

IN THE MATTER OF:)
TAMMY KING, LPC)
)
No. 1673/1699, 1705)
Respondent.)

FINAL DECISION

The North Carolina Board of Licensed Professional Counselors ("Board") heard this cause on October 19, 2018. A Notice of Hearing was served on Respondent on September 29, 2018, notifying her that the hearing would take place on October 19, 2018, at 9:00 a.m., or as soon thereafter as possible, at the Office of the Board of Licensed Professional Counselors at 7D Terrace Way in Greensboro, North Carolina 27403. Respondent was not present. Ms. Sondra C. Panico, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board heard testimony from Deputy Sheriff Carrie Fletcher, client CC, and from Patricia Scott, and accepted exhibits into evidence in a closed session. After hearing the closing argument, the Board retired into an executive session to deliberate, during which deliberations it made the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Board finds, by a preponderance of the evidence, that the following facts are true and relevant:

1. At all relevant times the Respondent was a licensed professional counselor licensed by the Board.
2. On May 21, 2018, a charge letter was issued against Respondent. (Board Exhibit Number 3).
3. Respondent was personally served with the Notice of Hearing in this matter, dated September 12, 2018, by James McDougle, on September 29, 2018. (Board Exhibit A).
4. Two complaints were filed with the Board against Respondent by ER, who was Respondent's former client. The complaints were numbered 1673 and 1699. (Board Exhibit Numbers 4-7).
5. Respondent filed a response to these complaints. (Board Exhibit Number 8).

6. James McDougle, Board contract investigator, investigated these matters and he submitted an Affidavit in this matter. (Board Exhibit B). In Mr. McDougle's investigation he interviewed Respondent. She admitted to Mr. McDougle that she facilitated a group at her office, Cape Fear Behavioral Health, in which ER was assigned to the group. Respondent further admitted to Deputy Sheriff Fletcher that ER was her counseling client. (Board Exhibit B, Board Exhibit Number 9).
7. Respondent told Mr. McDougle that ER stayed at her house on approximately two occasions and that she provided him with food and clothing. (Board Exhibit B).
8. Respondent explained to Mr. McDougle that an incident took place where the Moore County Sheriff responded to a call at Respondent's home when ER was present. She was drinking alcohol and ER may have been under the influence of drugs. (Board Exhibit B, Board Exhibit 9).
9. In Respondent's response to the complaint she admitted that she knew ER since he was in the fifth grade. She admitted taking him into her home and feeding him at times. (Board Exhibit Number 8).
10. Deputy Sheriff Carrie Fletcher, with the Moore County Sheriff's Office, testified at the hearing. (T p 10). She also provided an Affidavit, which she stood by at the hearing. (Board Exhibit Number 10).
11. Deputy Fletcher explained that on May 10, 2017, she was called to report to 161 Cranes Cove in Vass, NC, which is Respondent's residence. (T pp 10-11, Board Exhibit Number 11).
12. Deputy Fletcher described that when she arrived at the scene she observed ER walking down the street and that he was very bloody. Then she observed Respondent, who appeared to be intoxicated at the time. (T p 11).
13. Respondent explained to Deputy Fletcher that she had accidentally locked ER out of the house and he became irate and broke the glass door and that was how he became injured. (T p 11).
14. Respondent also told Deputy Fletcher that ER was a patient of hers and had been staying periodically at her residence with her. (T p 12). Deputy Fletcher observed that ER's clothing was in the home and there were other signs that he had been living there. (T p 13).
15. Jason Trudell, Respondent's son in law, was present at the scene and admitted to assaulting ER because Respondent asked him to come over since she thought the Sherriff's Office's response time was too long. (T p 12).

16. Deputy Fletcher explained that ER had extensive injuries and that as a result of his injuries he was transported to the hospital. (T p 14).
17. Deputy Fletcher testified that Respondent never reported that ER held her against her will or raped her. Respondent had a small older bruise on her arm, whereas ER had extensive head injuries. He had blunt force trauma to the head where he was hit with a pistol by Mr. Trudell and blood was running down his face. His leg and hip were injured. (T pp 15-16).
18. Deputy Fletcher did not observe an altercation between Respondent and ER other than Mr. Trudell's assault of ER. (T pp 19- 20).
19. Client CC, under subpoena, testified at the hearing. (T p 23). She was provided counseling services by Respondent for approximately 6 months. (T p 24).
20. CC explained that this was her first experience in counseling and it was a difficult decision to decide to go. She went to counseling for anxiety. (T p 24) CC takes medication for her anxiety. (T p 25).
21. CC explained to the Board that there were several incidents with Respondent that made her feel uncomfortable. (T p 25). She and Respondent would text each other for cancellations and sometimes there were also conversations in the text messages. On one occasion Respondent asked through a text message to borrow one hundred dollars from CC, while she was Respondent's client. (T p 25).
22. On another occasion CC went to see her psychiatrist and she explained to Respondent that her psychiatrist prescribed Halcion to help her sleep. Respondent said to CC, "Oh, I never heard of that before. You'll have to let me try one sometime." (T p 26).
23. CC reported that Halcion is a controlled substance and that she did not give any to Respondent. (T p 26).
24. CC explained that since this was her first time in therapy she didn't know what was normal, but that Respondent's conduct made her uncomfortable and increased her anxiety. (T p 26).
25. On another occasion Respondent sent CC a text message in which she asked CC to say that it was CC's fault that they were not having therapy that day because CC had slept in. CC explained that Respondent told her that Respondent had overslept but wanted CC to say that she had missed the appointment. CC told Respondent that she wouldn't lie. This again caused CC's anxiety to increase. (T p 27).
26. CC further explained that she was in a very vulnerable state and Respondent took advantage of that. CC didn't want to see another therapist after this experience with Respondent. CC finally gave therapy another chance and found Patricia Scott who has really helped her. (T p 29).

27. CC went through the text messages between Respondent and herself. (Board Exhibit 20). The messages are conversations between them about various topics, such as CC's pet duck, Respondent's mother's health, that appear to be a conversation between two friends, rather than a therapeutic relationship.
28. CC also went through the text message where Respondent asked to borrow one hundred dollars from CC. (T p 35, Board Exhibit Number 20).
29. CC discussed the text message where Respondent told CC to say CC was sick that day because Respondent was going to be late. (T p 35, Board Exhibit 20). CC expressed concern about insurance fraud as well. She didn't know whether Respondent was billing for the appointment that didn't take place. (T pp 37- 38).
30. Following the text where Respondent asks CC to lie to Respondent's supervisor about being sick, CC sends Respondent a text message that she is going to cancel all appointments for therapy for right now. (T p 36-37).
31. CC also explained that she felt exploited by Respondent. (T pp 38-39).
32. Patricia Scott, who is a licensed clinical social worker, testified at the hearing that she provides mental health therapy to CC. (T p 42).
33. Ms. Scott shared that CC told her that Respondent had been more like a friend talking about her own issues and that Respondent had asked CC for money, for controlled medication and had asked CC to be dishonest about attending appointments. (T p 42).
34. Ms. Scott filed the complaint against Respondent regarding Respondent's conduct with CC. (Board Exhibit Number 18).
35. Ms. Scott explained how Respondent's conduct harmed CC by increasing her anxiety, and that CC feared retaliation by Respondent. (T pp 43-44).

CONCLUSIONS OF LAW

- I. The Board has jurisdiction of the subject matter of this contested case and over the Respondent.
- II. The Respondent's conduct violated N.C. Gen. Stat. § 90-340(a)(9), insofar as she has been guilty of immoral, dishonorable, unprofessional or unethical conduct as defined in this subsection or in the current code of ethics of the American Counseling Association, which warrants the disciplinary action taken by the Board.

III. The Respondent's conduct violated N.C. Gen. Stat. § 90-340(a)(12), insofar as she has practiced counseling in such a manner as to endanger the welfare of clients. This violation alone warrants the disciplinary action taken by the Board.

IV. The Respondent's conduct violated A.4.a. of the American Counseling Association Code of Ethics, which states that counselors act to avoid harming their clients and to minimize or to remedy unavoidable or unanticipated harm. This violation alone warrants the disciplinary action taken by the Board.

V. The Respondent's conduct violated A.5.d. of the American Counseling Association Code of Ethics, which states that counselors are prohibited from engaging in counseling relationships with friends or family members with whom they have an inability to remain objective. This violation alone warrants the disciplinary action taken by the Board.

VI. The Respondent's conduct violated A.6.a., of the American Counseling Association Code of Ethics, which states counselors consider the risks and benefits of accepting as clients those with whom they have had a previous relationship. These potential clients may include individuals with whom the counselor has had a casual, distant, or past relationship. When counselors accept these clients, they take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs. This violation alone warrants the disciplinary action taken by the Board.

VII. The Respondent's conduct violated A.6.b., of the American Counseling Association Code of Ethics, which states counselors consider the risks and benefits of extending current counseling relationships beyond conventional parameters. In extending these boundaries, counselors take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no harm occurs. This violation alone warrants the disciplinary action taken by the Board.

VIII. The Respondent's conduct violated A.6.e. of the American Counseling Association Code of Ethics, which states counselors avoid entering into nonprofessional relationships with former clients, their romantic partners, or their family members when the interaction is potentially harmful to the client. This violation alone warrants the disciplinary action taken by the Board.

IX. The Respondent's conduct violated C. 6.d. of the American Counseling Association Code of Ethics, which states that counselors do not exploit others in their professional relationships. This violation alone warrants the disciplinary action taken by the Board.

NOW, THEREFORE, the NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS ORDERS:

I. The license of the Respondent, Tammy Richardson King, is hereby REVOKED.

II. Respondent shall turn in her license to practice counseling in North Carolina to the Board no later than February 1, 2019. She shall mail her original license to: Stefon Plummer, North Carolina Board of Licensed Professional Counselors, Post Office Box 77819, Greensboro, North Carolina 27417.

III. No later than February 1, 2019, Respondent shall terminate services to all of her patients/clients and make provisions for the appropriate transition of her patients/clients to another therapist, as appropriate. Respondent shall also cease to engage in any other activities that meet the definition of the practice of counseling in N.C. Gen. Stat. § 90-330(a)(3). Respondent shall provide a signed affidavit (a written statement made under oath or affirmation taken before a person having authority to administer such oath or affirmation) to the Board no later than February 1, 2019, attesting that she has terminated and transferred all of her patients/clients by February 1, 2019. She shall further attest that she is no longer engaged in the practice of counseling in any way.

IV. If the Board finds that Respondent is continuing to practice counseling, the Board will seek an injunction in Superior Court against Respondent.

V. The Board shall maintain this Final Decision 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.

This the ___ day of January, 2019.

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

BY: _____
DENAUVO M. ROBINSON, ED.D., LPCS
BOARD CHAIRPERSON

APPEAL

Pursuant to N.C. Gen. Stat. § 150B-45, any party wishing to appeal this Final Decision may commence their appeal by filing a Petition for Judicial Review in the superior court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. The party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.

CERTIFICATE OF SERVICE

I, Stefon Plummer, do hereby certify that I have this day served a copy of the foregoing **FINAL DECISION** upon the following by depositing a copy of same in the United States mail, postage prepaid addressed as follows:

Tammy Richardson King
PSC 561 BOX 7434
FPO AP 96310-0075

Tammy Richardson King
161 Craves Cove
Vass, North Carolina 28394

I do further certify that I have this day served a copy of the foregoing upon the following by depositing a copy of same in the United States mail, first class, postage prepaid:

Sondra C. Panico
Assistant Attorney General
NC Department of Justice
PO Box 629
Raleigh, NC 27602-0629

This the ____th day of January, 2019.

Stefon Plummer
Board Administrator