

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED CLINICAL
MENTAL HEALTH COUNSELORS

IN THE MATTER OF:)
)
BRENDA CAREY, LCMHCS)
Respondent.)
Nos. 1726 & 1907)

CONSENT ORDER

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Clinical Mental Health Counselors (“the Board”), at its meeting on 2/10, 2025, pursuant to charge letters issued by the Board on March 3, 2023, and January 15, 2019, which are now pending; and

IT APPEARING to the Board that the Respondent has stipulated to certain facts and to the entry of a Consent Order in conformity therewith;

IT IS HEREBY STIPULATED by the undersigned Respondent and the Board that:

1. Respondent was at all times relevant to this cause a licensed clinical mental health counselor supervisor¹ (“LCMHCS”) and is subject to the Board’s jurisdiction pursuant to the North Carolina Licensed Mental Health Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.
2. In case number 1907, on or about March 21, 2021, Respondent provided telehealth counseling services to Client X, who was located in Washington, D.C. at this time. Respondent admitted that she did not verify with the D.C. Board of Professional Counseling whether she was permitted to provide counseling services to clients located in the District of Columbia. In advance of meeting with Client X, Respondent sent intake counseling paperwork to Client X that included her Professional Disclosure Statement, Consent for Treatment, and Scheduling Policy, among other documents. Client X signed the forms and returned them to Respondent. During the investigation of this matter, Respondent was unable to provide any clinical documentation or records of the intake session with Client X. In addition, Respondent displayed unprofessional behavior by utilizing a walking desk throughout the duration of the intake session with Client X. Furthermore, after the intake session, Client X contacted Respondent by text and email to schedule another appointment, which was according to your scheduling policy. Respondent did not respond to Client X’s correspondence. As a result, Client X reported experiencing emotional distress.
3. In case number 1726, during the period from on or about June 4, 2014, to on or about March 3, 2018, Respondent provided counseling services to an 11 year old male child, Client X. Respondent did not obtain parental consent from both parents prior to providing counseling services to Client X. A court order related to child custody was issued in 2016, prior to Respondent providing counseling services to Client X. The Court Order read, “neither party shall make major

¹ On 1 January 2020, the name “licensed professional counselor” was changed to “licensed clinical mental health counselor.” See Act of Nov. 6, 2019, Ch. 240, sec. 2(a), 2019 N.C. Sess. Laws 240.

decisions unilaterally, including counseling for the minor child.” In or around March 2018, Client X’s father contacted Respondent and stated that he wanted to terminate client X’s counseling with Respondent. After speaking with Client X’s mother Respondent decided to continue providing counseling services to Client X. Respondent did not create and maintain appropriate clinical records for Client X. Specifically, Respondent’s records did not include intake documentation, parent consent agreements, treatment plans, session notes, or termination of treatment information. In addition, Respondent’s notes were illegible and she was unable to transcribe them because she could not read them due to their illegibility. On May 8, 2018, Respondent sent both parents a letter information them that Respondent could no longer provide counseling services to Client X due to a conflict of interest, but Respondent did not provide a referral list for the client to transfer to another licensed mental health professional.

4. Respondent admits that her conduct as set forth above in paragraphs 2 and 3, violates Sections A.1.a., A.1.b., A.1.c., A 2.a., A.2.b., A.2.d., A.4.a., A.11.c., B.5.b., B.6.a., B.6.h., H.1.b., H.5.a., and I.1.a. of the American Counseling Association Code of Ethics (2014) and violates N.C. Gen. Stat. §§ 90-340 (a)(7), (a)(9) and (a)(10) of the North Carolina Licensed Professional Counselors Act.

5. The Board and Respondent wish to avoid the time and the costs associated with full litigation of this matter and, *in lieu* of any proceedings, enter into this Consent Order.

6. Respondent expressly waives notice of hearing, a hearing, the making of findings of fact and conclusions of law, and all further proceedings before the Board to which the Respondent may be entitled by law. Respondent further agrees that presentation of this Consent Order to the Board for approval shall not constitute improper *ex parte* communication between the Board and its counsel, or the Board and its staff, nor require the recusal of the members of the Board from consideration of this matter before the full Board, should a hearing be required in this case.

7. Respondent forever releases the State of North Carolina, the North Carolina Board of Licensed Clinical Mental Health Counselors, and all its members, officials, agents, representatives and employees, both past and present, in their individual or official capacities from any and all liability, suits, claims, and causes of action, arising prior to or as a result of the execution of this Consent Order.

8. Respondent waives the right to seek judicial review or to otherwise challenge the validity of this Consent Order in any court. Respondent understands and agrees that this Consent Order shall be effective only after approval by the full Board and signature of its Chairperson.

9. Respondent acknowledges that she was either represented by legal counsel in connection with her consideration and execution of this Consent Order or, alternatively, that she was free to engage such legal counsel to advise her concerning this Consent Order and its terms prior to the time that Respondent executed this Consent Order and that she alone decided not to engage such legal counsel.

10. This Consent Order contains the entire agreement between the undersigned, there being no agreement of any kind, verbal or otherwise, which varies, alters, or adds to this Consent Order.

11. This Consent Order shall constitute disciplinary action against the license of Respondent, pursuant to N.C. Gen. Stat. §90-340(a) and (b).

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Respondent shall complete a minimum of one (1) year of supervised clinical mental health practice. The supervised experience shall be completed at a rate of no more than 40 hours per week (one hour of supervision per 40 hours of professional practice). The supervisor shall file quarterly reports and a final report with the Board. If Respondent is only practicing on a part time basis she may not require supervision every week.

II. The supervisor shall be approved by the Board pursuant to Administrative Rules 21 NCAC 53 .0702 and 21 NCAC 53 .0801, to supervise Respondent's professional practice, prior to the beginning of supervision. The supervision contract shall be filed with the Board office no later than 60 days from the date of this Order.

III. Respondent shall provide a copy of this Consent Order to her supervisor(s). The supervisor(s) shall confirm the receipt of the document in the supervision report.

IV. Respondent shall bear any costs and associated expenses of the supervision.

V. Within one (1) year from the date of this Order, Respondent shall complete 12 continuing education hours focused on documentation and appropriate termination; and 3 continuing education hours focused on telehealth services. All continuing education hours must be complete from an NBCC approved provider.

VI. This coursework requirement shall be in addition to the continuing education coursework required for all licensees under the Board's Administrative Rules. All costs associated with this continuing education requirement shall be borne by Respondent.

VII. Upon successful completion of this continuing education coursework, Respondent shall submit a certificate of completion provided by the continuing education sponsor to the Board.

VIII. While Respondent is under the conditions of this consent order she shall not supervise other licensed professionals.

IX. The failure of Respondent to abide by any provisions of this Consent Order, if proven true by a preponderance of the evidence following notice and an opportunity for hearing, may result in the suspension, revocation, or other disciplinary action against Respondent's license, including seeking an injunction in Superior Court, in the Board's discretion.

X. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f) and shall provide copies to the American Counseling Association and the National Board of Certified Counselors, and to other agencies or individuals as required by law.

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This the 10 day of February, 2025.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED MENTAL HEALTH COUNSELORS





BY:  2/13/2025
Signed by: E444DBD080A3407...
Dr. Yasmin Gay, LCMHCS date
Board Chairperson

RESPONDENT:

 02 / 05 / 2025
Brenda Carey, LCMHCS date
Respondent

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