

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED CLINICAL
MENTAL HEALTH COUNSELORS

IN THE MATTER OF:)
)
ERIN DAVIS, LCMHC)
Respondent.)
No. 2074)

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 July 18-19, 2024, pursuant to a charge letter issued by the Board on April 29, 2024, 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 clinical mental health counselor and (“LCMHC”) 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. During the time period from on or about June 2020 to July 2021, Respondent provided counseling services to Client A, as an LPC in Virginia. While providing counseling services to Client A, Respondent violated professional boundaries when Respondent engaged in a sexual and/or romantic counselor/client relationship with Client A. In addition, Respondent admitted to engaging in an inappropriate relationship with Client A through social media.
3. Respondent admits that her conduct as set forth above violates Sections A.1.a., A.4.a, A.5.a., A.6.b., A.6.c., and H.6.d. of the American Counseling Association Code of Ethics (2014) and violates N.C. Gen. Stat. §§ 90-340, (a)(6), (a)(7), (a)(9), (a)(10), and (a)(13) of the North Carolina Licensed Clinical Mental Health Counselors Act.
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.
6. 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.

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. 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.

9. 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.

10. 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's license shall be on PROBATION for a period of eighteen months, during which time Respondent's mental health counseling practice shall be under supervision. The supervised experience shall be completed at a rate of no more than 40 hours per week (one hour of individual supervision per 40 hours of professional practice). The supervisor shall file quarterly reports and a final report with the Board.

II. The supervisor shall be approved by the Board pursuant to 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).

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

V. Respondent shall complete three hours of continuing education in the area of professional boundaries by an NBCC approved continuing education provider.

VI. This coursework requirement shall be in addition to the continuing education coursework required for all licensees under the Board's 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.

VII. 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.

VIII. 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 13 day of May, 2024.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED MENTAL HEALTH COUNSELORS

BY: DocuSigned by:
Mark Schwarze 5/13/24
CC55BEBD6D434AE...
Dr. Mark Schwarze, LCMHCS, NCC, LCAS, CCS date
Board Chairperson

RESPONDENT:

Erin Davis 5/13/2024
Erin Davis, LCMHC date

Crystal Carlisle 5/13/24
Crystal Carlisle, Attorney for Respondent date