had a former Board member, Dr. Osborne, review her hours. Mr. Brenner, Addictions Section Chair of the Board, stated that she cannot double dip her practicum and post-degree hours. Mr. Brenner stated that he would need documentation from her employment at Community Fairbanks Recovery Center which shows a separation of practicum duties and times versus her post degree duties and times. Mr. Brenner stated that if she has a master's degree that she might be ready for the LCAC-A. He stated that because her post-degree hours are not clear, her LAC cannot be approved. The Board tabled her application.

V. ADMINISTRATIVE HEARINGS

10:00 a.m.

A. Akousa Gyeaboa, L.C.S.W., L.C.A.C., License No. 34000416A, 87001017A

Cause No. 2021 BHSB 0001

Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was present with counsel Robert Schembs

Nick Hart, Office of Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC

George Brenner, LCAC

Rex Stockton, LMHC

Stephan Viehweg, LCSW

Andrew Harner, LCSW
Kelley Gardner, LMFT
Jacqueline Eitel, Consumer Member

Case Summary: On or about September 30, 2019, a Consumer complaint was filed against Ms. Gyeaboa with allegations that Ms. Gyeaboa was withholding patient records upon their request for a copy. On or about July 23, 2021, a Settlement agreement was reached with the following terms:

- Both parties voluntarily waive their rights to a public hearing of the Complaint
- That Ms. Gyeaboa agrees that the Settlement will resolve any and all pending claims or allegations relating to disciplinary action against her clinical social work and clinical addiction counselor licenses.
- Ms. Gyeaboa will receive a Letter of Reprimand.
- Shall pay within sixty (60) days of the signed order pay a \$5.00 fee to be deposited into the Health Records and Person Identifying Information Protection Trust Fund.

The Board noted that there were mitigating factors, and that Ms. Gyeaboa has not had any other discipline against her licenses. Ms. Gyeaboa stated that she has taken the initiative and completed an additional three (3) hours of CE with the focus on record keeping.

Board Action: A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Ms. Gyeaboa.

Brenner/Harner
Motion carried 7-0-0

B. Amy Holbert, L.C.A.C.A., License No. 87900030A

Cause No. 2021 BHSB 0004

Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was present

Ryan Eldridge, Office of Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC

George Brenner, LCAC

Rex Stockton, LMHC

Stephan Viehweg, LCSW

Andrew Harner, LCSW

Kelley Gardner, LMFT

Jacqueline Eitel, Consumer Member

Case Summary: On or about April 30, 2021, a Consumer Complaint was filed against Ms. Holbert with allegations that she continued to practice while she was deemed unfit to practice due to severe dependency of alcohol or other drugs that impair her ability to practice safely. Ms. Holbert had previous requirements on her Indiana Nursing license and was required by the Nursing Board to participate in the ISNAP program. It has been reported that Ms. Holbert is in noncompliance with the ISNAP program. It was noted that she had missed follow up appointments with the ISNAP program, however there were mitigating circumstances. Ms. Holbert stated that in May of 2021 she participated in an inpatient thirty (30) day treatment program and signed a new five (5) contract with the ISNAP. She stated that she has remained sober since the new agreement with them, and that she has continued to work. On or about September 10, 2021, a Settlement Agreement was reached with the following terms:

- Both parties voluntarily waive their rights to a public hearing of the Complaint
- That Ms. Holbert agrees that the Settlement will resolve any and all pending claims or allegations relating to disciplinary action against her clinical addiction counselor associate license.
- That Ms. Holbert's clinical addiction counselor associate license shall be placed in Indefinite Probation for no less than two (2) years with the following terms:
 - Shall keep the Board up to date with her contact information
 - Shall keep the board informed of her behavior health employer(s) and contact information
 - Ms. Holbert shall sign an RMA with the ISNAP program and maintain continuous compliance with her ISNAP RMA.
 - Ms. Holbert shall have all her behavior health employers submit a signed copy of the Final Order within ten (10) days of beginning her employment
 - Ms. Holbert's employers must submit quarterly reports to the Board. If she is not employed as an L.C.A.C.A., she shall submit quarterly self-reports.
 - Ms. Holbert shall attend monthly counseling sessions and submit quarterly reports of her condition.
 - Ms. Holbert must attend self-help meetings at least three (3) per week and submit quarterly reports on her condition. They must be signed off by someone in charge of the self-help meetings.
 - Ms. Holbert shall make quarterly appearances before the Board.
 - Ms. Holbert must pay a \$5.00 fee to be deposited into the Health Records and Person Identifying Information Protection Trust Fund.

Board Action: A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Ms. Holbert.

Brenner/Viehweg
Motion carried 7-0-0

C. Mark E. Smith, L.C.S.W., License No. 34001845A
Cause No. 2016 BHSB 0029
Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present with counsel Michael Roth
Sha'ne Harris, Office of Attorney General
Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC
George Brenner, LCAC
Rex Stockton, LMHC
Stephan Viehweg, LCSW
Andrew Harner, LCSW
Kelley Gardner, LMFT
Jacqueline Eitel, Consumer Member

Witnesses for Respondent:

Dr. Brian Grant, HSPP

Case Summary: On or about December 22, 2016 an Administrative complaint was filed against Mr. Smith with the allegations that he failed to act within the generally accepted ethical principles and guidelines of the profession, that he was employing and/or supervising persons who did not possess active licenses issued by the Board to provide counseling services, that he assisted several persons in committing acts of practicing without a valid Indiana licenses, and that he failed to keep abreast of current theory and professional practice. On or about January 11, 2018, a Settlement Agreement was reached with the following terms:

- Mr. Smith's license will be placed on indefinite probation for no less than eighteen (18) months with the following stipulations:
 - Shall keep the Board up to date with his contact information
 - Shall keep the board informed of his employment and employment contact information
 - Mr. Smith shall be supervised by a practitioner who is approved by the Board and holds a current license issued by the Board. His supervisor shall submit reports of his progress every six months, and prior to the withdrawal of his probation, the Board must receive three (3) supervisor reports.
 - Mr. Smith shall make a personal appearance before the Board once every six (6) months. He must make at least three (3) appearances before the Board before he requests withdrawal of his probation.
 - Mr. Smith must obtain a psychological evaluation from an HSPP approved by the Board and provide a copy of the evaluation to the Board and follow any recommendations made by the HSPP in the evaluation.
 - Mr. Smith must complete twenty (20) hours of CE in professional boundaries and/or ethics to be completed in person.
 - Mr. Smith must pay a \$5.00 fee to be deposited into the Health Records and Person Identifying Information Protection Trust Fund.

Mr. Smith previously requested to withdraw his probation before this Board on or about August 26, 2019. The Board could not accept his previous request to withdraw as he had not met all the terms of his probation. The Board then voted to modify the terms of his probation with the following terms:

- Mr. Smith shall remain on probation for no less than one (1) year.
- Mr. Smith's practice shall be supervised by Dr. Brian Grant, HSPP.
- Dr. Grant shall submit quarterly reports to the Board describing the clinical supervision and Mr. Smith's practice regarding HIPPA compliance, boundary issues, and methods of telehealth
- Mr. Smith shall make quarterly appearances before the Board.

Dr. Brian Grant appeared as witness for Mr. Smith. Dr. Grant stated that he submitted supervisor reports for Mr. Smith on October 2nd, August 9th, and January 18th. He affirmed that he did not find any of Mr. Smith's practices against the ethical standards. Dr. Grant reviewed with the Board what occurred with a standard supervision review between him and Mr. Smith.

Mr. Smith stated that since his probation he has felt healthier for himself, and that the incident occurred when he was not thinking clearly due to personal matters. He has done a lot of therapy, and that his personal matters no longer impact his professional matters. He is currently in compliance with HIPPA, has attended all requested Board appearances, submitted all reports per his probation terms, and 20 hours of continuing education. Mr. Smith stated that he has put in safeguards to reach out to his family should any personal issues flare up again.

The State noted no objections should the Board accept Mr. Smith's request to withdraw his probation.

Board Action: A motion was made and seconded to grant Mr. Smith's request for withdraw of probation.

Harner/Viehweg
Motion carried 7-0-0

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

Cause No. 2020 BHSB 0026

Re: Administrative Complaint and Proposed Settlement Agreement

Parties Present:

Respondent was not present

Counsel for Respondent Joel Hand present

Patricia Gibson, Office of Attorney General

Mary Hutchinson, Office of Attorney General

Heather Orbaugh, Court Reporter, Accurate Court Reporting

Participating Board Members:

Kimble Richardson, LMHC
George Brenner, LCAC
Stephan Viehweg, LCSW
Andrew Harner, LCSW
Kelley Gardner, LMFT
Rex Stockton, LMHC
C. Martin Justice, LMHC,
Diana Cooper-Bolinsky, LCAC
Jacqueline Eitel, Consumer Member

Case Summary: On or about December 9, 2020, an Administrative Complaint was filed against Mr. Russell with allegations of sexual contact with a patient under his care, that he failed to advance the welfare and best interest of his client and failed to maintain professional standards. On or about October 14, 2021, a Proposed Settlement Agreement was reached with the following terms:

- Both parties voluntarily waive their rights to a public hearing on the Complaint filed in this cause
- Mr. Russell agrees to the terms of the Agreement and that the Agreement will resolve any and all pending claims or allegations relating to the disciplinary action against his license.
- Mr. Russell's license shall be Suspended for no less than three (3) months from the date of the Final Order.
- Prior to his request to petition for reinstatement of his Suspended license, Mr. Russell agrees to complete the following:
 - Obtain a fitness for duty evaluation from a licensed HSPP. This HSPP may not be an acquaintance of Mr. Russell. The evaluation shall include, but not be limited to, whether Mr. Russell retains any deficiencies in understanding what constitutes a professional relationship, and whether he has any mental health issues.
 - The HSPP shall submit a copy of the fitness for duty with a copy of the Final Order that is signed by the HSPP provider.
 - The fitness for duty evaluation must be complete no more than ninety (90) days prior to the request to come off Suspension.
- Upon reinstatement of the Suspended status, Mr. Russell's license shall be placed on Probation for no less than three (3) years. The Board may add probationary terms and conditions at the time of the reinstatement to probation status. The Probation status will require Mr. Russell to counsel female clients only through telephone, video conferencing, or other forms of telehealth during the first year of probationary status. Texting female clients shall be restricted to only occur for scheduling matters.
- Mr. Russell must pay a \$5.00 fee to be deposited into the Health Records and Person Identifying Information Protection Trust Fund.

Ms. Hutchinson stated that she understands this Settlement is outside of what the Board normally does for them; however, based upon what occurred, the safety of the public and client A resulted in the contents of the Proposed Agreement.

Mr. Hand stated that Mr. Russell understands the concerns and has been seeking out a professional mentor to assist him in addressing his actions. He affirmed that Mr. Russell has agreed to the Settlement and all the terms.

Board Action: A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Mr. Russell.

Viehweg/Gardner
Motion carried 9-0-0

VI. DISCUSSION

A. 2022 Board Meeting Dates

The Board reviewed the meeting dates for 2022. No changes were requested, and Board accepted current dates as listed.

B. Electronic Meeting Policy

The Board reviewed the proposed electronic meeting policy. It was clarified to the Board this policy will impact how the Board members will attend meetings after the State of Emergency is lifted. There should be two-thirds (2/3) of the Board members physically present to have a quorum.

Board Action: A motion was made and seconded to accept the policy as written.

Viehweg/Harner
Motion carried 7-1-0 (Brenner No. Cunningham not present.)

C. Joy Bell, LMHC, Cause No. 2021 BHSB 0008, License No. 39001547A

Re: Motion to Approve Practice Monitor

Ms. Bell submitted a request for approval for Stephen Jarrell to be her practice monitor.

Board Action: A Motion was made and seconded approve Stephan Jarrell as Ms. Bell's practice monitor.

Viehweg/Harner
Motion Carried 8-0-0 (Cunningham not present.)

D. Amanda Lee, LSW Temporary

Re: Request for Extension of Temporary Permit

Ms. Lee submitted a request for an extension of her temporary permit.

Board Action: A Motion was made and seconded to deny Ms. Lee's request for an extension of her temporary permit.

Harner/Viehweg
Motion Carried 8-0-0 (Cunningham not present.)

E. Mark Terrell, CEO, Last Change, Inc.

Re: Request of Waiver of Examination for Danuta Wyszynski (LSW Application)

Mr. Terrell submitted a request for waiver of the ASWB Masters examination in the matter of of Ms. Wyszynski.

Board Action: A Motion was made and seconded to deny Mr. Terrell’s request for waiver of the ASWB Masters examination in the matter of Ms. Wyszynski.

Harner/Viehweg
Motion Carried 8-0-0 (Cunningham not present.)

F. Dee Russell, L.C.S.W., L.C.A.C., License No. 34006134A, 87001352A

Cause No. 2020 BHSB 0016

Re: Administrative Law Judge Panel’s Order from September 27, 2021

At the September 27, 2021, meeting of the Board a hearing was held before an ALJ panel of the Board. Ms. Russell had submitted a petition for withdraw of probation. After hearing on evidence and testimony, the panel recommended that the probation be withdrawn.

Board Action: A motion was made and seconded accept the Panel’s recommendation to withdraw probation in the matter of Ms. Russell.

Viehweg/Brenner
Motion Carried 9-0-0

G. New Board Members

Two new members were appointed to the Addictions Counselor and the Mental Health Counselor Sections of the Board:

1. Dr. Dianna Cooper-Bolinsky, LCAC has been appointed as a member of the Addictions Counselor Section of the Board. Dr. Cooper-Bolinsky holds a Doctorate in Health Science with a master’s in social work. She is currently teaching and has been a member of the ASWB Board.
2. C. Martin Justice, LMHC, LCAC has been appointed as a member of the Mental Health Counselor Section of the Board. He has been practicing in the field since 2006 and is currently working as a Director of Addiction Services at Community Health. He also teaches at Ivy Tech and has training as a recovery coach.

VII. APPLICATIONS FOR REVIEW

There were no applications for review of the Board.

VIII. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General’s office reported to the Board that they have 77 open complaints and they have closed 108 since the beginning of the year. The average age of the open complaints is 5.6 months. There are currently 23 open litigation cases with only 15 opened this year. The average duration of the litigation cases are 4.9 months.

IX. FORMAL ADOPTION OF APPLICATION REVIEWS

There was no formal adoption of the application reviews.

X. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

There are no Continuing Education Sponsor applications for review.

XI. OLD/NEW BUSINESS

There was no old/new business to discuss.

XII. ADMINISTRATORS' REPORT

There was no Administrator report.

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 1:04 p.m. by general consensus.

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

Date