

## MINUTES

### BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

SEPTEMBER 22, 2014

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

Mr. Brenner called the meeting to order at 10:00 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared there was not a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

##### **Board Members Present:**

George Brenner, MS, LCSW, LMFT, LCAC, Board Chair  
Kimble Richardson, MS, LMHC, LCSW, LMFT, LCAC, MHC Section Chair  
Andrew Harner, MSW, LCSW, SW Section Chair  
Carla Gaff-Clark, Ed. D, LMHC, CADAC-IV, LCAC, AC Section Chair  
Donald Osborn, Ph.D., LMFT, LCSW, LMHC, LCAC

##### **Board Members Not Present:**

Sherry Rediger, Ph.D., LMFT, MFT Section Chair  
Rex Stockton, Ed. D., LMHC, LCSW, LMFT  
Vacant, Social Work Member  
Vacant, Physician Member  
Vacant, Consumer Member  
Vacant, Consumer Member

##### **State Officials Present:**

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

#### II. ADOPTION OF THE AGENDA

There was no adoption of the agenda.

#### III. ADOPTION OF THE MINUTES FROM JULY 28, 2014 MEETING

Mr. Richardson reviewed the minutes prior to the meeting and submitted edits to Ms. Vaught. Adoption of the minutes is tabled until the next meeting of the Board.

#### IV. PERSONAL APPEARANCES

##### **A. Probationary**

- 1. Lindsay Anne Dings, LSW**  
License No. 33005569A

Administrative Cause No. 2013 BHSB 012

Ms. Dings made not contact with the Board prior to the meeting regarding her probationary appearance. The Board requested that Ms. Dings be rescheduled for the November 17, 2014 meeting.

**2. Thomas A. Dworniczek, LCSW, LMFT**  
License Nos. 34001178A and 35000659A  
Administrative Cause No. 2012 BHSB 003

Mr. Dworniczek appeared before the Board, as requested, regarding his ongoing probationary status. Mr. Dworniczek reported that there have been no changes in his information. He currently has five (5) male clients and he meets with his clinical supervisor, Kevin Komosa, LCSW, once per month to go over his counseling sessions. He explained that he does not mix his counseling with his spiritual counseling and refers patients to other counselors if they are seeking both types of counseling from him. Mr. Dworniczek submitted a report from his supervisor. Mr. Dworniczek is scheduled to appear at the November 17, 2014 meeting of the Board.

**3. Scott Peterson, LMHC**  
License No. 39001409A  
Administrative Cause No. 2014 BHSB 007

Mr. Peterson appeared before the Board, as requested, regarding his probationary status. Mr. Peterson is currently employed at Damar and his supervisor is Jennifer Maggard, MSW, LCSW. His supervisor's report and proof of attendance at AA/NA meetings were submitted. Mr. Peterson submitted an addictionology evaluation completed by Matt Thompson. The Board had concerns regarding the report. Mr. Thompson is not a licensee. The Board stated that he will need to submit an evaluation from a licensed individual with a summary of how they arrived at the diagnosis and appropriate recommendations. Mr. Peterson is currently completing an outpatient substance abuse program at Life Recovery Center. He attends every two (2) weeks and has two (2) more months. Mr. Peterson is scheduled to appear at the November 17, 2014 meeting of the Board.

**4. Connie A. Ramos, LCSW**  
License No. 34003879A  
Administrative Cause No. 2014 BHSB 006

Ms. Ramos appeared before the Board, as requested, regarding her ongoing probationary status. Ms. Ramos reported there have been no changes since her last appearance. Mr. Harner suggested that Ms. Ramos could petition the Board for an administrative hearing to request Withdrawal of Probation. Ms. Vaught explained that she will need to submit a written request to Board requesting a hearing for the lift of probation.

**B. Renewal**

There were no renewal appearances before the Board.

### **C. Reinstatement**

There were no reinstatement appearances before the Board.

### **D. Application**

#### **1. Joyce Beaven (LSW)**

Ms. Beaven appeared before the Board, as requested, regarding her application for social worker licensure. Ms. Beaven answered yes to question 4 on the application that asks "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. Beaven explained that in 1997 she was arrested for Check Forgery. She had to spend twenty-seven (27) days in jail before her bail was low enough to post. In 2000 she was arrested for Theft after she was caught stealing from her employer. Both arrests occurred due to a drug addiction. She successfully completed probation, paid all fines, and attended all court ordered classes. Ms. Beaven is currently an active member of LDS recovery group and NA where she has been a sponsor. She has completed her Master of Social Work at IUPUI in May 2014. Ms. Beaven is in the process of having the charges expunged from her record.

**Board action:** A motion was made and seconded to recommend permission for Ms. Beaven to take the ASWB masters examination.

HARNER/RICHARDSON  
Motion carried 4-0-0

#### **2. Courtney Michelle Bontrager (LMFT)**

Ms. Bontrager appeared before the Board, as requested, regarding her application for marriage and family therapy licensure. The Board had questions upon previous review of the file regarding the private practice and time of clinical supervision. Ms. Bontrager explained that in Minnesota, there was no exemption from gaining clinical experience in private practice. The other issue is that she has not completed two (2) years of clinical experience and supervision. Dr. Osborn explained that Ms. Rediger is not present at the meeting and he will discuss her application with her later this week to make a determination as to whether or not her file can be approved.

#### **3. Michelle Rene Brown-Smith (LAC)**

Ms. Brown-Smith did not appear before the Board, as requested, regarding her application for addiction counselor licensure. Ms. Brown-Smith will be rescheduled to appear at a later date.

#### **4. Anna Caress (LMHC)**

Ms. Caress appeared before the Board, as requested, regarding her application for mental health counselor licensure. Ms. Caress did not answer yes to any questions on the application for licensure, but there was an arrest that showed on her criminal background check. She explained that in 2005 she was arrested and charged with Minor Consumption of Alcohol. She entered into a pre-trial diversion program and completed all requirements. She stated that she thought the charge had been expunged and felt she didn't need to answer yes. Ms. Caress is currently employed by Gallahue as a school based counselor. The Board recommended approval of Ms. Caress' positive response. Mr. Richardson reviewed Ms. Caress' application and stated that it is not complete. Ms. Caress will need to submit additional documentation prior to further review.

**5. Crystal J. Jackson (LSW)**

Ms. Jackson appeared before the Board, as requested, regarding her application for social worker licensure. Ms. Jackson answered yes to question 1 on the application that asks "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?" She explained that in 2013 she moved to New Orleans, Louisiana to find work. She stated she searched for employment that did not require a license. She hired on with a company that did not require licensure, but the state of Louisiana filed a complaint alleging she was practicing without a license. They required her to take the examination in a certain amount of time however; she did not complete the requirement and has since moved back to Indiana to seek employment.

**Board action:** A motion was made and seconded to recommend approval of Ms. Jackson's social worker licensure application and temporary permit.

HARNER/RICHARDSON  
Motion carried 4-0-0

**6. Noah Lankford (LMHC)**

Mr. Lankford appeared before the Board, as requested, regarding his application for mental health counselor licensure. Mr. Lankford answered yes to question 4 on the application that asks "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?" He explained that in 2007 he was arrested for and charged with Operating a Motor Vehicle While Intoxicated. Mr. Lankford's BAC was .18. Mr. Lankford completed six (6) months of probation, forty (40) hours of community service, mandatory counseling, attended an "Impact Weekend", attended several AA meetings and paid the necessary fines as part of his probation. The Board reviewed Mr. Lankford's file and determined he is still in need of a course in psychopathology for the course content area called Knowledge and Skills. The Board recommended approval of Mr. Lankford's positive response.

HARNER/RICHARDSON  
Motion carried 4-0-0

**7. Joseph Michael McMahan (LMHC)**

Mr. McMahan appeared before the Board, as requested, regarding his application for mental health counselor licensure. Mr. McMahan had appeared before the Board in July and the board requested Mr. McMahan obtain a psychological evaluation. Mr. McMahan did as the board requested and the report was favorable for Mr. McMahan.

**Board action:** A motion was made and seconded to recommend approval for Mr. McMahan to take the NCMHCE for mental health counselor licensure.

RICHARDSON/HARNER  
Motion carried 4-0-0

**8. Eric Alan Lee (LMFT)**

Mr. Lee appeared before the Board, as requested, regarding his application for marriage and family therapy licensure. Mr. Lee does not have a practicum at this time. He requested an appearance before the Board to speak with them regarding this matter. The Board stated he needs to enroll and complete a practicum to meet the licensure requirement. His application will remain on file for one (1) year from the date it was received by the Indiana Professional Licensing Agency.

**E. Examination Attempts**

**1. Denetra Howard (LMHC)**

Ms. Howard appeared before the Board, as requested, regarding approval to take the NCMHCE examination for the fourth time. The Board recommended she be allowed to take the examination.

RICHARDSON/HARNER  
Motion carried 4-0-0

**2. Ramona A. Johnson (LSW)**

Ms. Johnson appeared before the Board, as requested, regarding approval to take the Masters examination for the fourth time. The Board recommended she be allowed to take the examination.

HARNER/RICHARDSON  
Motion carried 4-0-0

**3. Debra Rosemary Miller (LCSW)**

Ms. Miller appeared before the Board, as requested, regarding approval to take the Clinical examination for the fourth time. The Board recommended she be allowed to take the examination.

HARNER/RICHARDSON  
Motion carried 4-0-0

**4. Serge J. Monperous (LMFTA)**

Mr. Monperous appeared before the Board, as requested, regarding approval to take the marriage and family therapy examination for the fourth time. Mr. Monperous requested the Board approve a special request for him to have time and a half to take the examination. He will need to submit the appropriate documentation for approval. The Board recommended he be allowed to take the examination and approved his request for special accommodations.

OSBORN/RICHARDSON  
Motion carried 4-0-0

**5. JoAnn Williamson (LCSW)**

Ms. Williamson appeared before the Board, as requested, regarding approval to take the Clinical examination for the fourth time. The Board recommended she be allowed to take the examination.

HARNER/RICHARDSON  
Motion carried 4-0-0

**F. Other**

There were no other appearances before the Board.

**V. ADMINISTRATIVE HEARINGS**

**A. Kris M. Kasting**

Administrative Cause No. 2013 BHSB 007  
Re: Order to Show Cause (Cease and Desist)

**Parties Present:**

Respondent was not present, but represented by Dominic Price, Attorney  
Kelsie Duggan, Deputy Attorney General for the State of Indiana  
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

**Participating Board Members:**

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

**Case Summary:** On or around September 10, 2013, the State filed a Motion for Order to Cease and Desist alleging Respondent has violated Ind. Code 25-23.6-4-1 that states a person practicing as a clinical social worker must be licensed by the Board. Respondent has since applied for a clinical social worker license and is currently working on a temporary permit granted by the Board. The State explained that Respondent's temporary permit is valid until December 2, 2014 and she has until that date to take the examination. The State requests a Joint Motion to Continue the hearing in anticipation of Respondent taking the clinical examination.

**Board action:** A motion was made and seconded to grant the State's request of a Continuance in the matter of Ms. Kasting until the January 2015 meeting.

HARNER/RICHARDSON  
Motion carried 4-0-0

**B. Alice Whalen, L.S.W., L.M.F.T., L.M.H.C.**

License No. 33002908A, 35001189A, 39001057A

Administrative Cause No. 2014 BHSB 005

Re: Complaint

**Parties Present:**

Respondent was present, and represented by John Watts, Attorney Marissa Webb, Deputy Attorney General for the State of Indiana Kelsie Duggan, Deputy Attorney General for the State of Indiana Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

**Participating Board Members:**

Mr. Brenner (Hearing Officer)

Dr. Osborn

Mr. Richardson

Mr. Harner

**Case Summary:** Dr. Osborn stated he is a previous co-worker of Respondent. The State and Respondent's counsel neither had an issue with his participation. On or around April 30, 2014, the State filed a Complaint alleging Respondent has violated Ind. Code 25-1-9-4(a)(4)(B) in that Respondent has continued to practice although Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice by violating 830 IAC 1-5-5(2), specifically in her dealings with a patient, Respondent failed to timely provide requested client records to a client's father; has violated Ind. Code 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities by violating Ind. Code 25-23.6-3-1(a), specifically after the expiration of Respondent's license as a marriage and family therapist, Respondent provided therapy services to a client's two (2) minor children, accepted compensation for such services, signed receipts for such services using insignia indicating she was a licensed marriage and family therapist, and implied she was a licensed marriage and family therapist by testifying in court in the case involving her client's minor children as the coordinator of care and appointed therapist for the children; has violated IC 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities by violating Ind. Code 25-23.6-4-1(a), specifically after the expiration of Respondent's license as a social worker, Respondent provided therapy services to her client's two (2) minor children, accepted compensation for such services, signed receipts for such services using insignia indicating she was a licensed social worker, and implied she was a licensed social worker by testifying in court in the case involving her client's minor children as the coordinator of care and appointed therapist for the children; has violated Ind. Code 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities by violating Ind. Code 25-23.6-4.5-1(a), specifically after the expiration of Respondent's mental health counselor license, Respondent provided therapy services to her client's two (2) minor children, accepted compensation for such services, signed receipts for such services using

insignia indicating she was a licensed mental health counselor, and implied she was a licensed mental health counselor by testifying in court in the case involving her client's minor children as the coordinator of care and appointed therapist for the children; and has violated Ind. Code 25-4-9-4(a)(4)(B) in that Respondent has continued to practice although unfit to practice for failure to keep abreast of current professional theory or practice by violating 839 IAC 1-4-4(d) which states that "marriage and family therapists shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment," as evidenced by Respondent's cancellation of therapy sessions with only one (1) day notice and failure to make arrangements for their continued care. The State called Brian Bullock, parent of a minor patient of Respondent. He stated he had requested patient records for his minor children from Respondent and Respondent refused to give the patient records. He had to request the records on three (3) occasions. The initial request was made in August 2011 with the records finally being given to Mr. Bullock in April 2012. The State entered State's Exhibit A, copies of the renewal packet submitted by Respondent on July 1, 2014. The State called James Criger. Mr. Criger stated he was ordered to seek a marriage and family therapist due to divorce proceedings. He stated his minor children were also seen by Respondent. He stated he met with Respondent the night before the hearing to go over her testimony, but the next day at the hearing, she changed what she was testifying to. The State entered State's Exhibit C; a copy of the Final Order issued by Green Superior Court dated July 31, 2013. The State entered State's Exhibit B; copies of receipts provided to him by Respondent for services provided after April 1, 2012 with the last one dated September 14, 2013. He stated they brought this to the judge's attention and remained seeing her per the court order. He testified that he did not attend the last meeting due to receiving a text message from Respondent cancelling the meeting with less than twenty-four (24) hours' notice. Mr. Watts entered Respondent's Exhibit 2; copy of the court transcript from the Criger's divorce proceeding. The State objected inciting the divorce was a personal matter that does not belong in these proceedings. Mr. Watts called Respondent. Respondent testified that she began working with Mr. Bullock's children prior to the expiration of her licenses. Respondent testified that she began working with Mr. Criger's children in 2009. Mr. Watt's entered Exhibit 3; copy of a letter from the Department of Revenue indicating new terms. The Board objected as this document was not listed on the exhibit list. The objection was noted. The State entered State's Exhibit E; a copy of a certification of completion she issued using the insignia LSW, LMHC, LMFT after her signature dated November 9, 2013. She stated the documents were signed previous to her license being expired and she just completed the forms without thinking. The State asked the Board to find Respondent guilty on all counts. Mr. Watts feels the State has not proved their case in this matter.

**Board action:** A motion was made and seconded to recommend finding Ms. Whalen guilty of Count I.

HARNER/RICHARDSON  
Motion carried 3-0-1  
\*Dr. Osborn abstained

**Board action:** A motion was made and seconded to recommend finding Ms. Whalen guilty of Count II.

HARNER/RICHARDSON  
Motion carried 3-0-1



\*Dr. Osborn abstained

**Board action:** A motion was made and seconded to recommend finding Ms. Whalen guilty of Count III.

HARNER/RICHARDSON

Motion carried 3-0-1

\*Dr. Osborn abstained

**Board action:** A motion was made and seconded to recommend finding Ms. Whalen guilty of Count IV.

HARNER/RICHARDSON

Motion carried 3-0-1

\*Dr. Osborn abstained

**Board action:** A motion was made and seconded to recommend finding Ms. Whalen not guilty of Count V.

RICHARDSON/BRENNER

Motion carried 2-1-1

\*Mr. Harner opposed

\*Dr. Osborn abstained

**Board action:** The Board recommended that Ms. Whalen's marriage and family therapy, clinical social worker, and mental health counselor licenses be placed on Indefinite Probation with the following terms and conditions:

1. Respondent's licenses shall remain on indefinite probation for no less than two (2) years from the date of reinstatement of her licenses.

2. While on probation, Respondent shall be subject to the following **TERMS AND CONDITIONS:**

a. Respondent shall obtain a clinical supervisor. The clinical supervisor must be licensed as a clinical social worker, marriage and family therapist or mental health counselor in the state of Indiana.

b. Respondent's clinical supervisor shall provide direct supervision of Respondent's practice every other week.

c. Respondent's clinical supervisor shall submit quarterly written reports to the Board regarding Respondent's clinical practice.

d. Respondent shall make quarterly personal appearances before the Board. Respondent's first personal appearance shall occur during the Board's first meeting immediately following the reinstatement of her licenses.

e. Respondent must complete half of her annual continuing education requirements with category I sources in the subject areas of ethics, records keeping, and boundaries.

f. Respondent must comply with all laws and rules regulating the practice of the Board as well as the general statutory provisions which apply to all the health professions.

g. Respondent must keep the Board apprised of the following information and update it as necessary:

- i). Her current home address, mailing address and your residential telephone number;
- ii). Her place of employment, employment telephone number, and name of supervisor;

4. Within three (3) months of the reinstatement of Respondent's licenses, Respondent shall complete a fitness for duty evaluation conducted by a HSPP licensed psychologist. The evaluation must also include therapeutic recommendations for Respondent's personal development. Respondent must follow all therapeutic recommendations made by the HSPP psychologist.

5. Within three (3) months of the reinstatement of Respondent's licenses, Respondent must take and pass the jurisprudence exam.

6. Failure to comply with the requirement of probation may subject you to a show cause hearing before this Board and the imposition of further sanctions.

7. Respondent shall, within ninety (90) days, 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. 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: Kathy Shively, 302 West Washington Street, 5th Floor, Indianapolis, IN 46204.

RICHARDSON/HARNER

Motion carried 4-0-0

**C. Constance J. Anderson, L.M.H.C., L.C.S.W.**

License No. 39000772A, 34004664A

Administrative Cause No. 2014 BHSB 001

Re: Complaint

**Parties Present:**

Respondent was present, and represented by John Tompkins, Attorney  
Kelsie Duggan, Deputy Attorney General for the State of Indiana  
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

**Participating Board Members:**

Mr. Brenner (Hearing Officer)

Dr. Osborn

Mr. Richardson

Mr. Harner

Ms. Gaff-Clark

**Case Summary:** On or around March 3, 2014, the State filed a Complaint alleging Respondent has violated Ind. Code 25-1-9-4(a)(2)(A) and/or Ind. Code 25-1-9-4(a)(2)(B) in that Respondent was convicted of a crime that has a direct bearing on Respondent's ability to continue to practice competently or that is harmful to the public, specifically Respondent was convicted of two (2) counts of criminal mischief and five (5) counts of animal cruelty; and violated Ind. Code 25-1-9-4(a)(4)(B) in that Respondent has continued

to practice even though Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice, specifically Respondent violated 830 IAC 1-5-5(9), which states that "the mental health counselor is aware of anything that might interfere with the counselor's effectiveness and shall refrain from any activity that might lead to inadequate performance or harm to anyone," by housing over one hundred (100) cats and kittens in her rental properties, causing property damage and harm to animals. The State called Barbara Greene, case analyst with the Indiana office of the Attorney General. Ms. Greene invested the Complaint against Respondent indicating Respondent had been arrested and charged. The State entered State's Exhibit A; a copy of a letter sent to IPLA indicating Respondent had been arrested and charged with hoarding over one hundred (100) cats. The State entered State's Exhibit B; under seal, a copy of the Affidavit for Probable Cause from the Allen Superior Court. Ms. Greene testified that there was over seventy-seven thousand dollars (\$77,000.00) in damages to the property. The State entered State's Exhibit C; a copy of a Plea Agreement entered into Allen Superior Court on October 18, 2012. The State entered State's Exhibit D; a copy of the Judgment of Conviction from the Allen Superior Court dated October 28, 2012. In correspondence with the Attorney General's Office, Respondent stated she had taken in one (1) stray that two (2) days later had given birth to a litter of kittens. The cats began multiplying and it got out of control. Per the letter, she had contacted the Animal Care and Control of Fort Wayne, where she was told the animals would be euthanized. She stated she could not do that to the animals but also did not do anything to minimize the reproduction of the animals. The State questions that if she allowed this situation to get this out of control, how could she be an effective counselor? Respondent stated she is currently seeking counseling with 2 counselors for generalized anxiety disorder and post-traumatic stress syndrome. She is currently on Clonazepam and Lexapro, which she takes regularly. Respondent entered Exhibit 1; copies of documentation regarding Respondent's conviction and probation. The State objected, but the Board accepted all of the exhibits except for a probation document without her name on it. Respondent entered Exhibit 2; copies of continuing education certificates. The State is concerned that Respondent has yet to take responsibility in these issues until prodded by the Board members during this hearing. The State reminded the Board of the severity of the criminal case and what was found during the criminal investigation and asks the Board to take the appropriate measures regarding her competency and licensure. Respondent stated that she is deeply sorry for what occurred and that she is closely monitored at this time regarding the criminal conviction.

**Board action:** A motion was made and seconded to recommend finding Ms. Anderson guilty of Count I.

RICHARDSON/HARNER

Motion carried 4-0-0

\*Ms. Gaff-Clark was not present for the vote

**Board action:** A motion was made and seconded to recommend finding Ms. Anderson guilty of Count II.

HARNER/RICHARDSON

Motion carried 4-0-0

\*Ms. Gaff-Clark was not present for the vote

**Board action:** A motion was made and seconded to recommend Ms. Anderson's clinical social worker and mental health counselor licenses be placed on Indefinite Suspension with the option to petition for withdrawal of suspension six (6) months from today's date, shall require completion of a fitness to practice evaluation by an HSPP practitioner with the requirement that she submit a copy of the Final Order to the HSPP practitioner and submission of her criminal probationary order from the court to the Board.

RICHARDSON/HARNER

Motion carried 4-0-0

**D. Sheila S. Day, L.C.S.W.**

License No. 34000327A

Administrative Cause No. 2014 BHSB 003

Re: Complaint

**Parties Present:**

Respondent was present, and represented by John Tompkins, Attorney

Kelsie Duggan, Deputy Attorney General for the State of Indiana

Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

**Participating Board Members:**

Mr. Brenner (Hearing Officer)

Dr. Osborn

Mr. Richardson

Mr. Harner

Ms. Gaff-Clark

**Case Summary:** On or around April 25, 2014, the State filed a Complaint alleging Respondent has violated Ind. Code 25-1-9-4(a)(2)(B) in that Respondent was convicted of a crime that is harmful to the public, specifically in that Respondent was convicted of Operating a Vehicle with Alcohol concentration of 0.15 or greater, a Class A Misdemeanor; and violated Ind. Code 25-1-9-4(a)(1)(A) in that Respondent engaged in or knowing cooperated in fraud or material deception in order to obtain a license to practice, specifically Respondent failed to disclose her criminal conviction on her January 17, 2012 Indiana clinical social worker license renewal form. The State explained that there was some confusion with her on her January 2012 renewal form and the conviction came to light on her application for a clinical addiction counselor license. The State proposed a Settlement Agreement that would issue to Respondent a Letter of Reprimand, require Respondent to keep the Board apprised of her current residential address and telephone number as well as the name, address and telephone number of an and all behavioral health employers and shall notify the Board, in writing, within seventy-two (72) hours of any changes; pay a fine in the amount of five hundred dollars (\$500.00) within ninety (90) days of the Board's Final Order; and pay a fee of five dollars (\$5.00) to be deposited in the Health Records and Personal Identifying Information Protection Trust Fund.

**Board action:** A motion was made and seconded to recommend the approval of the Settlement Agreement as presented by the State in the matter of Ms. Day's clinical social worker license.

HARNER/OSBORN

Motion carried 5-0-0

**E. Deborah A. Gerrity, L.M.H.C.**

License No. 39001142A

Administrative Cause No. 2014 BHSB 010

Re: Appeal of Denial of Petitioner's Application for Reinstatement

**Parties Present:**

Petitioner was present, and represented by John Tompkins, Attorney  
Kelsie Duggan, Deputy Attorney General for the State of Indiana  
Sherri Rutledge, Court Reporter, Rutledge Independent Reporting

**Participating Board Members:**

Mr. Brenner (Hearing Officer)

Dr. Osborn

Mr. Richardson

Mr. Harner

**Case summary:** On or around July 28, 2014, the Board denied Petitioner's application for reinstatement. Petitioner's mental health counselor license expired on April 1, 2002. She was scheduled to appear before the Board on July 28, 2014 because she did not appear as requested. Petitioner lives in Arizona but is not practicing at this time. Petitioner completed forty (40) hours of continuing education. Petitioner was grandparented into licensure in Indiana in 2000. She explained that she has been in a teaching position since leaving Indiana where she has taught in Antigua and Arizona.

**Board action:** A motion was made and seconded to recommend reinstatement of Ms. Gerrity's mental health counselor license upon successful completion of both the NCMHCE and the Indiana jurisprudence examination within six (6) months.

RICHARDSON/HARNER

Motion carried 4-0-0

**VI. SETTLEMENT AGREEMENT**

There were no Settlement Agreements before the Board.

**VII. NOTICE OF PROPOSED DEFAULT**

There were no Notices of Proposed Default before the Board.

**VIII. DISCUSSION**

**A. Paul Robbins (LCSW)**

Re: Application for Licensure

The Board reviewed the application file of Mr. Robbins and determined he does not meet the requirements for licensure as a clinical social worker license based upon his degree. The law states he must have a BSW or MSW to qualify for licensure and he currently has a Masters of Art in Education degree granted by Ball State University.

The Board asked Ms. Vaught to recommend he apply for a different type of licensure or withdraw his application.

**B. Clarence D. Bolden, Jr., J.D.**

Re: Clarification of Mental Health Counselor Licensing Requirements

The Board discussed correspondence from Mr. Bolden requesting clarification of the licensing requirements for a mental health counselor license.

**C. Practice of Treatment of Persons with Substance Use Disorders**

The Board discussed issues that relate to licensure of Behavioral Health Professions and certification rules by the Department of Mental Health and Addictions regarding the practice and treatment of persons with substance use disorders. Mr. Brenner wants to request a meeting with the Division of Mental Health and Addiction with Family and Social Services.

**IX. PROBATION REVIEW**

**A. Daniel M. Knaver, LCSW, LMFT**

License No. 34003006A, 35000388A

Cause No. 2014 BHSB 008

The Board reviewed the probationary file of Mr. Knaver. The Board found Mr. Knaver to be in compliance with his Order.

**X. FORMAL ADOPTION OF APPLICATION REVIEWS**

There was no formal adoption of recommendations made by each section of the Board for the licensure application reviews conducted from 8:00 a.m. to 9:00 a.m., and at any other time since the previous board meeting.

HARNER/RICHARDSON

Motion carried 4-0-0

**XI. CONTINUING EDUCATION SPONSOR APPLICATION REVIEW**

**A. Jeanne M. Zehr, PhD.**

The Board reviewed the application submitted by the Jeanne M. Zehr, PhD. to be approved as a continuing education provider.

**Board action:** A motion was made and seconded to recommend approval of the application for Jeanne M. Zehr, PhD. to become a continuing education provider.

HARNER/RICHARDSON

Motion carried 5-0-0

**B. Institute of Critical Thinking & National Philosophical Counseling Association**

The Board reviewed the application submitted by the Institute of Critical Thinking & National Philosophical Counseling Association to be approved as a continuing education provider.

**Board action:** A motion was made and seconded to recommend approval of the application for Institute of Critical Thinking & National Philosophical Counseling Association to become a continuing education provider.

HARNER/RICHARDSON  
Motion carried 5-0-0

**XII. OLD/NEW BUSINESS**

There was no old or new business discussed by the Board.

**XIII. ADMINISTRATOR'S REPORT**

There was no Administrator's Report given to the Board.

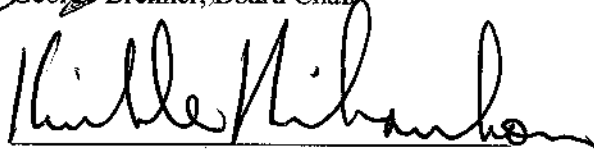
**XIV. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 8:00 p.m. by general consensus.

  
George Brenner, Board Chair

LMFT, RCSW, LAC  
Date

1-26-15

  
Kimble Richardson, Board Vice-Chair

Date

1-26-2015