

**BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
MINUTES**

MAY 18, 2020

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Richardson called the meeting to order at 10:44 a.m. through virtual video and audio conferencing and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

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

Board Members Not Present:

Vacant, Consumer Member

State Officials Present:

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

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda.

BRENNER/STOCKTON
Motion carried 7-0-0 (Ms. Eitel was not present)

III. APPROVAL OF MINUTES FROM FEBRUARY 27, 2020

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

BRENNER/STOCKTON
Motion carried 7-0-0 (Ms. Eitel was not present)

IV. PERSONAL APPEARANCES

A. Probation

B. Reinstatement

1. Susan Harrington, L.S.W., License No. 33004766A

Ms. Harrington appeared before the Board to discuss reinstatement of her social work license. Ms. Harrington's license expired on April 1, 2004. She stated that she moved out of the state and relocated several times. She returned to the state in 2017 and obtained employment at Centerstone as a program and grant manager. The Board questioned her job duties at Centerstone. Ms. Harrington told the Board that she oversaw teams for building extensions for different facilities such as libraries, and free clinics. She assisted with clients and non-clients by addressing their concerns and helping them through the grant process. The Board inquired as to why she did not want to reinstate her license in 2017. Ms. Harrington informed the Board that since she had been out of the workforce for a while, she wanted to ease herself into work, and to obtain more managerial experience rather than immediately getting her license again. The Board asked Ms. Harrington if she has specific expectations with any new staff she hires. Ms. Harrington informed the Board that she looks at personal preference and that while licensed staff are preferred, she does not make it a requirement. The Board informed Ms. Harrington that it is important that individuals are licensed. This is a requirement in order to practice in the state of Indiana. Ms. Harrington told the Board she understood their concerns regarding this matter and that she will review applicants to align with the state law. The Board inquired if she is going to pursue a clinical social work license (LCSW) in the future, and Ms. Harrington stated yes that was her goal to obtain her LCSW license.

Board Motion: A motion was made and seconded to reinstate Ms. Harrington's social work license pending completion of the jurisprudence examination.

HARNER/VIEHWEG

Motion carried 8/0/0

2. Shagae Jones, L.S.W., License No. 33003806A

Ms. Jones appeared as requested to discuss reinstatement of her social work license. Ms. Jones' license expired on April 1, 2006. Ms. Jones stated that in 2014 she entered the workforce again and obtained a job at a facility called Sheltered Wings. Between 2006 and 2014 she did volunteer work and traveled with her family. In 2018 Ms. Jones became a manager at Shelter Wings, however she did not provide supervision to her staff as a case manager as she was not licensed. Ms. Jones informed the Board that her focus had been to assist students through their college programs, but she never called herself a supervisor. The Board then reviewed her various continuing education certificates, while one program could not be accepted, Ms. Jones had completed an additional course which meets the requirements of the Board for reinstatement.

Board Action: A motion was made and seconded to reinstate Ms. Jones' social work license pending completion of the jurisprudence exam.

HARNER/VIEHWEG
Motion carried 8/0/0

3. Steven Kile, L.C.S.W., License No. 34001136A

Mr. Kile appeared as requested to discuss reinstatement of his clinical social work license. Mr. Kile held an active license until April 1, 2010. Mr. Kile had shifted from being a clinical social worker to the Human Resource field. The Board inquired what Mr. Kile was hoping to do once his license was reinstated. Mr. Kile stated that while he wanted to stay in the HR sector, he is wanting to do some advocacy work with youth and implement a program to assist youths in an ER setting. The Board noted that his records do not show proof he has taken and passed the ASWB Clinical examination. This information was not included with his application as the time of licensure in 1992. If Mr. Kile has not taken and passed the ASWB Clinical examination he will be required to take the ASWB Clinical Examination prior to reinstating his license. Mr. Kile said that he understood.

Board Action: A motion was made and seconded to approve Mr. Kile's reinstatement pending taking and passing the ASWB Clinical examination or showing proof of the completing the examination and the jurisprudence examination.

HARNER/VIEHWEG
Motion carried 8/0/0

C. Application

1. Deyon Brumby (LSW)

Did not appear as scheduled. Mr. Brumby will be rescheduled for June 29, 2020 board meeting.

2. Dayna March (LMHCA)

Did not appear as scheduled. Ms. March will be rescheduled for the June 29, 2020 board meeting.

D. Examination Attempts

There were no appearances scheduled.

V. ADMINISTRATIVE HEARINGS

A. Terry Lee Yeiter, L.A.C., License No. 86000212A

Administrative Cause No. 2017 BHSB 0012

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present, without Counsel

Alyssa Servies, Deputy Attorney General for the State of Indiana

Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Mr. Richardson, LMHC (Hearing Officer)

Mr. Viehweg, LSW

Mr. Gardner, LMFT

Dr. Stockton, Ph.D., LMHC

Mr. Brenner, LCAC

Mr. Harner, LCSW

Elizabeth Cunningham, D.O., Psychiatric Physician Member

Jacqueline Eitel, RN, Consumer Member

Case Summary: Respondent's addiction counseling license was placed on probation with terms and conditions on January 28, 2019. At this time, Respondent requested that his probation be withdrawn. He stated that he has been on probation for over a year and can provide proof of the continuing education hours required. Respondent has completed a 6 hour course and stated he was scheduled for an additional course to be taken at Grace College in August. However, due to medical issues, family tragedies, and then COVID-19, he was not able to complete the August course or reschedule it. The State waived their opening statement. The Board informed the Respondent that he requested the hearing, so he must show proof that he has completed all probationary requirements. The Respondent informed that Board that it was not clear to him how many hours he was needing to complete. The Board reviewed what he had completed which was 24 hours. The Board inquired if his contact information or work information has changed, and the Respondent replied that all his information remains the same. He stated that his previous business did close for a time and was reopened under a new name in March of 2018. The Board inquired how prescriptions are now handled at his business. Respondent informs the Board that all medications are handled by the nurse practitioner on staff. Respondent describes his duties as instructing new patients through expectations and helps them through procedures for their detox process. The Board inquired what type of medications his facility deals with and Respondent informed the Board that it is mostly sleep aids to assist through the worse of the withdrawal they will experience as they detox. Respondent stated that the Nurse Practitioner will approve patients for this program and a physician is her supervisor. Respondent stated that his business does accept major insurance providers, but they do not accept Medicaid or Medicare. The Board inquired as to what he has learned from the courses he has taken. Respondent found through his courses that what he had been

doing was not legal, and that his duty is not to give the medications or diagnose. The Board expressed concerns that while he might understand the legal aspect, he might not be aware of the scope of practice. Respondent apologized for not being clear enough to convey to the Board that he does understand both the legal aspect and the scope of practice aspect. The Board reviewed the language of the Order and consulted with the State regarding clarity of how many hours were needed to meet his probation requirements. Respondent was required to complete twenty hours of continuing education for the current renewal year. Respondent completed twenty-four hours of continuing education courses through ICAADA, PESI, Fairbanks, and a HIPPA course. However, after review by the Board, only twelve of those hours are clearly in the area of ethics. Respondent completed a six-hour seminar on HIPAA compliance that does not satisfy the ethics requirement. Respondent also completed a six-hour seminar sponsored by Fairbanks Hospital on the Neuroscience of Addiction, but the Board could not determine whether it addressed ethics because an agenda or description was not provided. Respondent needs to submit proof of completion of eight additional hours of continuing education in the area of ethics in order to comply with the terms of his probation. These hours may be in Category 1 or Category 2. Sessions of the Fairbanks Hospital seminar discussed above may be used to satisfy part of the requirement if Respondent submits documentation that the sessions were in the area of ethics. The State does not object to the withdrawal of probation if the Board determines that he has met the continuing education required by his probationary order.

Board Action: Based upon the testimony and evidence presented, a motion was made and seconded to deny Mr. Yeiter's Petition to withdraw the probation on his addiction counselor license. Respondent may again petition to have the probation withdrawn after submitting proof of completion of an additional eight hours of continuing education in the area of ethics. These hours may be in Category 1 or Category 2.

BRENNER/HARNER
Motion carried 8/0/0

VI. PROPOSED SETTLEMENT AGREEMENTS

A. Stuart Douglass Hall, L.M.H.C., License No. 39002206A

Administrative Cause No. 2019 BHSB 0015

Re: Proposed Settlement Agreement

Parties Present:

Respondent was present, without Mr. William A. Ramsey as Counsel
Patricia Gibson, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Mr. Richardson, LMHC (Hearing Officer)

Mr. Viehweg, LSW

Mr. Gardner, LMFT

Dr. Stockton, Ph.D., LMHC
Mr. Brenner, LCAC
Mr. Harner, LCSW
Elizabeth Cunningham, D.O., Psychiatric Physician Member
Jacqueline Eitel, RN, Consumer Member

Case Summary: A complaint was filed on December 12, 2019 regarding Mr. Hall. A Proposed Settlement Agreement was presented for the Board's review by Ms. Gibson. The agreement would place Mr. Hall's license on Indefinite Suspension for not less than one year with terms and conditions for reinstatement of his license.

Board Action: A motion was made and seconded to accept proposed settlement agreement as presented. The following terms and conditions of the agreement are as follows:

- Respondent's mental health counselor license shall remain on Indefinite Suspension of not less than one (1) year from the date of the Final Order.
- Prior to petition for reinstatement of his license, Respondent shall obtain a psychological evaluation, including fitness for duty, by a psychologist, HSPP, who is approved by the Board and not an acquaintance of Respondent. Respondent shall provide a copy of the Final Order with attached Proposed Settlement Agreement in this case, and also a copy of the January 11, 2018 Final Order with attached November 27, 2017 Proposed Settlement Agreement in Cause Number 2017 BHSB 0016 to the evaluating psychologist. The evaluating psychologist shall write a statement on the first page of each final Order that he/she has read the order in it's entirety, and initial all pages to ensure the evaluating psychologist is completely informed of the Stipulated Facts. Respondent shall provide the report of evaluation, and copies of the Final Orders with Proposed Settlement Agreements with the psychologist's statements and initials to the Board. Respondent shall also provide proof to the board that he has taken steps to follow any recommendations made by the psychologist in the evaluation. The report shall be submitted to the following: Behavioral Health Human Services Board, Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana, 46204.
- In the event the psychologist conducting Respondent's evaluation recommends Respondent engage individual treatment, Respondent shall contact a licensed mental health professional for individual treatment. A copy of the evaluation shall be provided to the treating licensed mental health professional, who shall utilize the clinical psychological assessment provided to him or her, along with his or her own clinical judgment, to determine and pursue treatment goals with Respondent. Any fees required for this treatment are the responsibility of Respondent.
- Prior to petitioning for reinstatement, Respondent's treating mental health professional, if any, shall make recommendations to the Board regarding whether there is any need for continuing treatment, and notify the Board that he/she has reviewed Respondent's psychological assessment. Respondent shall also provide proof to the Board that he has taken steps to follow any recommendations made by the treating mental health profession.

- Prior to petition for reinstatement, Respondent will complete the “PBI Professional Boundaries and Ethics: Extended Edition (PB) -24Ex) provided by Professional Boundaries Inc. Participation will include post-conference supportive relapse prevention’s seminars occurring one hour per week for 12 weeks, according to the program schedule. Written official certification of completion of the original 24-credit seminar shall be provided to the Board. A similar certification of completion shall be provided to the Board following the completion of the 12 post-conference relapse prevention seminars. Any continuing education credit obtained by participation in this program will not be counted toward hours required to maintain licensure in the state of Indiana. Any fees required for this ongoing treatment are the responsibility of Respondent.
- Respondent grants permission to the Deputy Attorney General assigned to any petition for reinstatement hearing to review his Board file without complying with Indiana Trial Rule 34(C).
- Respondent shall, within ninety (90) days of the Final Order, pursuant to Indiana Code § 4-6-14-10(b), pay a fee of five dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana and submitted to the following address:
- Office of the Indiana Attorney General, Attn: Executive Assistant, Consumer Protection Division, 302 West Washington Street, 5th Floor, Indianapolis, Indiana 46204.
- Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.
- Respondent further understands that a violation of the Final Order, any noncompliance with the statute or regulations regarding the practice of mental health counseling, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent’s license, an Order to show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent’s license.
- The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews Respondent’s license at a later date.

VIEHWEG/ BRENNER
 Motion carried 8/0/0

VII. NOTICE OF PROPOSED DEFAULT

A. Danielle Mary Robertson, L.M.F.T., License No. 35001720A
 Administrative Cause No. 2016 BHSB 0014
 Re: Notice of Proposed Default

Parties Present:

Respondent was not present
Nick Hart, Deputy Attorney General for the State of Indiana
Margie Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

Mr. Richardson, LMHC (Hearing Officer)
Mr. Viehweg, LSW
Mr. Gardner, LMFT
Dr. Stockton, Ph.D., LMHC
Mr. Brenner, LCAC
Mr. Harner, LCSW
Elizabeth Cunningham, D.O., Psychiatric Physician Member
Jacqueline Eitel, RN, Consumer Member

Case Summary: The Respondent had a complaint filed on November 27, 2019. The Notice of Proposed Default was filed on March 19, 2020 and Ms. Robertson responded on March 27, 2020 to not issue the default. In the response Ms. Robert state she had moved and not reported her current address to the Board.

Board Action: A motion was made and seconded to not issue the default and reschedule a hearing for Ms. Robertson.

VEIHWEG/HARNER
Motion carried 8/0/0

VIII. DISCUSSION

The Board had no items to discuss at this time.

IX. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General’s office reported to the Board that they have received 69 complaints since the beginning of the year with 80 open cases. Currently it is averaging around 6 months to complete an open investigation. There have been 3 new administrative complaints since January. There are a few changes with their office, and a new Section Chief has been appointed. A new Deputy of the Attorney General, Nick Hart, has been appointed to assist with the Behavior Health Board.

X. FORMAL ADOPTION OF APPLICATION REVIEWS

Files are being reviewed remotely at this time. There was discussion on how files were uploaded and discussion among the Board members how each of them review files remotely. A motion was made and seconded to accept current reviewed files as reviewed by the Board Members.

BRENNER/VIEHWEG
Motion carried 8/0/0

XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

There were no new Continuing Education applications that required full Board review.

XII. OLD/NEW BUSINESS

There was no old/business to discuss.

XIII. ADMINISTRATORS' REPORT

There was no administrator 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 1:55 p.m. by general consensus.

Kimble Richardson, LMHC, Board Chair

Date

George Brenner, LCAC, Vice Chair

Date