

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED CLINICAL
MENTAL HEALTH COUNSELORS

IN THE MATTER OF:

Jodi Herring,
Respondent
No. 11071

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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”], regarding pending complaint numbers 2184 and 2223; 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 for the purposes of this disciplinary proceeding that:

1. Respondent was at all times relevant to this cause a licensed clinical mental health counselor 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.
2. The Board issued an associate counseling license to Respondent on September 17, 2014. On April 20, 2017, Respondent became a licensed clinical mental health counselor [“LCMHC”], 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:

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- a. Complainant attended an assessment with Respondent on September 13, 2024, via telehealth.
- b. Complainant attempted to drive during the assessment and had her teenaged daughter present during the time allotted for the virtual assessment.
- c. After Respondent informed Complainant that she could not continue with the assessment while Complainant was driving, Complainant became frustrated and the conversation deteriorated.
- d. Respondent exchanged several text communications with Complainant that were unprofessional and demonstrated poor judgment after Complainant communicated to Respondent via text that she wanted to terminate the relationship because it was not a good fit.
- e. Respondent’s text messages appeared to incorrectly advise Complainant that she

would relinquish her HIPAA rights if she communicated “publicly” regarding the manner in which Respondent responded to her texts.

- f. Respondent did not use a HIPAA-compliant message service to exchange texts with Complainant and the texts included confidential information such as how many therapists Complainant had seen in the past.

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- g. Respondent began treating Complainant’s minor granddaughter (“Client”) at the approximate age of 9 years old upon the request of Client’s parents.
- h. Respondent held multiple sessions with Client in locations where Respondent could not reasonably ensure client privacy, such as Starbucks and Panera Bread.
- i. Though one or both parents requested or consented to Client meeting with Respondent in public locations, Respondent knew or should have known that the public locations were not suitable for the level of privacy required for the exchange of confidential information. These locations also could have caused the minor Client confusion about the nature of the relationship with Respondent.

4. Respondent’s conduct, as set forth above, violated Sections A.1.a, H.2.d, B.3.c, and E.7.b of the American Counseling Association Code of Ethics (2014) and N.C. Gen. Stat. §§ 90-340 (a)(7) and (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 represented by Brooks Peterson with North State Law in connection with the execution of this Consent Order. The Board was represented in this Consent Order by Douglas Broucker and Crystal Carlisle of The Broucker 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 via email to her counsel and waives service by any other method.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Within 90 days from the date the Consent Order is entered by the Board, you shall complete the following additional 15 CE hours approved in advance by the Board: 6 CEUs on confidentiality and appropriate counseling settings; 6 CEUs on boundaries and boundary extensions; and 3 CEUs on recordkeeping and documentation. 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 you. Upon successful completion of this continuing education coursework, you shall submit to the Board a certificate of completion provided by the continuing education sponsor.

II. 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.

III. 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.

IV. 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.

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

VI. 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.

VIII. This Order is effective as of the date it is signed by the Chair and served on Respondent's counsel to the above email address.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF LICENSED
CLINICAL MENTAL HEALTH COUNSELORS

BY:	Signed by:	
		
	<small>E414DBD989A3497</small>	
	Dr. Yasmin Gay, LCMHCS	
	Board Chairperson	
		7/22/25
		Date

RESPONDENT:

Jodi Herring

06 / 24 / 2025

Jodi Herring

Date

Brooks Peterson







06 / 24 / 2025

Brooks Peterson
Counsel for Respondent

Date

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