

**MINUTES**

**BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD**

**FEBRUARY 24, 2020**

**I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Mr. Richardson called the meeting to order at 9:30 a.m. in Conference Room W64 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, 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  
Stephan Viehweg, MSW, LCSW, Section Chair,  
Andrew Harner, MSW, LCSW, Board Chair, SW Section Chair, Board Designee  
George Brenner, MS, LCSW, LMFT, LCAC, Vice Chair  
Rex Stockton, Ed. D., LMHC, LCSW, LMFT  
Kelley Gardner, LMFT

**Board Members Not Present:**

Elizabeth Cunningham, D.O., Psychiatric Physician Member  
Jacqueline Eitel, RN, Consumer Member

**State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Dana Brooks, Assistant Board Director, Professional Licensing Agency  
Phillip Gordon, 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/BRENNER  
Motion carried 6-0-0

**III. APPROVAL OF MINUTES FROM OCTOBER 28, 2019 AND JANUARY 27, 2020**

A motion was made and seconded to adopt the minutes from the October 28, 2019 and January 27, 2020 meeting of the Board, as reviewed and edited by Mr. Richardson.

**IV. PERSONAL APPEARANCES**

## **A. Probation**

### **1. Michele Burkholder, L.M.H.C., License No. 39002794A**

Administrative Cause No. 2019 BHSB 0007

Ms. Burkholder appeared as requested to discuss her ongoing probation status. Ms. Burkholder has not changed her address or her employment. She currently lives in Indiana and works in Kentucky. Ms. Burkholder is required to complete five hours of continuing education in the area of ethics as part of her Probation. She has not completed the hours as of this date. She has completed family integration as part of her employment with Centerstone. Her current supervisor is Christina Gaines and she is required to submit quarterly reports to the Board. Ms. Burkholder stated that she has not informed her that she needs to submit a report but she is aware of the probation. The Board informed Ms. Burkholder that the report is not to assess her in a therapeutic capacity, but rather to ensure that she is working well in a professional capacity and it needs to be submitted by February 29, 2020. Ms. Burkholder is scheduled to appear at the August 24, 2020 meeting of the Board.

### **2. William Kuster, L.A.C., License No. 86000144A**

Administrative Cause No. 2016 BHSB 0020

Mr. Kuster did not appear as requested.

### **3. Elizabeth Ann Marshall, L.C.S.W., License No. 34008534A**

Administrative Cause No. 2019 BHSB 0002

Ms. Marshall appeared as requested to discuss her ongoing probation status. Ms. Marshall informed the Board that she started a new job on December 23, 2019. She left her previous employment as she was working only twenty hours and weekends. Her new employment is now full time hours with a new demographic. She submitted the additional CE as requested by the Board. Ms. Marshall has informed her supervisor regarding her probation status and she discusses her case files with her on a consistent basis. The Board informed Ms. Marshall that they have received reports from her supervisor regarding her progress, however they would like more details on her clinical practice, where her struggles are, and how she is adjusting to a new demographic in future reports. The Board inquired how Ms. Marshall is tracking her CE and probationary requirements as requested by the Board. Ms. Marshall showed the Board her organizational binder, and the Board gave advice on how to restructure it slightly. Ms. Marshall is scheduled to appear at the May 18, 2020 meeting of the board.

### **4. David Moore, L.C.S.W., License No. 34007612A**

Administrative Cause No. 2016 BHSB 0015

Mr. Moore appeared as requested to discuss his ongoing probation status. Mr. Moore informed the Board that the action on his current court case has been

resolved on November 25, 2019. Mr. Moore pled guilty to Count I of Battery. Count II and Count III of Domestic Battery were dismissed. Sentenced to 180 days in jail but this was suspended. Placed on one year of probation. Mr. Moore is not employed in the area of social work. Mr. Moore has applied for social work employment opportunities. He applied at Community Mental Health and ReGroup which provides online tele-psychiatry. Mr. Moore expressed desire that his probation status be resolved and lifted prior to being hired. The Board informed him that they need more information on his professional clinical performance before they may consider withdraw of probation. Mr. Moore has shown the Board that he is attempting to gain employment and has started counseling again. Mr. Moore is scheduled to appear at the May 18, 2020 meeting of the board.

**5. Lisa Renee Pacheco, L.M.H.C., L.C.A.C., License No. 39001143A, 87001221A**  
Administrative Cause No. 2018 BHSB 0010

Ms. Pacheco appeared as requested to discuss her ongoing probation status. Ms. Pacheco informed the Board that there have been no changes in her employment. She added a new office in Westfield, Indiana. Her current supervisor Kathryn Mill has suffered a stroke and is no longer able to supervise her. She has hired Dr. Lea Morton, HSPP, to supervise her so she would still be in compliance with her probationary order. Ms. Pacheco stated that she is fifteen months sober. As of December 13th her six months of house arrest was completed and she is now on one year court probation. Ms. Pacheco currently attends therapy and is doing well in her sessions. Ms. Pacheco submitted copies of her 12 step program attendance for the Board to review. Ms. Pacheco's therapist is required to quarterly reports on her progress for the Board to review. Ms. Pacheco informed the Board that she has not been able to see her due to scheduling conflicts since the last report on December 26, 2019. Ms. Pacheco is scheduled to appear at the May 18, 2020 meeting of the board.

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

Ms. Thomas contacted the Board that she was not able to appear. She will be rescheduled for March 30, 2020.

**B. Reinstatement**

**1. Chandra Betts, L.S.W., License No. 330055933A**

Ms. Betts appeared as requested to discuss the reinstatement of her Social Work License. Ms. Betts informed the Board that she has been working as a child care licensing consultant in Michigan for the past eight years. She stated that she wanted to become a school social worker and has employment starting on art February 10th. The Board reviewed her continuing education certificates submitted with the reinstatement and found that they were completed through providers the State of Indiana does not recognize. The Board determined that they can accept 20 hours

of her CE certificates for Category II and 3 hours of Category I. The Board inquired as to what her job duties were at her past employment. M. Betts informed the Board that that she did case management, investigations, and liaison with CPS. Ms. Betts said her job was focused on the child and child interactions. The Board commented that her job in Michigan sounds very close to Social Work. The Board determined that they can accept 20 hours of her Category II CE and 3 hours of Category I.

**Board Action:** A motion was made and seconded to approve Ms. Betts reinstatement application pending completion of seventeen (17) hours of Category I Continuing Education and passing the jurisprudence exam.

HARNER/VIEHWEG  
Motion carried 6/0/0

### C. Application

#### 1. Robert Baize (LAC & LMHC)

Mr. Baize appeared as requested to discuss his application for licensure as an addiction counselor and mental health counselor. Mr. Baize was requested to appear based upon disciplinary action that was taken in the State of Washington. Mr. Baize stated that he had been on disability and was working at a Hospital as one of their Addiction Counselors. Mr. Baize admitted that while on staff there, he and trainee had some disagreements on methodology of practice. Mr. Baize said that unlike the trainee, he stays in contact with his clients, even after they leave his counseling services. Mr. Baize informed the Board that his view of phone video conferencing is not considered to be in person. He had an incident in Washington where he was video conferencing a client, who was no longer in his services, and his shirt was removed. He informed the Board that at the time, he had finished his discussion with the individual and had assumed the camera was off, as all the indicators he could see through the system did not show the camera on. The Board asked Mr. Baize how the client perceived the incident. Mr. Baize informed the Board that at the time he did not perceive any distress, and that he was informed that the trainee pressured the client to file a complaint against him. Mr. Baize informed the Board that the Attorney General's office in Washington reviewed his case and they determined that it was a violation. He informed the Board that he was required to complete terms as determined by Washington Board, and that he could not return to the field. After some time he decided to return to the field, and was working with the Washington Board to complete the requirements. The Board inquired if the incident changed his judgement or perception as a result. Mr. Baize said that he will not make the same mistake again, but that he still maintains that even if a client leaves his services, he still considers them a client. Mr. Baize submitted proof to the Board that his Washington license is now active and no longer shows any current disciplinary action. The Board informed Mr. Baize that while his Washington license is now current, they do have some concerns on his current boundary views. The Board informed Mr. Baize video conferencing has change and that if he is not totally aware of the computer system he might have a repeat

incident. The Board also stressed that Indiana statute and rules were different from the Washington Board and that he will need to be aware and mindful of any changes. Mr. Baize acknowledged the Board's advice and direction.

**Board Action:** A motion was made and seconded to approve Mr. Baize's addiction counseling application pending passing the jurisprudence examination.

BRENNER/STOCKTON  
Motion carried 6/0/0

**Board Action:** A motion was made and seconded to approve Mr. Baize's mental health counselor application pending passing the jurisprudence exam.

STOCKTON/VIEHWEG  
Motion carried 6/0/0

**2. Tabitha Lynn Gabbard (LSW)**

Ms. Gabbard appeared as requested to discuss her application for licensure as a social worker. Ms. Gabbard responded "yes" 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. Gabbard informed the Board that she has been sober since 2009. She admitted that when she aged out of foster care she had a history of substance abuse. Ms. Gabbard has worked hard to become clean and has been making changes in her life to continue making improvements for herself and others. Ms. Gabbard informed the board that she is working on balancing her own self-care and therapy.

**Board Action:** A motion was made and seconded to approve Ms. Gabbard's application to take the ASWB Master's Examination.

HARNER/GARDNER  
Motion carried 6/0/0

**3. Alejandra Gonzalez (LMHC)**

Ms. Gonzalez appeared as requested to discuss her application for licensure as a mental health counselor. Ms. Gonzalez was requested to discuss her education and 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. Gonzalez graduated in 2013 and was on the psychology track for her program. Ms. Gonzalez informed the Board that she was given bad advice, because she thought she did not need a license since she was working part time, and under another person's license. The Board reviewed Form C and found the courses she listed will meet license requirements. The Board asked about the incidents in her background. Ms. Gonzalez said that her incidents were all along the same theme. Ms. Gonzalez informed the Board that she can be outspoken and some of her word choices can come out different than what her intention is. As an example, she described an incident when she was angry with police officers for how they were responding to a friend of hers. She said she verbalized her anger to the officers in an inappropriate manner. Ms. Gonzalez told the Board she is trying to communicate in a more positive manner and work on her frustrations appropriately. She said she currently is working at a Crisis Center and if a client "pushes her buttons" she calls for a time out and removes herself from the incident.

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**Board Action:** A motion was made and seconded to approve Ms. Gonzalez's application for mental health counseling pending passing the jurisprudence exam.

RICHARDSON/STOCKTON  
Motion carried 6/0/0

#### 4. Robert Perry (LSW)

Mr. Perry appeared as requested to discuss his application for licensure as a mental health counselor. Mr. Perry responded "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?" Mr. Perry stated that while he does have an extensive criminal history, he has been sober since 2007. Since becoming sober he has been working hard at obtaining his degrees. Mr. Perry informed the Board that his mother is a Social Worker and has been his constant positive influence through the ups and downs of his past. Since he started on his road to self-improvement he is surrounding himself with good relationships. The Board asked Mr. Perry how he makes his decisions now, and how can he tell if he is making good decisions. He stated that he consults with his peers, which is one reason he surrounds himself with better influencers. Mr. Perry also told the Board that he does not rely on gut instincts, and that he slows down and thinks his decision through in a more thorough and logical way. Mr. Perry let the Board know that he is always exploring new opportunities and programs to improve both himself and expand his experiences so he can impart that experience for others.

**Board Action:** A motion was made and seconded to approve Mr. Perry's application to take the ASWB Master's Examination.

HARNER/BRENNER  
Motion carried 6/0/0

D. Examination Attempts

**1. David Allen Johnson (LCSW)**

Mr. Johnson appeared as requested for approval to retake the ASWB Clinical Examination for the fourth time. Mr. Johnson failed the last examination on May 22, 2019 by one point. He explained that he is ready to retake the examination and will be prepared to pass the examination on his next attempt.

**Board Action:** A motion was made and seconded to approve Mr. Johnson's application to retake the ASWB Clinical Examination for the fourth time.

HARNER/VIEHWEG  
Motion carried 6/0/0

**2. Irene Kersh-Edwards (LCSW)**

Ms. Kersh-Edwards did not appear as requested. She will be rescheduled for the March 30, 2020 meeting.

**3. Dennis Scott Sipe (LMHC)**

Mr. Sipe appeared as requested for approval to retake the NBCC National Clinical Exam for the fourth time. Mr. Sipe informed the Board that in preparation to retake the examination that he has completed a number of practice examinations and is attending webinars to help him understand the examination. Each practice examination attempt completed is showing improvement.

**Board Action:** A motion was made and seconded to approve Mr. Sipe to retake his NBCC National Clinical Examination.

BRENNER/HARNER  
Motion carried 6/0/0

**4. Frederick Vandi (LMHC)**

Mr. Vandi appeared as requested for approval to retake the NBCC National Clinical Examination for the eighth time. Mr. Vandi informed the Board that he seems to struggle with the Decision Making aspect of the examination. The Board noted that Mr. Vandi attended Martin University, and as a part of their program they have a diagnostic course. The Board asked Mr. Vandi if he ever considered taking a diagnostic course again. Mr. Vandi informed the Board that he had not considered retaking the course, but he has been close to passing that portion of the examination. Mr. Vandi let the Board know that since he no longer has a temporary permit he

can focus more on passing the examination, and focusing his studying on reviewing of the DSM. Mr. Vandt said that he is determined to pass the examination.

**Board Action:** A motion was made and passed to approve Mr. Vandt to retake the NBCC National Clinical Examination for eighth time.

BRENNER/GARDNER  
Motion carried 6/0/0

**5. Nickolas Steffen (LMHC)**

Mr. Steffen appeared ~~as requested to discuss a ninety day waiver to retake the NBCC National Clinical Examination.~~ Mr. Steffen informed the Board that he is moving out of the country to join an International Counseling Service called Olive Tree Counseling. Mr. Steffen would like to take the examination soon so he can join the program with an Indiana license. Mr. Steffen told the Board that the license is not required to join the program, but he is trying to put his best foot forward for himself and his country.

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**Board Action:** A motion was made and seconded to approve Mr. Steffen's request to waive the ninety (90) day waiting period in order to retake the NBCC National Clinical Examination for the second time.

VIEHWEG/HARNER  
Motion carried 6/0/0

**V. ADMINISTRATIVE HEARINGS**

**A. Matthew Heatherly, L.M.F.T., L.C.A.C., License No. 35001674A, 87001556A**  
Administrative Cause No. 2019 BHSB 0019  
Re: Administrative Complaint

The hearing in the matter of Mr. Heatherly has been continued.

**VI. DISCUSSION**

There were no discussion items.

**VII. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL**

Alyssa Servies, Deputy Attorney General for the State of Indiana, reported that there are currently no changes from last month. The Attorney General's Office is currently focusing on closing older complaints, and the backlog of complaints is decreasing. Ms. Servies said that currently they were able to close twelve percent of complaints.



**VIII. APPLICATION REVIEW**

Mr. Richardson asked Board about a file he is reviewing for Mental Health Counselor. The applicant is a PHD university professor who has additional education in psychology/counseling, but no degree awarded at this time. The degree is not in a clinical area, rather a PHD in philosophy with a Psychology track. The research for the PHD is counseling focused. The Board is all in understanding that if they approve this file for a mental health counselor license they are setting a precedent. The Board is in agreement to accept the education for this file, and future applicants with similar backgrounds will be reviewed on a case by case basis.

**IX. PROBATION REVIEW**

There were no probation files reviewed by the Board.

**X. FORMAL ADOPTION OF APPLICATION REVIEWS**

A motion was made and seconded to adopt the application reviews.

BRENNER/VIEHWEG  
Motion carried 6/0/0

**XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW**

**A. Bobbie J. Sheppard D.B.A.**

The Board reviewed the application of Bobbie J. Sheppard D.B.A. and their request to become a Category 1 provider of continuing education.

**Board Action:** A motion was made and seconded to approve Bobbie J. Sheppard D.B.A. as a continuing education provider.

HARNER/VIEHWEG  
Motion carried 6/0/0

**B. Dream Creative Solutions LLC**

The Board reviewed the application of Dream Creative Solutions LLC and their request to become a Category 1 provider of continuing education.

**Board Action:** A motion was made and seconded to approve Dream Creative Solutions LLC as a continuing education provider.

HARNER/VIEHWEG  
Motion carried 6/0/0

**XII. OLD/NEW BUSINESS**

There was no new/old business to discuss.

**XIII. ADMINISTRATORS' REPORT**

There was no new 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 12:34 p.m. by general consensus.

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**Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC**  
**Board Chair**

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**Date**