

MINUTES

BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

JULY 27, 2020

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Richardson called the meeting to order at 9:02 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:

Kelley Gardner, LMFT (Was not present from 12:00 p.m. to 1:00 p.m.)
Elizabeth Cunningham, D.O., Psychiatric Physician Member (Was not present from 11:00 a.m. to 12:00 p.m.)
Jacqueline Eitel, RN, Consumer Member (was not present from 8:00 a.m. to 9:30 a.m.)
Rex Stockton, Ed. D., LMHC, LCSW, LMFT (was not present from 8:00 a.m. to 9:15 a.m.)

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.

VIEHWEG/HARNER
Motion carried 6-0-0

III. APPROVAL OF MINUTES FROM MAY 18, 2020 & JUNE 29, 2020

A motion was made and seconded to adopt the minutes from the May 18, 2020 and June 29, 2020 of the Board, as reviewed and edited by Mr. Richardson.

VIEHWEG/CUNNINGHAM

Motion carried 6-0-0

IV. PERSONAL APPEARANCES

A. Renewal

1. **Peggy Barnes, L.C.S.W.**
License No. 34004399A

Ms. Barnes did not appear as requested. She submitted a statement and supporting documents regarding her yes response to question 5 “Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline or have you resigned in lieu of discipline or termination?” The Board had some clarifying questions for Ms. Barnes, however what she has submitted has been accepted and meets the minimum requirements for license renewal.

Board Action: A motion was made and seconded to approve Ms. Barnes’ license renewal.

VIEHWEG/HARNER

Motion carried 7-0-0 (Mr. Gardner not present.)

2. **Amy Christine Douglass, L.M.F.T.**
License No. 35001947A

Ms. Douglas did not appear as requested. Ms. Douglas responded yes to question number 1 “ Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state or U.S. territory?” Ms. Douglas did not submit any statement or supporting documentation regarding her response. Efforts to contact Ms. Douglas have held no response.

Board Action: A motion was made and seconded to deny Ms. Douglas’ license renewal based upon her positive response to question number 1 and failure to appear as requested.

BRENNER.VIEHWEG

Motion carried 7-0-0 (Ms. Eitel no present.)

3. **David Edward Hansen, L.C.S.W.**
License No. 34003271A

Mr. Hansen appeared as requested to discuss his yes response to question 3 “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” Mr. Hansen informed the Board that he was involved in a domestic battery situation with his older sister. He stated that his older sister was living with him a few years back and they always had a conflictual

relationship. Mr. Hansen explained that he knew his sister was unhappy with the situation and he encouraged her to find employment and do personal improvements. However, he did try not to pressure her and allowed her to move at her own pace. Mr. Hansen explained that the incident had started with a Facebook comment and reactions started to escalate. Normally if a situation of that nature occurred between them, Mr. Hansen stated he would back off and remove himself from the situation. At the time of the incident they were both in a vehicle so he could not remove himself. Their dispute escalated to the point his sister grabbed the car wheel, and in fear of an accident he struck her. The police were called and asked Mr. Hansen if he wanted to press charges. She told the police she did not want to press charges, however the State pressed charges against him. Mr. Hansen stated that he had a “No Contact Order “in place for both his own sake and his sister’s sake.” She no longer lives with him. Mr. Hansen entered into a pretrial agreement that will be concluded July of 2021. Mr. Hansen stated as a result he is going to group therapy and determined from those sessions that he should have set more boundaries between the two of them. He stated that he did not consider himself a batterer but was stuck in a bad situation and became scared when she threatened him. Mr. Hansen informed the Board that he does not like altercations and if it appears to head in that direction, he removes himself to his room to calm down. His employer was informed during the entire ordeal and he was let go from his employment at Eskenazi. He is currently unemployed due to COVID difficulties. Mr. Hansen expressed that he has not looked for employment outside his field as he does not feel he can restart his career and life at the current point in his life.

Board Action: A motion was made and seconded to renew Mr. Hansen’s license.

HARNER/VIEHWEG

Motion carried 6-0-0 (Mr. Brenner abstained and Ms. Eitel was not present)

4. **Shane Lund, L.S.W.**
License No. 33007923A

Mr. Lund appeared as requested to discuss his yes response to questions 3 “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” and question 5 “ Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have any membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline or have you resigned in lieu of discipline or termination?” Mr. Lund appeared at the June 29, 2020 Behavior Health Board Meeting to discuss his renewal response and the Board asked that he submit additional information regarding his yes responses. His wife filed for divorce in 2018 and had a protective order issued against him. He was unable to see his son. Mr. Lund has been charged with 4 separate accounts of Invasion of Privacy from 2018 to 2019 and Operating a Vehicle While Intoxicate Endangering a Person in April of 2019. He was released from probation on June 18, 2020. Mr. Lund had to resign from Ireland Home Based Services due to the OWI charge. Mr. Lund submitted the requested documentation for review and

the Board inquired as to where he was in terms of his sobriety and treatment. Mr. Lund stated that he had been doing well and understood that the steps he was taking were necessary to stay healthy. Mr. Lund informed the Board that the new treatments made him feel better as a result. He stated that currently he has placed his month notice at his current job as he is currently moving to North Dakota. Mr. Lund informed the Board that despite his move he is continuing his therapy and is implementing physical challenges to help him stay focused on his sobriety. Mr. Lund explained that while he has gone to some AA meetings, he found the program did not suit him. He did state that he has stayed in contact with some individuals who found the program helpful. Mr. Lund stated that he found 2018 to be a tough year for him. He said he understands that he needed to change things in his life as he did not like the current trend of his life at that point.

Board Action: A motion was made and seconded to renew Mr. Lund’s social work license.

HARNER/VIEHWEG

Motion carried 7-0-0 (Ms. Eitel not present)

5. **Henry H. Mosley, Jr., L.S.W.**

License No. 33002059A

Mr. Mosley appeared as requested to discuss his yes response to question number 2 “Since you last renewed, have you been denied a license, certificate, registrations, or permit in any state or U.S. territory?” Mr. Mosely stated that he did not realize he had marked yes on his license renewal. He explained that he might have said yes because he was applying to become a clinical social worker and had failed the examination. As part of the application process if an applicant fails the national examination the license application is denied. The applicant is required to complete and submit a new application to repeat the examination. The Board stated that they attempted to contact Mr. Mosley twice by emails regarding his yes response on the renewals but did not receive a response from him. Mr. Mosely explained that he did not see those emails and he was under the impression that his appearance today was regarding his failing the examination.

Board Action: A motion was made and seconded to renew Mr. Mosley’s social work license.

HARNER/VIEHWEG

Motion carried 7-0-0 (Ms. Eitel not present.)

6. **Kevin Pollert, L.C.S.W.**

License No. 34006077A

Mr. Pollert appeared as requested to discuss his yes response to question number 5 on his license renewal “ Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline or have you resigned in lieu of discipline or termination?” Mr. Pollert was terminated from the

VA Medical Center for failure to follow inpatient treatment planning procedures and unauthorized absence. Mr. Pollert stated that the reason for his termination was due to high personal stresses that were impacting his work at the time. With his new employment he has improved his personal relationships. His new employment with Adult and Child will begin on August 3, 2020 as an outpatient therapist. The Board inquired what he was doing differently to ensure his personal life did not impact his work life. Mr. Pollert stated that he is now able to compartmentalize better and implemented a few new strategies.

Board Action: A motion was made and seconded to renew Mr. Pollert's clinical social work license.

HARNER/BRENNER

Motion carried 7-0-0 (Ms. Eitel and Mr. Stockton not present)

7. **Kimberly Ann Ryan, L.C.S.W.**

License No. 34008671A

Ms. Ryan appeared as requested to discuss her yes response to question 3 "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?" On January 26, 2020 Ms. Ryan was arrested and charged with Assault 4, domestic violence by her estranged husband in Hardin County, Kentucky. At the time of her statement, Ms. Ryan had pled not guilty and was working through the legal system to clear her name and /or have the allegations dismissed. The Board had some follow up questions for clarity purposes. Ms. Ryan stated that she is currently going through a divorce. As part of the divorce proceedings she is arranging housing and custody issues. For the incident in question, it started when she and her husband ~~had~~ argued over a car seat and ended with her husband trying to tell her that she should stay at a hotel rather than staying at the house. Ms. Ryan had informed him she did not have the money at the time to stay at a hotel. To arrange funds for a stay at a hotel she transferred money from their joint savings and an argument ensued which then escalated to the point police were called. During the investigation by the police she was charged with assault for hitting him, and he was charged with animal cruelty as he did not care for her pets that were at the house. The Board inquired into the status of the current charges, and Ms. Ryan informed the Board that the case against her has been dismissed. She stated that she began therapy in February after the incident. She currently had to cancel her therapy due to lack of funds and is currently working to improve her financial situation in order to resume therapy. Currently Ms. Ryan does not have any clients and does not have a copy of the Dismissal Order due to COVID restrictions.

Board Action: A motion was made and seconded to renew Ms. Ryan's clinical social work license pending receipt of the Dismissal Order issued by the court. or a letter from her attorney regarding the dismissal of her case.

HARNER/BRENNER

Motion carried 7-0-0 (Ms. Eitel not present.)

8. **Beth Sesit, L.C.S.W.**
License No. 34007289A

Ms. Sesit appeared as requested to discuss her yes response to questions number 1 “Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been subject to discipline or are formal charges pending in any state or U.S. territory?” and 3 “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” On September 23, 2018 Ms. Sesit was arrested for an Operating While Intoxicated (OWI) in Washington County, Indiana. She completed the criminal probation on January of 2019. Ms. Sesit’s clinical social work license was placed on Probation on August 17, 2017 and was withdrawn on July 27, 2018. Not long after the completion of that probation she was involved in the OWI. The Board asked if she was asked to complete an alcohol assessments as part of her criminal probation. Ms. Sesit stated that she was not required to complete any assessments, as they did not feel it was necessary for her case. Ms. Sesit explained that the OWI incident occurred because while she and her friends were at a benefit for one of their friends who was in a car accident. She did arrange for one of her friends to be the designated driver, but the designated driver left early. Ms. Sesit stated that she left not long after her designated driver left. As there was no Uber available at her location she felt she had to drive home. In retrospect Ms. Sesit stated it would have been better if she knew the designated driver better and employed better communication throughout the evening. Ms. Sesit stated that she only drinks socially and does try to make better plans. The Board inquired why there was a gap between the incident and the completion of her probation. Ms. Sesit stated that the court kept putting the charges off, but the gap was not due to anything on her end.

Board Action: A motion was made and seconded to renew Ms. Sesit’s clinical social work license.

HARNER/CUNNINGHAM
Motion carried 8-0-0

9. **Mark R. Steinmetz, L.C.S.W.**
License No. 34005824A

Mr. Steinmetz did not appear as requested. Mr. Steinmetz answered yes to question 3 “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” Mr. Steinmetz submitted an affidavit and supporting documents for his yes response regarding an arrest on December 21, 2019 of Operating a Vehicle While Intoxicated Endangering a Person. His charge has

not gone to court at this time and it is currently unknown as to the status of the pending charges.

Board Action: A motion was made and seconded to deny Mr. Steinmetz clinical social work license renewal because he failed to appear to explain his positive response.

VIEHWEG/HARNER

Motion carried 7-0-0 (Ms. Eitel not present)

10. Gregory Ybarra, L.C.S.W., LCAC

License No. 34006734A & 87000391A

Mr. Ybarra did not appear as requested. Mr. Ybarra answered yes to question 3 “Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?” Mr. Ybarra submitted a statement that on November 10, 2017 he was charged with forgery (felony). He pled guilty and his case was adjudicated as a misdemeanor on August 22, 2019.

Board Action: A motion was made and seconded to deny Mr. Ybarra’s clinical social worker and clinical addictions counselor license renewals because he failed to appear in order to explain his positive response.

HARNER/VIEHWEG

Motion carried 7-0-0 (Ms. Eitel not present)

B. Reinstatement

1. Elizabeth Gaines, L.C.S.W.

License No. 34003037A

Ms. Gaines appeared as requested to discuss the reinstatement of her clinical social work license that expired in 2016. Ms. Gaines explained that she let her license expire in 2016 because her husband of 45 years became ill with prostate cancer, so she became his caretaker during his illness. Ms. Gaines informed the Board that she has been in private practice for 30 years and has not been working full time. The Board inquired if she held an active license during that 30-year period. Ms. Gaines stated that she did until her license expired in 2016. She informed the Board that from 2016 to now she had not been gaining any new clients. Ms. Gaines stated she was still working with the clients she obtained prior to that date. The Board informed her that even if she was not obtaining or seeing new clients, that is still considered working without a license. Ms. Gaines stated that she is not currently seeing clients. She stated that she does want to start to see clients again and start a new practice. Ms. Gaines submitted 41 hours of CE from Holos Energy Medicine Education and NASW. The Board asked clarifying questions regarding the

presenter. Ms. Gaines attended programs regarding energy medicine of physical and mental health with a psychologist presented by a medical doctor. The Board asked Ms. Gaines if she took an Ethics CE course, and Ms. Gaines stated that her ethics courses were obtained while she was completing her master's degree in Education. Ms. Gaines stated that for initial license in Indiana she was grandfathered in and was not required to take the ASWB Clinical examination.

Board Action: A motion was made and seconded to grant reinstatement pending the following:

1. Passing the ASWB Clinical examination.
2. Submission of the course summary for the CE with Holos Energy Medicine Education she attended.
3. Submission of 2 hours of ethics continuing education.
4. Passing the jurisprudence exam.

HARNER/VIEHWEG

Motion carried 7-0-0 (Dr. Cunningham no present.)

2. Cynthia Shepherd, L.C.S.W.

License No. 34004524A

Ms. Shepherd appeared as requested to discuss her reinstatement of her license. Ms. Shepherd's clinical social work license expired in 2006. The Board reviewed the continuing education she submitted and her statement as to why she would like to reinstate her license. The Board inquired if she had taken the ASWB Clinical Exam, and Ms. Shepherd said she did.

Board Action: A motion was made and seconded to reinstate Ms. Shepherd's license pending passing the jurisprudence exam.

HARNER/VIEHWEG

Motion carried 7-0-0 (Dr. Cunningham not present.)

3. Anita Louise Templeton, L.M.F.T.

License No. 35001162A

Ms. Templeton appeared as requested to discuss her reinstatement of her license. Ms. Templeton's Marriage and Family Therapist license expired in 2004. She submitted continuing education and a statement as to why she wants to reinstate her license. Ms. Templeton also responded positively that she has been working as a therapist in the State of Indiana on an expired license. The Board inquired into her yes response, and Ms. Templeton stated that she misunderstood the question. Ms. Templeton has been working as a school counselor and holds a school counselor license. As part of her counseling she did counsel a family, and as a school psychologist there is a broad spectrum of duties that can be done in the scope

of a school psychologist. Ms. Templeton continued to say that she does have a private practice as a school psychologist. After review of the continuing education certificates that were submitted the Board found that they could accept 18.25 hours in Category I and found the ethics requirement was met. Ms. Templeton stated that she had just finished a course and asked if the Board could come back to her once she found the completed certificates. The Board granted her request. Ms. Templeton submitted her additional CE. However, upon review of the CE that she had submitted found that the Board already had copies of those CE in the packet she originally submitted. Ms. Templeton had not completed the AAMFTRB examination when she was originally licensed by the Board.

Board Action: A motion was made and seconded to approve the reinstatement pending the following:

1. Receipt of passing the AAMFTRB examination.
2. Complete an additional 21.75 hours continuing education.
3. Passing the jurisprudence exam.

VIEHWEG/HARNER

Motion carried 6-0-0 (Mr. Gardner and Dr. Stockton were not present.)

C. Application

1. Deyon Brumby (LSW)

Mr. Brumby appeared as requested to discuss his yes response to question 6 “Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care facility in which you have trained, held staff membership or privileges or acted as a consultant?” Mr. Brumby is a 2019 graduate of IUPUI. Mr. Brumby has one incident regarding termination that was due to improper procedure that resulted in neglect. In the aftermath of the incident Mr. Brumby acknowledged that he did not respond correctly to the incident and has been forthright with his new employer on the circumstances of his previous employment. Mr. Brumby also submitted three letters of recommendation attesting to his character from his supervisors.

Board Action: A motion and seconded to approve Mr. Brumby to sit for the ASWB Master’s Exam.

HARNER/VIEHWEG

Motion carried 7-0-0 (Mr. Gardner not present.)

2. Irene Kersh-Edwards (LCSW)

Ms. Kersh-Edwards appeared as requested to discuss her fourth attempt for the ASWB Clinical examination. Ms. Kersh-Edwards informed the Board that she is

not currently practicing however she is using study guides and new steps to help prepare her for the exam.

Board Action: A motion was made and seconded to approve Ms. Kersh-Edwards for the ASWB Clinical examination for the fourth time.

HARNER/VIEHWEG

Motion carried 7-0-0 (Dr. Cunningham not present.)

3. Tara D. Jolliff (LSW)

Ms. Jolliff appeared as requested to discuss her response to question 4 “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. Jolliff is a 2020 graduate of the University of Southern Indiana. Ms. Jolliff was involved in a domestic disturbance incident in August of 2019. Ms. Jolliff stated that the incident occurred between her sister-in-law and herself. The charges and investigation have been reviewed and found unsubstantiated. She has removed herself from the situation that caused the issue to occur. The Board inquired if she has considered counseling sessions for herself and she stated she has not. Instead Ms. Jolliff informed the Board that she has done some self-reflection and been in discussion with her sister-in-law to work out their individual issues. The Board cautioned her that she is dealing with stressful work, and if she is not applying good self-care, she could end up hurting herself and her clients. The Board asked if she has completed her probation, and Ms. Jolliff said she has, but due to COVID delays she has not received the official documentation.

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

HARNER/VIEHWEG

Motion carried 7-0-0 (Dr. Cunningham not present.)

4. Alejandra Rangel Jordan (LMFTA)

Did not appear as requested. Ms. Jordan has been scheduled to appear on three occasions and has failed to appear. As the application was over one year old the Board requested the file be abandoned.

5. Prati Khatiwada (LSW)

Ms. Khatiwada appeared per her request to be granted a waiver of the 90 days between examination approvals in order for her to maintain her employment. Ms. Khatiwada informed the Board that she obtained employment at a hospital and had been working under temporary permits while trying to study and pass the exam. Ms. Khatiwada's temporary permit is close to expiring and applicants are only allowed 1 temporary permit. Ms. Khatiwada stated that she has used different classes in order to help disseminate the examination as she found that it covered a lot of material. She found the examination overwhelming.

Board Action: A motion was made and seconded to grant the 90 day waiver request and approval to take the ASWB Master examination.

HARNER/VIEHWEG

Motion carried 6-0-0 (Mr. Gardner and Dr. Cunningham were not present.)

6. Elizabeth A. Sarchet (LAC)

Ms. Sarchet appeared as requested to discuss her yes response to question 3 “ Do you have a condition or impairment (including a history of alcohol or substance abuse) that currently interferes, or if left untreated may interfere, with your ability to practice in a competent and professional manner?” Ms. Sarchet submitted documentation that she has been in recovery since 2001 regarding a history of alcohol abuse. Since that time in 2001 she has had no relapses or incidents. Ms. Sarchet is a 2007 graduate of IUPUI and has been licensed as clinical social worker since 2012. The Board reviewed her education and stated that it meets the requirements for an addiction counselor license. The Board inquired as to why she did not apply for the LCAC license. Ms. Sarchet stated that she does not believe she meets the practicum requirement for the LCAC license.

Board Action: A motion was made and seconded to approve Ms. Sarchet to take the LAC examination.

BRENNER/VIEHWEG

Motion carried 7-0-0 (Mr. Gardner not present)

7. Madison R. Teskey (LSW)

Ms. Teskey appeared as requested to discuss her yes response to questions 3 “Do you have a condition or impairment (including a history of alcohol or substance abuse) that currently interferes, or if left untreated may interfere, with your ability to practice in a competent and professional manner?” and 6 “Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care facility in which you have trained, held staff membership or privileges or acted as a consultant?” Ms. Teskey informed the board that she suffers from anxiety and depression that caused two incidents. Currently she is

working at Aspire Indiana and works with family and youths. Her hope is to eventually work in addictions therapy. The Board asked what support systems she has in place to deal with her high stress work. Ms. Teskey stated that she seeks supervision on her case files to ensure that her own mental health issues are not impacting her clients. Ms. Teskey also submitted an affidavit which outlines the therapy she is currently undertaking, along with a statement of what she has completed so far with her therapist. The Board recommended that Ms. Teskey not pursue an addictions therapist tract until she is further along with her recovery, and to consider attending AA meetings as well.

Board Action: A motion was made and seconded to approve Ms. Teskey to sit for the ASWB Master examination.

HARNER/BRENNER
Motion carried 7-0-0 (Mr. Gardner not present.)

V. ADMINISTRATIVE HEARINGS

A. Maryellen P. Weigand, L.M.F.T.A., Temporary Permit No. 99095871A & License No. 85000397A

Administrative Cause No. 2019 BHSB 0012
Re: Petition To Withdraw Probation

Parties Present:

Respondent was present, without Counsel
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, LCSW
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: Ms. Weigand submitted her LMFTA license application October 18, 2019 and as part of her application process Ms. Weigand submitted a background check. Ms. Weigand had an incident of OWI of .15% or above and a complaint was filed against her nursing license. Ms. Weigand's LMFTA license application was placed on Probation with terms to complete the terms as outlined on her nursing license probation. Once she met the terms of her nursing probation she was required to appear before the Behavior Health Board to discuss her probation. At the time of submitting her LMFTA application she had not completed the requirements of the Nursing Board

probation as she was not going to practice nursing. Ms. Weigand submitted documentation to show she completed all terms as outline by the Nursing Board and stated that she has not had any incidents since that time. Ms. Weigand is currently employed at Sally Roth and Carmel Works Counseling doing assessments. She is currently under supervision and has kept the Board apprised of her situation. Ms. Weigand completed a substance abuse evaluation and submitted the letter showing proof of completion of the assessment and determination of that evaluation. The assessment did not require her to attend any therapy meetings, however Ms. Weigand has stated she attends sessions 2 times a month on her own volition. She also stated that she does not consume alcohol anymore and attends a Women's Meeting on Spirituality with a 12-step program, to be proactive on her own care. Ms. Weigand stated she had been part of the ISNAP program for 3 years and she is now attending follow up appointments once a year. In closing the State informed the Board that Ms. Weigand has shown to meet all probation requirements and they have no objections to lifting the probation status.

Board Action: A motion was made and seconded to withdraw the probation status from Ms. Weigand's LMFTA license.

GARDNER/BRENNER
Motion carried 8-0-0

B. Hannah Lee Cooper, L.S.W., License No. 33006534A

Administrative Cause No. 2020 BHSB 0012

Re: Administrative Complaint **and Proposed Settlement Agreement**

Parties Present:

Respondent was present, without 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, LCSW
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: An administrative complaint was filed against Ms. Cooper on June 26, 2020. The complaint was filed due to allegations of practicing on an expired Indiana license, and upon submitting her license for reinstatement Ms. Cooper failed to disclose an OWI that occurred in Kentucky where she was diagnosed with alcohol dependency disorder. A Proposed Settlement Agreement was submitted to the Board for review.

The agreement would suspend Ms. Cooper's license for a period of two years with terms and condition to reinstate the license.

Board Action: After discussion, a motion was made and seconded to not accept the Proposed Settlement Agreement in the matter of Ms. Morris.

HARNER/BRENNER
Motion carried 8-0-0

C. Kenneth L. Cox, L.M.H.C., License No. 39002902A

Administrative Cause No. 2020 BHSB 0011

Re: Administrative Complaint

Parties Present:

Respondent was present, without Counsel
Nick Hart, Deputy Attorney General for the State of Indiana
Marge Addington, Court Reporter, Accurate Court Reporting

Participating Board Members:

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

Not Participating Board Members:

Dr. Stockton, Ph.D., LMHC

Case Summary: An administrative complaint was filed against Mr. Cox on April 29, 2020 regarding criminal charge of illegal entry. On November 18, 2018, Mr. Cox pled guilty to the charge and completed his criminal probation in 2019. The State then filed a complaint against Mr. Cox due to his plea of guilty on a Felony charge. Mr. Cox informed the Board that he felt the charge was overblown. The original incident occurred because he and his neighbor share a very thin wall. He argued with his neighbor over excessive noise coming from his neighbor's apartment, and while he never entered his neighbor's dwelling he was arrested for trespassing. The State submitted Exhibit A, which was the Plea Agreement Mr. Cox signed that he accepted the plea of guilty per the charge. Mr. Cox had no objections to the submission to the copy of his Plea Agreement. Mr. Cox clarified to the Board that he was under the impression that what he signed was supposed to be a plea of guilt towards a misdemeanor charge, and not a felony charge. He was advised by his legal counsel at the time that the Plea Agreement he signed would be changed to a misdemeanor, after he had completed his probation. Mr. Cox stated that he has been working as a clinician and does not have a criminal history or a history of discipline against his license. The

Board asked for clarification on why he felt that he had to sign the Plea Agreement attesting to his guilt if he felt like he did nothing wrong and he did not feel there was sufficient evidence to convict him. Mr. Cox explained that his neighbor was a white woman, and as a black man he did not feel like his viewpoint would be told accurately. He stated that he felt pressured to accept the guilty plea as it would take a lot of time and money to show proof that he was not guilty. Nicole Carter, the Executive Director of his current employer, was sworn in as witness for Mr. Cox and stated that Mr. Cox is set for a promotion at work in October due to his positive performance as a clinician. She stated that he is a joy to work with and that he always does right by his clients. Mr. Cox explained that he was not even aware that the plea was a felony until he received a letter from the Board requesting his appearance for the hearing. The Board asked if he had told his employer regarding the criminal charges and the probation he was on. Mr. Cox said his previous employer had terminated him regarding this charge, and that he did not inform his new employer when he was hired in February 2020. The employer did run a background check and a license check upon the hiring but did not see any red flags. When his employer was informed, Nicole Carter stated that they did not initially believe it as it seemed uncharacteristic of Mr. Cox. If he had displayed the behavior that he was charged with he would not have been hired. The Board asked clarification from Ms. Carter if she felt that Mr. Cox shows integrity on his documentation of his case files as the lack of communication of the charges to his employer might be a concern. Ms. Carter stated that their office just completed an audit and there have been no issues regarding Mr. Cox's documentation. The State concluded that Mr. Cox has plead guilty to a felony so statutorily the Board has to follow sanctions. Mr. Cox concluded that he has worked steadily and consistently since he received his license. He asks that the Board allow him to continue doing good work.

Board Action: Based upon the testimony and information presented, a motion was made and seconded to issue a letter of lacement a letter of reprimand in the matter of Mr. Cox.

HARNER/VIEHWEG
Motion carried 7-0-0

VI. PROPOSED SETTLEMENT AGREEMENTS

There were no settlement agreements to present.

VII. NOTICE OF PROPOSED DEFAULT

There were no Notice of Proposed Defaults for consideration.

VIII. DISCUSSION

The Board discussed issues with the impact of COVID and how it is affecting obtaining a license. To help those who have delayed testing due to ongoing struggles with being able to take the examination the Board discussed extending the length of time for the temporary

permits. They were advised by Counsel that the requirement was set by statute, and the only way to issue such extension was if a statute change would occur or if the Governor would issue an Executive Order. The Board asked IPLA if the Board could make such request to be sent to the Governor's office for review. The Board may write a letter but it would need to be sent to the Deputy Director of IPLA.

IX. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General's office reported to the Board that they have 82 complaints with an average age of 6 months and the oldest occurred in 2018. Since the beginning of the year they have 128 open cases and closed 84. There have been 7 new administrative complaints filed since the start of the year. There are currently 12 open litigation cases.

X. FORMAL ADOPTION OF APPLICATION REVIEWS

A motion was made to adopt the application reviews.

XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW

A continuing education application was presented for "Great KIDS Make Great Communities" for review. They will be offering 4 seminars and a workshop.

Board Action: After review, a motion was made and seconded to approve Great KIDS Make Great Communities as a CE provider.

HARNER/BRENNER
Motion carried 7-0-0

XII. OLD/NEW BUSINESS

There was no new/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 3:40 p.m. by general consensus.

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

Date

George Brenner, MS, LCSW, LMFT,
LCAC, Vice Chair

Date