

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED CLINICAL
MENTAL HEALTH COUNSELORS

IN THE MATTER OF:)
)
Denise Holmes, LCMHCS)
Respondent.)
No. S1063)

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, 2025, pursuant to a charge letter issued by the Board on October 15, 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 supervisor (“LCMHCS”) 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.¹
2. The Board issued a counseling license to Respondent on July 1, 1995. On July 8, 2014, Respondent became a licensed clinical mental health supervisor [“LCMHCS”], which license she renewed through June 30, 2026.
3. The Board’s Ethics Review Committee found probable cause that Respondent engaged in the following conduct while licensed by the Board:
 - a. From approximately May 2019 through June 2023, Respondent provided outpatient counseling services to a client (Client X) as a licensed clinical mental health supervisor in a private practice counseling setting.
 - b. While providing counseling services to Client X, Respondent failed to maintain appropriate professional boundaries.
 - c. Respondent established online communications with Client X via Facebook Messenger and engaged in regular text exchanges unrelated to counseling.
 - d. Respondent accepted at least two (2) gifts from Client X.
 - e. Respondent received Delta 8 gummies from Client X.
 - f. Respondent met Client X at a local park and introduced her to family members.

¹ 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.

- g. Respondent continued communication and crossed professional boundaries, even after admitting that other mental health professionals had advised her to stop.
- h. Respondent crossed professional boundaries with Client X, even after Client X disclosed prior boundary issues with prior mental health providers.

4. Respondent's conduct as set forth above, if proven, violated Sections A.1.a, A.4.b., A.5.e., A.6.b., A.6.c., A.10.f., A.11.a., A.11.c. of the American Counseling Association Code of Ethics (2014) and violated N.C. Gen. Stat. §§ 90-340(a)(7) and (a)(9) of the North Carolina Licensed Clinical Mental Health 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 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, 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.

8. 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.

9. Respondent was either represented by legal counsel in connection with the consideration and execution of this Consent Order or, alternatively, was free to engage such legal counsel concerning this Consent Order and its terms prior to the time that Respondent executed this Consent Order. The Board was represented in this Consent Order by The Brocker Law Firm, P.A.

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). 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.

12. 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.

13. Respondent agrees to service of the fully executed Consent Order to the following address or email provided to the Board and waives service by any other method: 2921 Hybart Street, Fayetteville, NC 28303; deniseholmes54mom@yahoo.com.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Respondent shall complete a minimum of 1,000 hours of supervised clinical mental health practice under the following conditions:

- A. Of the required 1,000 hours of supervised clinical mental health practice, 667 hours shall be direct service to clients.
- B. 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).
- C. 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.
- D. The supervision contract shall be filed with the Board office no later than 60 days from the date of this Order.
- E. 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.
- F. The supervisor shall file quarterly reports and a final report with the Board. 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.
- G. Respondent shall bear any costs and associated expenses of the supervision.

II. Within one (1) year from the date this Order is entered by the Board, Respondent shall complete additional CE courses under the following conditions:

A. 15 hours in professional boundaries by a Board-approved provider. Below are some resources to assist Respondent in obtaining the credits within the allotted time:

- ◆ <https://www.continuingeducationcourses.net/active/courses/course066.php>
- ◆ <https://www.continuingeducationcourses.net/active/courses/course130.php>

- ◆ <https://www.ce-credit.com/courses/103295/maintaining-appropriate-professional-boundaries-exploring-ethical-obligations-of-mental-health-professionals>
- ◆ <https://www.netce.com/courseoverview.php?courseid=2704>
- ◆ <https://www.zurinstitute.com/course-catalog/subjects/#Ethics, Law, Boundaries>

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

III. Respondent shall not use her LCMHC Supervisor credential until she completes the terms of the Consent Order. Once this Order is effective, Respondent has ten days to notify any current supervisees that she will no longer be able to supervise them. Respondent shall submit an updated Professional Disclosure Statement that confirms she is not using her LCMHC Supervisor credential within 30 days from the date this Order is entered by the Board.

IV. Respondent shall submit to a professional screening by North Carolina Professionals Health Program ("NCPHP") within 30 days from the date this Order is entered by the Board and shall follow all recommendations from the screening. Respondent agrees to allow the Board to provide pertinent information to NCPHP for the screening and to sign a release permitting NCPHP to provide the Board with the results of the screening and any resulting follow up. Respondent also agrees to comply with any of NCPHP's recommendations.

V. Respondent is subject to and shall comply with the following standard conditions until such time as she completes all the requirements and successfully petitions the Board to be released from the conditions of this Consent Order:

- 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 her 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 her 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.

VI. The failure of Respondent to abide by any provision 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, at the Board's discretion.

VII. 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.

VIII. 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.

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

X. 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: Dr. Yasmin Gay, LCMHCS 1/23/2025
Board Chairperson Date

RESPONDENT: Denise Holmes 1-7-24
Denise Holmes Date