

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)
)
DONNA COLES,)
Respondent.)
)
Case No. 1614)

CONSENT ORDER

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Professional Counselors (“the Board”), at its meeting on April 13, 2017, pursuant to a charge letter issued by the Board on February 27, 2017, which is 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 professional counselor and is subject to the Board’s jurisdiction pursuant to the North Carolina Licensed Professional Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.
2. Respondent was subpoenaed to testify in Forsyth County District Court on or about May 6, 2016, regarding services that she provided as a licensed professional counselor to two children. By Respondent’s own admission to Board investigator, Randy Yardley, M.A., she was unable to testify due to a high level of anxiety which caused her to have absence seizures, as she were being questioned by an attorney about Respondent’s services to the children. Respondent’s conduct indicates that Respondent is impaired as a result of emotional problems which interfere with her ability to provide professional services.
3. This conduct constitutes violations of N.C. Gen. Stat. §§ 90-340(a)(9) & (11) of the Licensed Professional Counselors Act and Standard C.2.g. (impairment) of the ACA Code of Ethics.
4. 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.
5. 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.

RECEIVED

6. Respondent forever releases the State of North Carolina, the North Carolina Board of Licensed Professional 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.

7. 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.

8. 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.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Respondent's license to practice as a Licensed Professional Counselor in North Carolina is hereby voluntarily relinquished, pursuant to N.C. Gen. Stat. § 90-340(h). Respondent shall turn in her license as a Licensed Professional Counselor in North Carolina, to the Board office no later than May 1, 2017.

II. Respondent shall not engage in the practice of counseling, as defined in N.C. Gen. Stat § 90-330(a)(3), at any time in the future unless she becomes relicensed by this Board.

III. In order to become relicensed, in addition to any other requirements for licensure, Respondent shall submit to a psychological evaluation to determine whether she is fit to practice counseling, which shall also include a neuropsychological evaluation.

IV. 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, shall result in the suspension, revocation, or other disciplinary action against Respondent's license, in the discretion of the Board.

V. 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.

[The rest of this page is intentionally left blank.]

AKM

This the 13 day of April, 2017.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY: [Signature] 4/13/17
Angela McDonald, Ph.D., LPCS date
Board Chairperson

[Signature] 4/6/17
Donna Coles date
Respondent



Sworn to and subscribed before me this
the 6 day of April, 2017.

[Signature]
(NOTARY PUBLIC)
My Commission Expires: 11/20/2021