

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

**June 20, 2022**

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

Mr. Richardson called the meeting to order at 9:03 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-14-1-12(a).

**Board Members Present:**

Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC, Board Chair  
Stephan Viehweg, MSW, LCSW  
Andrew Harner, MSW, LCSW, Board Chair, SW Section Chair, Board Designee  
Kelley Gardner, LMFT  
Jacqueline Eitel, RN, Consumer Member  
C. Martin Justice, LMHC  
Dr. Dianna Cooper-Bolinsky, LCAC  
Jon Ferguson, LMFT

**Board Members Not Present:**

Physician Member-Vacant  
Addictions Member-Vacant

**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.

Cooper-Bolinsky/Gardner  
Motion carried 8-0-0

**III. APPROVAL OF MINUTES**

There were no minutes for review.

**IV. PERSONAL APPEARANCES**

**A. Probation**

**B. Renewal**

1. Gary Allen, LMFT, License No. 35001375A

Mr. Allen did not appear. Will be rescheduled.

2. **Donald Amidei, LSW, License No. 33001184A**

Mr. Amidei did not appear. Will be rescheduled.

3. **Kerry Ferguson, LMHCA, License No. 88001082A**

Ms. Ferguson appeared as requested to discuss her yes response to the renewal question regarding an arrest that occurred since her last license renewal. In July of 2006, arrested for an OVWI and was convicted of reckless driving. In February of 2022, Ms. Ferguson was arrested for an OWI and Public Intoxication. This charge is still pending. She provided a statement and supporting documents for the Board to review. She stated that she still is going through the court system for the finalization of her charges. The Board stated they must act on her renewal due to time constraints per the law.

**Board Action:** A motion was made and seconded to grant renewal of Ms. Ferguson's mental health counselor associate license and file a consumer complaint regarding the pending charges.

Justice/Harner  
Motion carried 8-0-0

4. **Joseph Fried, LSW, License No. 33008185A**

Mr. Fried appeared as requested to discuss his yes response to the renewal question regarding his termination from his employment since his last license renewal. He provided a statement for the Board to review. Mr. Fried stated that he was terminated from Life Treatment Centers due to not demonstrating respect towards staff or interns who were working at the facility. He stated that the employment was set up to provide office sharing with the interns, and he had received one warning before the termination. The Board discussed professional boundaries with Mr. Fried and the differences between professional boundaries with colleagues and clients.

**Board Action:** A motion was made and seconded to grant renewal of Mr. Fried's social work license.

Harner/Viehweg  
Motion carried 8-0-0

5. **Susan Geels, LMHCA, License No. 88000781A**

Ms. Geels appeared as requested to discuss her yes response to the renewal question regarding an arrest that occurred since she last renewed. In December of 2020, Ms. Geels was convicted of an OWI. She provided a statement and supporting documents to the

Board for review. She stated that she completed all requirements by the courts, and her supervisor is aware of what occurred.

**Board Action:** A motion was made and seconded to grant renewal of Ms. Geel's mental health counselor associate license.

Justice/Harner  
Motion carried 8-0-0

**6. Ashley Grubb, LSW, License No. 33008575A**

Ms. Grubb appeared as requested to discuss her yes response to the renewal question regarding an arrest that occurred since she last renewed. In November 2021, Ms. Grubb was arrested for an OWI and probation was terminated on February 28, 2022. She provided a statement and supporting documents for the Board to review. She stated that she has completed all requirements by the court and is currently in counseling.

**Board Action:** A motion was made and seconded to grant renewal of Ms. Grubb's social work license.

Harner/Viehweg  
Motion carried 8-0-0

**7. Andrew Hertel, LAC, License No. 86000352A**

Mr. Hertel appeared as requested to discuss his yes response to the renewal question regarding an arrest that occurred since he last renewed. In January of 2022, Mr. Hertel pled guilty to Possession of Methamphetamine, a level 6 felony. He was sentenced to one hundred twenty (120) days in jail and two hundred forty (240) days of criminal probation. He provided a statement and supporting documents regarding his conviction. Mr. Hertel stated that he had relapsed and was hospitalized for two weeks. He stated that he has signed a plea agreement with the courts and will remain on criminal probation until November 2022. He provided the Board a summary of his plan for treatment and sobriety, and that he has arranged for someone to review all his work assessments.

**Board Action:** A motion was made and seconded to renew Mr. Hertel's addiction counselor license on probation with terms and conditions. Mr. Hertel agreed to the probation.

Based upon the above Findings of Fact and Conclusions of Law, the Board issues the following ORDER to renew Licensee's license on indefinite probation. Licensee may not petition for withdrawal of probation until the successful completion and resolution of his criminal charges and criminal probation. Licensee shall appear before the Board on a quarterly basis.

- A. Licensee shall keep the board apprised of the following information and update it as is necessary:
  - i. Licensee's current home address, mailing address, and residential telephone number; and
  - ii. Licensee's place of employment, employment telephone number, and name of supervisor.
- B. Licensee shall comply with all statutes and rules regulating the practice of addictions counseling and report any future arrests, instances of substance abuse, work discipline or terminations to the Board immediately in writing.
- C. Failure to comply with the terms of this order of probation may subject Licensee to an Order to Show Cause before the Board and imposition of additional terms and conditions.

Cooper-Bolinsky/Harner  
Motion carried 8-0-0

The Board discussed Mr. Hertel's practice with him and that he only holds an LAC license. The Board expressed concerns that he is currently practicing outside his scope. The Board advised him that he may need to consult with a legal counsel of his own choice to ensure that he is not practicing outside his scope.

- 8. **Timothy Jacobs, LCAC, License No. 87001577A**

Did not appear.

- 9. **Joyce Lowry, LMFT, License No. 35000512A**

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

- 10. **David Petty, LCAC, License No. 87000945A**

Mr. Petty did not appear. He will be rescheduled.

- 11. **Ashley Renner, LSW, License No. 33009052A**

Ms. Renner appeared as requested to discuss her yes response to the renewal question that she has been terminated from her previous employment since her last license renewal. She provided a statement and supporting documents for the Board to review. Ms. Renner informed the Board that she was terminated from Damien Center due to a HIPAA violation. The Board discussed professional boundaries with her, and the steps she has taken regarding additional training since her termination.

**Board Action:** A motion was made and seconded to grant renewal of Ms. Renner's social work license.

Harner/Viehweg

Motion carried 8-0-0

**12. Marcie Stubbs, LMHC, License No. 39003768A**

Ms. Stubbs appeared as requested to discuss her yes response to the renewal question regarding the denial of a license since she last renewed. She provided a statement and supporting documents for the Board to review regarding her Georgia license denial. She stated that Georgia required that she hold her Indiana license for two full years before she applies for licensure in their State. She indicated that she will be reapplying for the license once she has met that requirement.

**Board Action:** A motion was made and seconded to grant renewal of Ms. Stubb's mental health counselor license.

Justice/Viehweg  
Motion carried 8-0-0

**13. Kaye Workman, LSW, License No. 33009177A**

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

**C. Reinstatement**

**D.**

**1. Mary Dial, LSW, License No. 33006005A**

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

**E. Application**

**1. Erin Bell (LSW)**

Ms. Bell appeared as requested to discuss why she did not disclose her background on her application. She provided a statement and supporting documents for the Board to review regarding an issue that occurred in the Army. She stated that she did not disclose the incident as she was applying for multiple applications at the same time. She stated that she mixed up California's requirements with Indiana's requirements. Ms. Bell was honorably discharged after 15 years of service with all benefits. Ms. Bell is a 2012 graduate of the University of Southern California.

**Board Action:** A motion was made and seconded to approve Ms. Bell's application to sit for the ASWB Masters examination.

Harner/Viehweg  
Motion carried 8-0-0

**2. Adrianna Castleberry (LBSW)**

Ms. Castleberry appeared as requested to discuss why she did not disclose her background on her application. In February of 2018, Ms. Castleberry was arrested for domestic battery. However, she was informed that no charges were being pressed against her. She provided a statement and supporting documents for the Board to review. She informed the Board that she was unaware that the incident was on her background, and it was not her intention to hide the information from the Board. Ms. Castleberry is a 2020 graduate of the University of Indianapolis.

**Board Action:** A motion was made and seconded to approve Ms. Castleberry's application to sit for the ASWB Bachelor examination.

Harner/Viehweg  
Motion carried 8-0-0

3. **Erika Coates (LBSW)**

Ms. Coates appeared as requested to discuss why she did not disclose her background on her application. In July of 2017, Ms. Coates was arrested and charged for battery, domestic battery, criminal recklessness due to altercation with her ex-husband. The charges were dismissed on May 10, 2021. She provided a statement and supporting documents for the Board to review. Ms. Coates stated that she indicated "no" on her application based upon the advice from her attorney. The Board discussed her future employment pursuits. Ms. Coates is a 2006 graduate of the University of Michigan.

**Board Action:** A motion was made and seconded to approve Ms. Coates' application to sit for the ASWB Bachelor examination.

Viehweg/Harner  
Motion carried 8-00

4. **Anthony Cooper (LSW)**

Mr. Cooper appeared as requested to discuss his yes response to the questions regarding arrests, and conditions or impairments that impact his work. In 2011 and 2014, Mr. Cooper was arrested and found guilty of driving under the influence. He provided a statement and supporting documents for the Board to review. He provided clarification to the Board regarding his support system and his medication routine. Mr. Cooper provided further clarification regarding his work history and pursuits he would like to make professionally. Mr. Cooper is a 2006 graduate of Western Kentucky University.

**Board Action:** A motion was made and seconded to approve Mr. Cooper's application to sit for his ASWB Masters examination.

Harner/Viehweg  
Motion carried 8-0-0

5. **Charitye Ford (LSW)**

Ms. Ford appeared, per her request, for a waiver in order to take the ASWB masters examination prior to the 90 day waiting period between examinations. She last took her ASWB Master exam May 10, 2022. She stated that her position requires a license to work, and her temporary permit expires June 22, 2022. She provided the Board her study plan in order to prepare for the examination.

**Board Action:** A motion was made and seconded to grant Ms. Ford's request to waive the 90 day waiting period in order to retake the ASWB Masters examination.

Harner/Viehweg  
Motion carried 8-0-0

6. **Nathan Hora (LMHC)**

Mr. Hora appeared as requested to discuss his yes response to the application question regarding arrests. In July of 2020, Mr. Hora was convicted of an OWI and a DUI in 2008. Since that time, he has completed all requirements of the court. He provided a statement and supporting documents for the Board to review. Mr. Hora has applied for licensure by reciprocity. He is currently licensed in the state of Illinois and is providing telehealth services. He is 2007 graduate of Roosevelt University.

**Board action:** A motion was made and seconded to approve Mr. Hora's application by reciprocity as a mental health counselor pending the completion of the jurisprudence examination.

Justice/Viehweg  
Motion carried 8-0-0

7. **Elizabeth Lake (LMHCA)**

Ms. Lake appeared as requested to discuss why she did not disclose her background on her application. In September of 2009, Ms. Lake was arrested for a DWI. She entered into a plea agreement and after completing all requirements it was dismissed. She provided a statement and supporting documents for the Board to review. She stated that she was under the impression that the incident was not on her background as it had never come up on previous checks. Ms. Lake is a 2021 graduate of Indiana University South Bend and is currently working in Michigan at a private practice under supervision.

**Board Action:** A motion was made and seconded to approve Ms. Lake's application for mental health associate to take her NBCC NCE examination.

Justice/Viehweg  
Motion carried 8-0-0

**8. Tracy Marshall-Johnson (LMHC)**

Ms. Marshall-Johnson appeared per her request to discuss her post-degree experience and supervision hours. The Board had reviewed her application previously and noted that as she did not qualify for the first available examination after graduation, so she could not count any post-degree experience and supervision hours before the issuance of her temporary permit on April 15, 2020. She stated that she had been advised incorrectly previously on how to count her hours. She stated that she was informed she could count hours after she had graduated. Ms. Marshall-Johnson provided additional supervision and experience forms for the Board to review. The Board accepted the additional hours submitted. Ms. Marshall-Johnson is a 2018 graduate of Adams State University.

**Board Action:** A motion was made and seconded to approve Ms. Marshall-Johnson's application to sit for the NBCC NCMHCE examination.

Justice/Viehweg  
Motion carried 8-0-0

Ms. Marshall-Johnson requested exemption of the NCMHCE examination; however, the Board stated that she cannot be exempt as she has not taken an equivalent examination for the exemption.

**9. Kyamarye Miller (LCSW)**

Ms. Miller did not appear as requested to discuss her yes response to the application question regarding arrests. In November of 2019, Ms. Miller was charged with Assault 4<sup>th</sup> Degree Domestic Violence. The charges were dismissed. In correspondence to the Board she stated that as she is currently located in Texas and is having difficulty traveling. She would like the Board to review her application without an appearance. The Board reviewed her statement and supporting documents. Ms. Miller is licensed in the state of Texas and Washington. She is a 2010 graduate of Walla Walla University.

**Board Action:** A motion was made and seconded to approve Ms. Miller's application pending the jurisprudence exam without an appearance.

Viehweg/Harner  
Motion carried 8-0-0

**10. Hannah Neuenschwander (LMFT)**

Ms. Neuenschwander appeared at her request regarding the possible issuance of her marriage and family therapy license or marriage and family therapy temporary permit on the basis that she has met the hour requirement for licensure but has not completed the required two (2) year time frame. She stated that she would like to practice telehealth. The Board stated that as an Associate she can do telehealth provided it occurs under supervision since she holds the associate license. They clarified that she just cannot obtain the telehealth



certificate. They also informed Ms. Neuenschwander that per the statute and rules, she must hold the associate license for two years, and cannot be issued her marriage and family therapy license or temporary permit prior to that point. They stated that you must meet both requirements of the hours and holding the associate for two years.

**11. Tamera Walker (LMHCA)**

Ms. Walker did not appear as requested. Her course requirement was approved for licensure; however, she will need to appear for further discussion of the positive response on her application. She will be rescheduled.

**V. ADMINISTRATIVE HEARINGS**

**A. Shaine Lund, LSW, License No. 33007923A**

Cause No. 2021 BHSB 0024

Re: Administrative Complaint, Proposed Settlement Agreement  
and Voluntary Summary Suspension Extension Agreement

**Parties Present:**

Respondent not present

Ryan Eldridge, Deputy Attorney General, Office of the Attorney General

Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)

Stephan Viehweg, LCSW

Andrew Harner, LCSW

Kelley Gardner, LMFT

C. Martin Justice, LMHC

Dr. Dianna Cooper-Bolinsky, LCAC

Jon Ferguson, LMFT

Jacqueline Eitel, RN, Consumer Member

**Case Summary:** On or about November 8, 2021, an Administrative Complaint was filed against Mr. Lund with allegations that Mr. Lund continued to work despite physical or mental disability, and that he continued to work despite addiction or abuse of alcohol or drugs. On or about February 15, 2022, Mr. Lund's license was placed in Indefinite Suspension after the Board has reviewed his case at the January 24, 2022, Board meeting. On or about June 7, 2022, a Proposed Settlement Agreement was reached with the following terms:

- A. Mr. Lund's license shall be placed on Indefinite Suspension until such a time that he obtains a Fitness for Duty evaluation from a Health Service Provider in Psychology ("HSPP") who has significant experience in the treatment and assessment of co-occurring mental health disorders and substance use disorders.
  - a. Prior to his reinstatement, Mr. Lund shall:
    - i. Comply with all recommendations made in his Board-ordered evaluation under Ind. Code § 25-L-9-7, and demonstrate complete and continuous compliance for at least six (6) months

with such recommendations by documentation presented to the Board; and

- ii. Complete all pending criminal cases and any sentences imposed from those cases.
  - b. Within sixty (60) days of petitioning the Board for reinstatement; Mr. Lund shall obtain a fitness for duty evaluation from a psychiatrist or H.S.P.P. and be deemed fit to return to the practice of social work.
  - c. Respondent shall, prior to being eligible to petition for reinstatement, pursuant to Ind. 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.
- B. Mr. Lund 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.
- C. Mr. Lund further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of behavioral health, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of his 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 Mr. Lund's license.

The State is requesting that the Board accept the Proposed Settlement Agreement and Extension of Mr. Lund's suspension. Mr. Eldridge stated that they have received word from Mr. Lund regarding his acceptance of this Settlement, but that he could not be present today as he is currently in counseling.

**Board Action:** A motion was made and seconded to accept the Summary Suspension Extension Agreement in the matter of Mr. Lund.

Viehweg/Justice  
Motion carried 8-0-0

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

Viehweg/Cooper-Bolinsky  
Motion carried 8-0-0

- B. Raychel Minasian, LCSW, License No. 34009430A**  
Cause No. 2022 BHSB 0001  
Re: Administrative Complaint and Proposed Settlement Agreement

**Parties Present:**

Respondent was present  
Brittney McMann, Deputy Attorney General, Office of the Attorney General  
Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)

Stephan Viehweg, LCSW

Andrew Harner, LCSW

Kelley Gardner, LMFT

C. Martin Justice, LMHC

Dr. Dianna Cooper-Bolinsky, LCAC

Jon Ferguson, LMFT

Jacqueline Eitel, RN, Consumer Member

**Case Summary:** On or about January 11, 2022, an Administrative Complaint was filed against Ms. Minasian with allegations that she failed to keep abreast of current professional theory and practice, and that she knowingly violated State statute or rule by entering into a romantic relationship with a client. On or about May 23, 2022, a Proposed Settlement Agreement was filed for Board review. Both parties request that the Board accept the Settlement Agreement.

**Board Action:** A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Ms. Minasian as written with the following terms and conditions.

- A. Ms. Minasian's license shall be placed on Indefinite Probation for a minimum of one (1) year from the date of her Final Order. While on Probation she has agreed to the following stipulations:
  - a. Complete ten (10) continuing education units (CEU) in Board approved courses regarding professional boundaries. Ms. Minasian shall submit proof of Completion to IPLA.
  - b. Ms. Minasian shall have her employer(s) sign and return a copy of her Probation Order within ten (10) days of her receipt of the Board's Order. Should her employment change, Ms. Minasian shall submit a signed copy of the Order from her new employer(s) within ten (10) days of beginning employment.
  - c. Ms. Minasian shall have her employer(s) submit quarterly reports to the Board addressing her duties, responsibilities, character, and performance in her professional capacity, including demonstration of establishing and maintaining boundaries with clients.
    - i. Should Ms. Minasian engage in private practice, she shall meet weekly with a supervisor/mentor, who is a licensed clinical social worker, to review Ms. Minasian's charges to ensure she is maintaining appropriate professional relationships with her clients. The supervisor/mentor shall submit quarterly reports addressing her duties, responsibilities, character, and performance in her professional capacity, including demonstration of establishing and maintaining boundaries with clients.
    - ii. Ms. Minasian shall submit quarterly self-reports if she is not employed as a clinical social worker. These self-reports shall address her activities and any attempts to return to the field of clinical social work.
  - d. Ms. Minasian shall make at least one (1) personal appearance before the Board. This appearance shall not be before she has completed at least five (5) hours of CEUs in Board-approved courses regarding professional boundaries.

- e. Ms. Minasian shall, pursuant to Ind. 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.
- f. Ms. Minasian has carefully read and examined this agreement and folly 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.
- g. Ms. Minasian further understands that a violation of the Fina Order, any non- compliance with the statutes or regulations regarding the practice of behavioral health, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of her 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 Ms. Minasian's license.

Viehweg/Justice  
Motion carried 8-0-0

**C. Lisa Pacheco, LMHC, LCAC, License No. 39001143A, 87001221A**  
Cause No. 2021 BHSB 0023  
Re: Administrative Complaint and Proposed Settlement Agreement

**Parties Present:**

Respondent was not present  
Todd Ess, counsel for Respondent present  
April Keaton, Deputy Attorney General, Office of the Attorney General  
Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)  
Stephan Viehweg, LCSW  
Andrew Harner, LCSW  
Kelley Gardner, LMFT  
C. Martin Justice, LMHC  
Dr. Dianna Cooper-Bolinsky, LCAC  
Jon Ferguson, LMFT  
Jacqueline Eitel, RN, Consumer Member

**Case Summary:** On or about November 8, 2021 an Administrative Complaint was filed against Ms. Pacheco with allegations that she was convicted of a crime that had a direct bearing on her ability to continue to practice competently, that she had become unfit to practice due to an addiction to, abuse, of, or severe dependency upon alcohol or other drugs that endanger the public, that she knowingly violated the statue and rules of Indiana by failing to make every reasonable effort to advance the welfare and best interests of her client, and that she failed to comply with a sanctioned Order set by this Board. On or about May 31, 2022, a Proposed Settlement was filed for the Board review. Ms. Pacheco did appear before the Board for her license renewal request on April 20, 2018, to discuss the disclosure of her DUI arrest in March

2017. After that appearance the Board placed her license on Probation with terms. Ms. Pacheco was then reported to have obtained a DUI charge in 2018, and additional appear to be under the influence of a substance during a Telehealth session with a client. Mr. Ess stated that there are extenuating circumstances for what occurred, but Ms. Pacheco understands the impact alcohol has had on her license and life. She informed the Board she is currently enrolled in a two (2) month program and requested that Board accept the Proposed Settlement Terms.

**Board Action:** A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Ms. Pacheco with the following terms and conditions.

- A. Ms. Pacheco's license shall be placed on Indefinite Suspension for no less than six (6) months from the Date of the Final Order.
- B. Ms. Pacheco shall engage and submit to an evaluation by the Indiana Professional Recovery Program ("IPRP"), and if recommended. execute a recovery monitoring agreement ("RMA"). and maintain full, complete continuous compliance.
- C. Within ninety (90) days of the Board's Final Order, Ms. Pacheco shall submit to a Fitness for Duty assessment by IPRP or a licensed professional to determine Respondent's fitness for duty then provide the results of this assessment to the Board and follow any and all treatment recommendations. If IPRP does not complete Respondent's fitness for duty assessment, the licensed professional must be pre-approved by the Board and a person who is licensed and in good standing with the Indiana Behavioral Health and Human Services Licensing Board or the Indiana State Psychology Board. Prior to the assessment, Ms. Pacheco must provide the Board's Final Order Accepting the Agreement along with the Agreement. The assessment must be specifically tailored to assess Ms. Pacheco's fitness for duty and recommend any remedial treatment that would be appropriate.
- D. While her license is in Suspension status, Ms. Pacheco must ensure she keeps the Board informed on her contact information, employer information, and employer contact information.
- E. Ms. Pacheco must petition for the reinstatement of her license. Prior to the request to reinstate her license she must complete the following:
  - a. Maintain full, complete, and continuous compliance with an IPRP RMA if recommended. Full, complete, and continuous compliance means no positive, missed, abnormal, or dilute drug tests and no missed check-ins.
  - b. Provide proof of completion of fitness for duty and recommendations, if any, per assessment.
- F. Ms. Pacheco shall immediately notify the Board of any arrest or substance use relapse.
- G. Ms. Pacheco must maintain her license in active status at all times while this Order is in effect. If she fails to maintain the license in active status, Ms. Pacheco agrees that any renewal application shall be denied by the Board unless she agrees to continue the terms of discipline ordered under this cause number on the renewed license.
- H. Ms. Pacheco understands that any violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of mental health counseling, clinical addiction counseling or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Ms. Pacheco'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 Ms. Pacheco's license.

Cooper-Bolinsky/Justice  
Motion carried 8-0-0

**D. Jane Stangel, LMHC, LCAC, License No. 39001722A, 87000607A**  
Cause No. 2021 BHSB 0015  
Re: Administrative Complaint and Proposed Settlement Agreement

**Parties Present:**

Respondent was not present  
Todd Ess, counsel for Respondent present  
Ryan Eldridge, Deputy Attorney General, Office of the Attorney General  
Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)  
Stephan Viehweg, LCSW  
Andrew Harner, LCSW  
C. Martin Justice, LMHC  
Dr. Dianna Cooper-Bolinsky, LCAC  
Jon Ferguson, LMFT  
Jacqueline Eitel, RN, Consumer Member

**Recused Members:**

Kelley Gardner, LMFT

**Case Summary:** On or about August 18, 2021, an Administrative Complaint was filed against Ms. Stangel with allegations that she knowingly violated the statute and rules regulating the profession, and that she did commit fraud or material deception in order to obtain a license to practice. On or about June 17, 2022, a Proposed Settlement Agreement was filed for Board review. Mr. Ess informed the Board that he requests that the Board accept the Proposed Settlement Agreement with the understanding that once matters are settled, Ms. Stangel will be moving into retirement. He stated that once she moves into retirement, Ms. Stangel will let the license lapse.

**Board Action:** A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Ms. Stangel with following terms.

- A. Ms. Stangel shall receive a Letter of Reprimand against her license.
- B. Ms. Stangel shall be fined one thousand dollars (\$1,000) to the Indiana Professional Licensing Agency. Payment shall be made payable to the State of Indiana by personal check, cashier's check, or money order, and sent to IPLA.
- C. Ms. Stangel shall, pursuant to Ind. 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.

D. Ms. Stangel understands that any violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of behavior health or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Ms. Stangel'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 Ms. Stangel's license.

Cooper-Bolinsky/Justice  
Motion carried 7-0-1  
Gardner - recused

**E. Joseph Fernandez, LCAC, LCSW, License No. 87001191A, 34005750A**  
Cause No. 2022 BHSB 0002  
Re: Proposed Settlement Agreement

**Parties Present:**

Respondent was present with counsel Erin Sternwall  
Nick Hart, Deputy Attorney General, Office of the Attorney General  
Margie Addington, Court Reporter, Accurate Court Reporting

**Participating Board Members:**

Kimble Richardson, LMHC (Hearing Officer)  
Stephan Viehweg, LCSW  
Andrew Harner, LCSW  
Kelley Gardner, LMFT  
C. Martin Justice, LMHC  
Dr. Dianna Cooper-Bolinsky, LCAC  
Jon Ferguson, LMFT  
Jacqueline Eitel, RN, Consumer Member

**Case Summary:** On or about April 7, 2022 an Administrative Complaint was filed against Mr. Fernandez with allegations that he engaged in lewd or immoral conduct in connection with the delivery of services to the public, that he used the practitioner-patient relationship to solicit sexual contact with his client, and that he knowingly violated the statute and rules of the State and his profession by entering a romantic and sexual relationship with his client. On or about June 16, 2022, a Proposed Settlement Agreement was filed for Board review. Mr. Hart stated that Mr. Fernandez completed telehealth sessions with his client and developed romantic feelings towards his client. Mr. Fernandez then started to engage in romantic activity with his client which resulted in three (3) violations of the Indiana professional boundary codes. Ms. Sternwall stated that they agree with the State that the Proposed Settlement is a fair agreement, and that Mr. Fernandez is currently working with a dedicated counselor.

**Board Action:** A motion was made and seconded to accept the Proposed Settlement Agreement in the matter of Mr. Fernandez with the following terms.

- A. Mr. Fernandez's licenses shall be placed on Indefinite Suspension for a minimum of one (1) year, commencing from the date of issuance of the Final Order in this matter.
- B. Prior to petitioning for reinstatement of his licenses, Mr. Fernandez shall complete twenty (20) hours of continuing education in the topic of boundaries. Mr. Fernandez shall submit proof of completion to the Board prior to petitioning for reinstatement.
- C. Prior to petitioning for reinstatement, Mr. Fernandez shall undergo a fitness for duty evaluation by a Health Service Provider in Psychology ("HSPP"). The HSPP provider shall have no discipline on their license and may not be an acquaintance of Mr. Fernandez. Mr. Fernandez shall provide a copy of this Proposed Settlement Agreement and the Board's Final Order Accepting the Agreement to the evaluator. The HSPP provider shall submit to the Board a copy of the evaluation and any recommendations made as a result and a signed copy of the Proposed Settlement Agreement and Final Order. The evaluation shall occur no more than ninety (90) days prior to Mr. Fernandez submitting a petition for reinstatement.
- D. Mr. Fernandez shall remain engaged in therapy for the period of his suspension so long as it is recommended by his therapist.
- E. Within thirty (30) days of the Final Order, Mr. Fernandez shall, pursuant to Ind. 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.
- D. Mr. Fernandez understands that any violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of behavior health or any violation of this Settlement Agreement may result in the Petitioner requesting an Order to Show Cause, 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 Mr. Fernandez's license.

Viehweg/Cooper-Bolinsky  
Motion carried 8-0-0

## **VI DISCUSSION**

### **A. FAQ's**

The Board sections submitted their proposed FAQs to the Board staff. The Board discussed Telehealth clarification, and if the Board can post position statements regarding common issues. Board counsel stated that legally the Board's rules should be your position statements as anything further edges into legal advice, which the Board cannot do for applicants. The Board discussed the Rule Making process briefly for the new Board members.

### **B. Review of 2022 Statute Changes**

The Board discussed the possibility of compact licensure and how that would look for the Board and applicants.

## **VII. APPLICATIONS FOR REVIEW**



There were no applications for review.

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

The Attorney General's office reported to the Board that they have 99 open complaints and they have closed 50 since the beginning of the year. The average age of the open complaints is 6.5 months. There are currently 23 open litigation cases with only 10 closed this year. The average duration of the litigation cases are 7.3 months.

**IX. FORMAL ADOPTION OF APPLICATION REVIEWS**

There was no formal adoption of the application reviews.

**X. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW**

There were no CE applications for review.

**XI. OLD/NEW BUSINESS**

There was no old/new business to discuss.

**XII. ADMINISTRATORS' REPORT**

Cindy Vaught, Board Director, provided more clarification on the removal of the statute change regarding the elimination of language regarding requesting the syllabi. She affirmed that this change was to help move applications through the application process faster.

The Board discussed the ASWB examination pass/fail rate based upon the data that was released by ASWB. The Board commented that they would have to review the data on the pass rates compared to the school programs of those individuals. They also stated they would have to consider those who were repeating the examination again. The Board discussed options for how to determine competency for those repeaters who are not good test takers.

**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 1:55 p.m. by general consensus.



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

8/21/2023  
Date