

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
BOARD OF LICENSED CLINICAL  
MENTAL HEALTH COUNSELORS

IN THE MATTER OF: )  
 )  
Patrick Shawn Murphy, LCMHC )  
Respondent. )  
No. 7149 )

**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 ~~1/23/25~~ 202~~5~~, pursuant to a self-report of a civil Settlement Agreement with the Medicaid Investigation Division of the North Carolina Department of Justice; and

IT APPEARING to the Board that 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 (“LCMHC”) and is subject to the Board’s jurisdiction pursuant to the North Carolina Licensed Clinical Mental Health Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.<sup>1</sup>

2. The Board issued a counseling license to Respondent on September 5, 2008. Respondent renewed his license through January 31, 2025 and currently practices in Mebane, N.C.

3. The Board’s Ethics Review Committee found probable cause that Respondent engaged in the following conduct while licensed by the Board from approximately May 2017 through February 2020:

- a. Respondent submitted more than 1,500 claims for reimbursement to the North Carolina Medicaid Program for counseling services but failed to maintain treatment records or other documentation demonstrating the services for which he submitted claims or the necessity for those services.
- b. In multiple instances, Respondent scheduled appointments with clients, failed to appear for them, and submitted claims to Medicaid for those sessions.

4. Respondent’s conduct as set forth above, if proven, violated N.C. Gen. Stat. §§ 90-340(a)(4), (7) and (9) of the North Carolina Licensed Clinical Mental Health Counselors Act, 21

<sup>1</sup> On 1 January 2020, the name “licensed professional counselor” was changed to “licensed clinical mental health counselor” and “North Carolina Licensed Professional Counselors Act” was changed to “North Carolina Licensed Clinical Mental Health Counselors Act.” See Act of Nov. 6, 2019, Ch. 240, sec. 2(a), 2019 N.C. Sess. Laws 240.

NCAC 53 .0102 on Professional Ethics of the Board's regulations, and Sections A.1.a, A.1.b, and A.4.a., A.10. of the American Counseling Association Code of Ethics (2014).

5. In determining the appropriate disciplinary action, the Board also considered the following mitigating factors:

- a. Respondent represented that he has sought treatment for a condition that he contends contributed to the conduct at issue in this case and consented to a referral for a professional screening and monitoring.
- b. Respondent explained that he has implemented a new clinical note and practice management system to address the issues in this matter.
- c. Respondent paid restitution to the North Carolina Fund for Medical Assistance for the unwarranted claims he submitted to Medicaid.

6. 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.

7. 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 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.

8. Respondent forever releases the State of North Carolina, the North Carolina Board of Licensed Clinical Mental Health Counselors, and all its members, officials, agents, counsel, 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.

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

10. Respondent was represented by Alan Schneider and Elliot Abrams of Cheshire Parker Schneider, PLLC in connection with the consideration and execution of this Consent Order. The Board was represented in this Consent Order by Douglas Brocker of The Brocker Law Firm, P.A.

11. 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.

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

may have adverse consequences in other contexts, which shall not be the basis for reconsideration of its terms in the future.

13. Respondent has read this entire Consent Order, assents to its terms and conditions, and agrees not to contest the findings, conclusions, or order in any future potential proceedings by, against, or involving the Board.

14. Respondent agrees to service of the fully executed Consent Order to his counsel of record and waives service by any other method.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Respondent shall complete a minimum of 3,000 hours of supervised clinical mental health practice under these conditions:

- A. The Board shall approve the supervisor, pursuant to Administrative Rules 21 NCAC 53 .0702 and 21 NCAC 53 .0801, to supervise professional practice, prior to the beginning of supervision;
- B. The supervision contract shall be filed with the Board office no later than 60 days from the date the Consent Order is entered by the Board;
- C. Respondent shall provide a copy of the Consent Order to the approved supervisor(s). The supervisor(s) shall confirm the receipt of the Consent Order in the first supervision report;
- D. Of the required 3,000 hours of supervised clinical mental health practice, 2,000 hours shall be direct service to clients;
- E. 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);
- F. The supervisor shall file quarterly reports and a final report with the Board, which shall include review and analysis of example treatment records and billing for compliance, in addition to all general supervision areas. Respondent is responsible for ensuring the supervisor submits the quarterly reports to the Board no later than January 30, April 30, July 30, and October 30 for the previous quarter; and
- G. Respondent shall bear any costs and associated expenses of the supervision.

II. Respondent shall submit to a professional screening by North Carolina Professionals Health Program ("NC PHP") within 30 days from the date the Consent Order is entered by the Board and follow all recommendations from the screening, assessment, and treatment and comply with any

monitoring or other agreement with NC PHP. Respondent agrees to allow the Board to provide pertinent information to NC PHP for the screening and sign a release permitting NC PHP to provide the Board with the results of the screening and any resulting follow up.

III. Within one (1) year from the date the Consent Order is entered by the Board, Respondent shall complete 15 additional CE hours approved in advance by the Board in the following areas: 5 hours in professional ethics; 5 hours in maintaining adequate treatment records and other documentation; and 5 hours in appropriate billing for professional services. 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. Upon successful completion of this continuing education coursework, Respondent shall submit to the Board a certificate of completion provided by the continuing education sponsor.

IV. Respondent is subject to and shall comply with the following standard conditions:

- A. Respondent shall not violate any provision of the Licensed Clinical Mental Health Counselors Act and the Board's Rules and Regulations, including the ACA Code of Ethics.
- B. Respondent shall submit to interviews by the Board or its authorized agent and arrange for the Board or its agent to interview his employer, employees, and co-workers during regular office hours or at such other times as are mutually convenient.
- C. Respondent shall comply with all requirements for renewal of licensure, including continuing education and payment of fees.
- D. Respondent shall keep the Board apprised of his current address, phone number, and email address and notify the Board of any changes to that contact information no later than ten (10) days after it becomes effective.

V. Respondent may petition the Board to be released from these conditions once he has completed and complied with the requirements set forth in Paragraph Nos. I-IV above and after a minimum of 3 years from the effective date of the Order.

VI. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f), shall submit a report to the National Practitioner Databank, 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.

VII. The Board recognizes that the conditions, limitations, or requirements set forth in this Consent Order may present Respondent with certain practical difficulties. The Board concludes that each one is necessary to ensure public protection and it does not intend to modify or eliminate any of the conditions, limitations, or requirements set forth herein based on such potential difficulties, except as noted in Paragraph V.

VIII. The Board shall retain jurisdiction of this matter and Respondent to enforce the provisions herein or enter orders as necessary in the future.

IX. If Respondent fails to comply with any provision of this Consent Order or breaches any term or condition thereof, the Board shall promptly schedule a public Show Cause Hearing to allow Respondent an opportunity to show cause why additional discipline, including a license suspension or revocation, should not be imposed for violating a valid order of the Board. If after the Show Cause Hearing, the Board is satisfied that Respondent failed to comply or breached any term or condition of this Consent Order, the Board impose discipline or conditions as the evidence warrants for proven violations of the Licensed Clinical Mental Health Counselors Act or of the Board's Rules occurring after entry of this Consent Order.

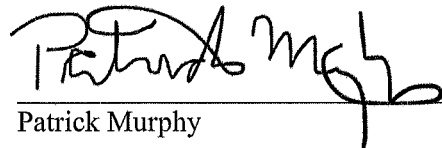
This the 23rd day of January, 2024.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF LICENSED  
CLINICAL MENTAL HEALTH COUNSELORS

BY:	<small>Signed by:</small> 	1/23/2025
	<small>E414DBD989A3497</small> Dr. Yasmin Gay, LCMHCS Board Chairperson	Date

RESPONDENT:

	12/19/2024
Patrick Murphy	Date