

**MINUTES**  
**BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD**  
**November 26, 2012**

**I. CALL TO ORDER AND ESTABLISH QUORUM**

Kimble Richardson called the meeting to order at 9:04 a.m. in Room W-064, 402 West Washington Street, Indianapolis, Indiana and determined that a quorum could be established, in accordance with IC § 25-23.6-2.

**Members Present:**

Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C., Board Chair  
George Brenner, M.S., L.C.S.W., L.M.F.T., L.C.A.C., Board Vice Chair  
Andrew Harner, M.S.W., L.C.S.W., SW Section Chair  
Carla Gaff-Clark, Ed.D, L.M.H.C., CADAC-IV, L.C.A.C., AC Section Chair  
Rex Stockton, Ed.D. L.M.H.C., L.C.S.W., L.M.F.T, MHC Section Chair  
Chris Falley, L.M.F.T.  
Steven Douglas, J.D.

**Members Absent:**

Sherry Rediger, Ph.D., L.M.F.T.  
Alan Schmetzer, M.D.  
Roger Reeves  
Vacant, Social Work Member

**Staff Present:**

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

**II. ADOPTION OF AGENDA**

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

BRENNER/DOUGLAS  
Motion carried 7-0-0

**III. APPROVAL OF THE MINUTES FROM SEPTEMBER 24, 2012.**

A motion was made and seconded to approve the minutes of the September 24, 2012 meeting of the Board, as amended.

HARNER/DOUGLAS  
Motion carried 7-0-0

**IV. PERSONAL APPEARANCES**

**a. Robert A. Hundt, 34004333A**  
**Re: Probationary Appearance**

Mr. Hundt indicated that he continues to meet all the stipulations of his probation. He reports providing counseling only for males or couples but not females. Mr. Hundt indicated that he is meeting with his supervisor biweekly and remains in compliance with all of his probationary requirements. The board also found Mr. Hundt in compliance.

**b. Lela Smith McGruder, LAC Applicant**  
**Re: Positive Response on Initial Application**

Ms. McGruder appeared before the board to discuss her positive response on her initial application for licensure as an Addiction Counselor. Ms. McGruder indicated that she

has requested criminal records from Cook County, Illinois to document the disposition of at least three of her criminal charges. She indicated that her last criminal action was in 1999 which resulted from a domestic situation. This matter was resolved. All of her previous criminal actions occurred prior to 1987. She indicated that she has devoted her life to working with addiction issues among the homeless and HIV victims. She indicated that the 1999 incident did not involve criminal substances in any way. The Board noted the letters of support received from her previous employer.

Ms. McGruder indicated that she used methadone in order to get through her addiction to heroin. She indicated that she no longer takes methadone.

A motion was made and seconded to grant Ms. McGruder's license contingent on her providing documentation regarding the resolution of her 1999 charges.

Brenner/Stockton  
Motion Carried 7-0-0

**c. James Charles Trotter, Jr., LSW Applicant  
Re: Positive Response on Initial Application**

Mr. Trotter appeared before the Board to discuss his positive response on his initial application for licensure as a Social Worker. Mr. Trotter indicated that he was sentenced to 30 years in prison and served a total of 5 years and 8 months for attempted murder. Mr. Trotter indicated that, at the time of the incident, a gang was menacing his family. He went to the police for assistance and received no assistance. He reported that his family operated business in South Bend was being menaced by a gang. While he was watching a game with his brother, he and his brother were attacked by two members of the gang and he was forced to shoot one of the attackers in self-defense. He indicated that the man whom he shot did not die and he was ultimately convicted of attempted murder.

His 30 year sentenced was ultimately reduced through post-conviction relief and he received credit for taking anger management and substance abuse courses.

Mr. Brenner questioned Mr. Trotter regarding the alcohol related offenses on his criminal background check. Mr. Brenner requested more information regarding a 2002 charge of operating a vehicle while intoxicated. Mr. Trotter indicated that he received non-reporting probation as a result of this incident.

Mr. Trotter indicated that he is currently a case manager at an addiction treatment center for homeless veterans. He intends to use his license to continue to assist other veterans.

Upon further inquiry, Mr. Trotter indicated that during the altercation that resulted in his conviction for attempted murder, he shot two individuals but was convicted of attempted murder in only one of those incidents.

Mr. Trotter indicated that he needs to have a license in order to work with Veterans Administration which is his goal. He indicated that the VA assisted him in completing his degree and he wishes to work with the VA.

A motion was made and seconded to allow Mr. Trotter to sit for the ASWB examination.

HARNER/STOCKTON  
Motion Carried 6-1-0

**V. ADMINISTRATIVE HEARINGS**

**A. In the Matter of Diane Ramsby Quance, 34001357A**

Administrative Cause No. 2012 BHSB 017

Re: Petition for Review of Notice of Non-Compliance with Continuing Education Audit

**Parties and Counsel Present:**

Diane Ramsby Quance

**Participating Board Members:**

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

**Non-Participating Board Members:**

Dr. Schmetzer  
Dr. Rediger  
Mr. Reeves

**Case Summary:**

Ms. Quance indicated that she is here today to give further information regarding her continuing education requirement. Ms. Quance indicated that she had questions regarding which of her courses were not accepted for ethics credit. Mr. Harner reviewed her documentation and indicated that the course in Ethics in Grief Counseling was accepted, but the course in Narratives in Grief was not accepted. Ms. Quance indicated that the focus of this course was in ethics, even if the learning objectives did not clearly delineate it. Mr. Harner indicated that the Board looks to the documentation of what the course will cover, and if a presenter presents on a different topic, it does not convert the course to an ethics credit. Ms. Quance indicated that ultimately she believes that the course should be counted as an ethics credit.

A motion was made and seconded that the course not be accepted for ethics CEU

HARNER/FALLEY  
Motion Carried 5-2-0

A motion was made and seconded to accept the submitted coursework for ethics remediation

HARNER/STOCKTON  
Motion Carried 7-0-0

A motion was made and seconded to assess a \$100.00 fine.

HARNER/DOUGLAS  
Motion Carried 5-2-0

**B. In the Matter of James R. Yoder, 34001955A**

Administrative Cause No. 2012 BHSB 018

Re: Petition for Review of Notice of Non-Compliance with Continuing Education Audit

**Parties and Counsel Present:**

**Participating Board Members:**

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

**Non-Participating Board Members:**

Dr. Schmetzer  
Dr. Rediger  
Mr. Reeves

**Case Summary:**

A motion was made and seconded to reschedule Mr. Yoder's Hearing to March 2012. If he provides documentation prior to the hearing the Board will rescind its notice of noncompliance.

BRENNER/DOUGLAS  
Motion Carried 7-0-0

**C. In the Matter of Amanda Leigh Trenta, 34004881A**

Administrative Cause No. 2012 BHSB 019

Re: Petition for Review of Notice of Non-Compliance with Continuing Education Audit

**Parties and Counsel Present:**

**Participating Board Members:**

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

**Non-Participating Board Members:**

Dr. Schmetzer  
Dr. Rediger  
Mr. Reeves

**Case Summary:**

Ms. Trenta failed to appear for her requested review of the Notice of Non-Compliance with Continuing Education Audit. Based upon her failure to appear, a motion was made and seconded to issue a notice of proposed dismissal.

DOUGLAS/HARNER  
Motion Carried 7-0-0

**D. In the Matter of Gregory John Sureck, 35000247A**

Administrative Cause No. 2012 BHSB 020

Re: Petition for Review of Notice of Non-Compliance with Continuing Education Audit

**Parties and Counsel Present:**

**Participating Board Members:**

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

**Non-Participating Board Members:**

Dr. Schmetzer  
Dr. Rediger  
Mr. Reeves

**Case Summary:**

Mr. Sureck failed to appear for his requested review of the Notice of Non-Compliance with Continuing Education Audit. A motion was made and seconded to issue a notice of proposed dismissal.

DOUGLAS/HARNER  
Motion Carried 6-0-1

**E. In the Matter of Lovada M. Merriweather, 34001098A, 35000523A**

Administrative Cause No. 2012 BHSB 013  
Re: Complaint

**Parties and Counsel Present:**

Roberta Hirsch, DAG

**Participating Board Members:**

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

**Non-Participating Board Members:**

Dr. Schmetzer  
Dr. Rediger  
Mr. Reeves

**Case Summary:**

A motion was made and seconded to issue a notice of proposed default.

DOUGLAS/HARNER  
Motion Carried 7-0-0

**F. In the Matter of Melissa Small**

Administrative Cause No. 2012 BHSB 012  
Re: Cease and Desist

**Parties and Counsel Present:**

William Lawson, DAG  
Melissa Small, Respondent

**Participating Board Members:**

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

**Non-Participating Board Members:**

Dr. Schmetzer  
Dr. Rediger  
Mr. Reeves  
Dr. Stockton

**Case Summary:**

Mr. Lawson indicated that the parties have stipulated to all of the factual allegations except that she was practicing as a marriage and family therapist without a license. Ms. Small indicated that she identified herself as a Marriage and Family Therapist on her LinkedIn account due to the fact that she had a degree in Marriage and Family Therapy and this was not done for the purposes of being deceitful. Mr. Lawson cross examined Ms. Small regarding her practice. Ms. Small indicated that she always practiced under supervision. Ms. Small indicated that she was practicing as a Mental Health Counselor in training and not as a Marriage and Family Therapist. Mr. Harner questioned Ms. Small regarding her supervisor. She indicated that her husband was her supervisor, although he was her supervisor prior to them being married. She indicated that her employment title was clinical therapist and that she was identified to patients as a trainee. Mr. Brenner asked Ms. Small if she understood why it was inappropriate to identify herself in such a manner. She indicated that she understood that it could potentially be misleading to the public.

A motion was made and seconded to find that at the time of the states motion, the Respondent was engaging in unlicensed practice, however, her remediation efforts have resulted in her no longer engaging in unlicensed practice and that the states motion for order to show cause be denied.

BRENNER/HARNER  
Motion Carried 6-0-0

**G. In the Matter of Tadd Whallon, 87000325A**

Administrative Cause No. 2012 BHSB 011  
Re: Complaint

**Parties and Counsel Present:**

William Lawson, DAG  
Tadd Whallon

**Participating Board Members:**

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

**Non-Participating Board Members:**

Dr. Schmetzer  
Dr. Rediger  
Mr. Reeves

**Case Summary:**

Mr. Lawson presented a Proposed Settlement Agreement to the Board for approval. Mr. Lawson explained to the Board the basis for its complaint and the terms and conditions of the Proposed Settlement Agreement. The Board questioned Mr. Lawson regarding the terms and conditions outlined in the Proposed Settlement Agreement.

Under the terms of the settlement agreement, Mr. Whallon agreed that he had engaged in an inappropriate sexual relationship with a client under his care. Mr. Whallon agreed to be placed on indefinite probation for a period of no less than five years. Respondent agreed to personally appear before the board on a quarterly basis, practice only under the supervision of a board approved supervisor, regularly meet with a clinical psychologist, and complete continuing education in the areas of ethics and boundaries.

A motion was made to accept the Settlement Agreement as presented.

STOCKTON/GAFF-CLARK  
Motion Carried 5-2-0

**VI. ALJ RECOMMENDATIONS**

**a. In the Matter of Danny Edward Crossley, 39001068A**

Administrative Cause No. 2010 BHSB 012  
Re: Request for Licensure Reinstatement

After discussion, a motion was made and seconded to approve the recommendations of the Administrative Law Judge to deny Mr. Crossley's Request for Licensure Reinstatement.

DOUGLAS/FALLEY  
Motion carried 7-0-0

**VII. FORMAL ADOPTION OF APPLICATION REVIEWS**

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

BRENNER/DOUGLAS  
Motion carried 7-0-0

**VIII. OLD/NEW BUSINESS**

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

**1. Tracy Acton Jensen, 33004260A**

A motion was made and seconded to reinstate Ms. Jensen's license contingent on her passing the jurisprudence examination

HARNER/STOCKTON  
Motion carried 7-0-0

**2. Barbara Ellen Serynek, 39001440A**

The matter was tabled until a letter of explanation is received.

**3. Daniel W. Rau, 33002271A**

The matter was tabled until a letter of explanation is received.

**4. Dixie Dugan, 34002765A**

A motion was made and seconded to allow Ms. Dugan to sit for the examination again prior to a final decision on her renewal application being made.

HARNER/STOCKTON  
Motion carried 7-0-0

**5. Nancy Ann Howe, 33000782A**

After review of her application, it was determined that Ms. Howe needed to supply further evidence of an additional 4.75 hours of CEU and 1.5 hours of Category I CEU in the area of ethics.

HARNER/DOUGLAS  
Motion carried 7-0-0

**B. Margie A. Rickner – Review of Notice of Non-Compliance with Continuing Education Audit**

A motion was made and seconded to modify the Board's Notice of Non-Compliance to require her to submit evidence of 8 additional hours of Category I CEU and pay a fine in the amount of \$350.00 to satisfy her non-compliance with the Continuing Education Audit.

Douglas/Falley  
Motion carried 7-0-0

**C. Approval of new Application Forms and Examinations for LAC and LCAC**

A motion was made and seconded to approve the State approved Application Forms for licensure as an Addiction Counselor and Clinical Addiction Counselor in the state of Indiana, to adopt the International Examination for Alcohol & Drug Counselors (ADC) administered by International Credentialing and Reciprocity Consortium (IC & RC) and the National Certified Addiction Counselor II (NCAC II) administered by the Association for Addiction Professionals (NAADAC) as the Board approved examinations for licensure as an Addiction Counselor, and to adopt the International Advanced Examination for Alcohol & Drug Counselors (AADC) administered by International Credentialing and Reciprocity Consortium (IC & RC) and the Master Addiction Counselor (MAC) administered by the Association for Addiction Professionals (NAADAC) as the Board approved examinations for licensure as a Clinical Addiction Counselor.

Gaff-Clark/Brenner  
Motion carried 7-0-0

**D. Discussion of the Definition of "Face-to-Face" Supervision**

The Board discussed whether it intended to redefine the term Face-to-Face to include teleconferencing. The Board did not make a determination to change its decision.

**E. 2013 Board Meeting Dates**

The Board set the following dates for meetings 2013:

January 28, 2013  
March 25, 2013  
May 13, 2013  
June 24, 2013  
July 22, 2013



August 26, 2013  
September 23, 2013  
November 25, 2013

**IX. ADMINISTRATORS' REPORT**

Mr. McGee informed the Board that the Board was still set to present before the Regulated Occupations Evaluations Committee on the morning of January 23, 2013. Kimble Richardson indicated that he had been working on preparing the presentation in coordination with Andrew Harner, George Brenner, and Chris Falley. Mr. McGee informed the Board that he had received over 15 letters of recommendation from various associations, university programs, and other various stakeholders.

Mr. McGee also informed the Board that he was not aware of any legislation that was going to be brought further during the upcoming general assembly session that would directly affect the Board or its professions.

Mr. McGee informed the Board that the grandfathering period for LAC and LCAC would be ending with the formal adoption of the licensure examinations and that the board would no longer accept applications after November 26, 2012.

**X. ADJOURNMENT**

There being no further business and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 2:49 p.m.

HARNER/STOCKTON  
Motion carried 7-0-0

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**Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C., Board President  
Behavioral Health and Human Services Licensing Board**