

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
BOARD OF LICENSED  
CLINICAL MENTAL HEALTH  
COUNSELORS

IN THE MATTER OF: )  
 )  
CHARLOTTE E. GARNES, )  
 )  
Petitioner. )  
 )

**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 October 13-14, 2022, pursuant to an application for licensure as a Licensed Clinical Mental Health Counselor Associate (“LCMHCA”) submitted by Petitioner to this Board, and

IT APPEARING to the Board that Petitioner has stipulated to certain facts and to the entry of a Consent Order in conformity therewith;

IT IS HEREBY STIPULATED by the undersigned Petitioner and the Board that:

1. On June 18, 2013, Petitioner was convicted of federal health care fraud conspiracy, obstruction of official proceedings, and false statements relating to health care matters for defrauding Medicaid of \$650,000. Petitioner received a term of 60 month imprisonment and two years of court supervision.
2. Petitioner was ordered to pay \$792,184.52 in restitution.
3. As a result of Petitioner’s conviction, Petitioner’s license was revoked by the Board in a Final Decision, dated December 5, 2013.
4. Petitioner completed her prison sentence in April 2017, and she completed her federal probation in October 2019.
5. On or about September 23, 2020, Petitioner applied for licensure as an LCMHCA.
6. At its meeting on October 14-15, 2021, the Board denied Petitioner’s application for licensure. The Board considered the eight factors under N.C. Gen. Stat. §93B-8.1 in reaching its decision to deny Petitioner’s application for licensure, including the date, level, seriousness and circumstances surrounding the commission of the crime, her age at the time of the crime, the nexus between the criminal conduct and her prospective duties

as a LCMHCA, her prison, probation and participation in rehabilitative treatment, her employment subsequent to the commission of the crime, and the documents Petitioner submitted as part of her application. The Board also based the denial of her application on her violations of N.C. Gen. Stat. §§ 90-340(a)(4) & (a)(9) and Section C.6 b. of the ACA Code of Ethics (2014).

7. Thereafter Petitioner requested a hearing and the parties engaged in settlement discussions. After reviewing the draft of the proposed consent order at its meeting on May 13, 2022, the Board requested Petitioner to undergo a fitness for practice evaluation in order to proceed with exploring the possibility of settlement.
8. At its meeting on June 10, 2022, the Board carefully reviewed Petitioner's June 1, 2022 psychological evaluation report and voted to propose to deny her application for licensure pursuant to N.C. Gen. Stat. § 90-340(a)(1), (3), (4), (5), (7), (8), and (9). Specifically, the Board determined that the statements Petitioner presented to the evaluator during her clinical interview and to the Board were inconsistent with the established facts in the matter entitled *United States v. Garnes*, 587 F. App'x 60 (4th Cir. 2014) (unpublished). The Board informed Petitioner of its decision in a letter dated June 17, 2022.
9. On October 12, 2022, Petitioner submitted a letter to the Board explaining the discrepancies in the evaluation report and requesting the Board to reconsider its decision to deny her application for licensure. The Board carefully reviewed Petitioner's letter at its meeting on October 13-14, 2022. The Board also reviewed the evaluator's clinical opinion that Petitioner is fit to practice counseling as well as evaluator's recommendations to approve Petitioner's application for LCMHCA licensure provided that she is supervised, does not have any further legal or ethical breaches or violations, does not work in settings where Medicaid or insurance billing takes place, and addresses her professional practice, ethics and decision-making with her supervisor.
10. According to Petitioner, in the years since revocation, she has "accepted full responsibility for [her] crime and found that empowering others through education and faith helps [her] to strive to live life with integrity continuously."
11. In prison, Petitioner worked as General Education Development (GED) instructor helping women obtain their GED. She also became Adult Education Coordinator, taught Bible Study classes, led the Celebrate Recovery Program, and mentored women as Big Sister.
12. After release, Petitioner volunteered with the Chatham County Juvenile Court and also became Workforce Development Specialist with Cutting Edge Resource Group. In addition, Petitioner joined several national organizations, such as The National Council for Formerly Incarcerated Women and Girls, Just Leadership USA, From Prison Cells to PhD, where Petitioner was mentoring women. She also became a voting Board Member with the Liberty County Re-Entry Coalition.

13. Petitioner was a 2020 Cohort Member of Just Leadership USA, Leading with Conviction.
14. According to Petitioner, she has spoken at various conferences sharing her experience while advocating for social justice issues relating to workforce development and mental health, such as Ban-the-Box, Fair Chance Hiring Practices, and Record Expungement.
15. In June 2020, the Mayor of Savannah appointed her to sit on the County's first Re-Entry Task Force, Advocates for Restorative Communities in Savannah (ARCS). She chairs both the Mental Health/Substance Abuse/Trauma Committee and the Community Education Committee.
16. Petitioner works with the Bail Project as Operations Manager. On its website, Petitioner is described as "an advocate, mentor, social change agent, and educator," who educates "formerly incarcerated or justice-involved" individuals about successful reintegration process. Petitioner "desires to assist individuals returning home from incarceration with more professional and wholesome opportunities to obtain employment, housing, and goals for self-sufficiency."
17. Petitioner co-launched Reintegrated Voices, an organization that specializes in training formerly incarcerated people on their path to success. Petitioner also heads Innovative Staffing Solutions, which helps formally incarcerated individuals understand the "Post Incarceration Syndrome" and find employment.
18. Petitioner has been paying \$50 per month in restitution and is committed to make her restitution payments on time. Petitioner's outstanding restitution debt is currently \$777,060.31, which she continues to re-pay jointly and severally with her co-defendants.
19. Petitioner informed the Board that since 2017, she has completed over 157 Continuing Education Units along with a 120-hour course to obtain her Global Career Development Facilitator's Certification.
20. In the letter dated January 31, 2014, the Office of Inspector General, Health Care Program Exclusions of the Department of Health and Human Services, Petitioner was notified that she was "being excluded from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f) of the Social Security Act (Act) for a minimum period of 15 years." It also informed Petitioner that "The scope of this exclusion is broad and has a significant effect on your ability to work in the health care field." The action became effective 20 days from the date of the letter.
21. The Board and Petitioner 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.

22. Petitioner 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 Petitioner may be entitled by law. Petitioner 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.
23. Petitioner 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.
24. Petitioner waives the right to seek judicial review or to otherwise challenge the validity of this Consent Order in any court. Petitioner understands and agrees that this Consent Order shall be effective only after approval by the full Board and signature of its Chairperson.
25. 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.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Petitioner's application for licensure as Licensed Clinical Mental Health Counselor Associate ("LCMHCA") is APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Petitioner shall undergo seven (7) months of clinical mental health counseling by a mental health professional ("counselor") from the date she is approved for licensure as LCMHCA. The frequency of clinical mental counseling shall be determined by Petitioner's counselor and approved by the Board, but it shall not be less than once per month. Petitioner shall notify the Board about her selection of a counselor in writing.
2. Petitioner shall provide the following documents to her counselor: the Board's 2013 Final Decision; Petitioner's June 1, 2022 psychological evaluation report; the Board's letter to Petitioner dated June 17, 2022; the court's opinion in the matter *United States v. Garnes*, 587 F. App'x 60 (4th Cir. 2014) (unpublished); and a copy of this Consent Order. The counselor shall acknowledge the receipt and review of the documents in his treatment notes.

3. The cost of counseling shall be borne by Petitioner.
4. A monthly report confirming Petitioner's attendance of the counseling session shall be sent to the Board's Ethics Consultant and Investigator, Nick DeJesus, at [dejesus@ncblcmhc.org](mailto:dejesus@ncblcmhc.org), no later than the 5<sup>th</sup> day of each following month. The reports shall only confirm the attendance of the counseling session by Petitioner, unless the counselor determines that Petitioner is not fit to practice counseling and/or is impaired. If such determination is made, additional information regarding Petitioner's fitness shall be disclosed to the Board.
5. If the counselor determines that Petitioner is not fit to practice counseling and/or has concerns that Petitioner is impaired, the counselor shall report the determination to the Board within three (3) business days of such determination.
6. Within 1 year from the date Petitioner is licensed as an LCMHCA, Petitioner shall complete "Certificate Program in Boundaries in Psychotherapy: Ethical, Clinical and Standard of Care Considerations" (total of 14 courses and 57 CE Credit Hours) available at: <https://www.zurinstitute.com/course/certificate-program-in-boundaries-in-psychotherapy-ethical-clinical-and-standard-of-care-considerations/> This requirement shall be in addition to the continuing education coursework required for all licensees under Board rules.
7. Petitioner shall submit to the Board the certificate of completion after completing the entire certificate program set forth in the preceding Paragraph I. 6. All costs associated with this requirement shall be borne by Petitioner.
8. As a LCMHCA, Petitioner shall complete a minimum of 3,000 hours of supervised clinical mental health practice (N.C. Gen. Stat. 90-336(c)), which may include supervised volunteer hours. Petitioner cannot apply the supervised hours she had completed towards her LPC license No. 5195, which was revoked by the Board in 2013.
9. Petitioner shall provide the following documents to her approved supervisor: the Board's 2013 Final Decision; Petitioner's June 1, 2022 psychological evaluation report; the Board's letter to Petitioner dated June 17, 2022; the court's opinion in the matter *United States v. Garnes*, 587 F. App'x 60 (4th Cir. 2014) (unpublished); and a copy of this Consent Order. The supervisor shall acknowledge the receipt and review of the documents in the supervision report.

II. For a period of five (5) years from the date Petitioner is approved for licensure as a LCMHCA, Petitioner shall be prohibited from practicing as a solo practitioner and also shall be prohibited from managing any finances or billing in any counseling practice. During this period, Petitioner may only practice counseling in a group practice, in which the finances and billing are

managed and handled by someone other than Petitioner.

III. The failure of Petitioner to abide by the provisions set forth in Paragraphs I (including Subsections 1 through 9) and II 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 by the Board pursuant to N.C. Gen. Stat. § 90-340, in the Board's discretion.

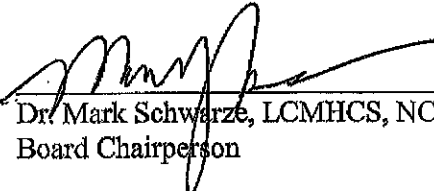
IV. The Board will maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f).


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This the 1 day of December, 2022.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF  
LICENSED CLINICAL MENTAL HEALTH COUNSELORS

BY:  12-1-22  
Dr. Mark Schwarze, LCMHCS, NCC, LCAS, CCS date  
Board Chairperson

DocuSigned by:  
 11/30/2022  
Charlotte E. Garnes date  
Petitioner

DocuSigned by:  
*Kianna Chennault* 11/30/2022  
Kianna Chennault, Esq. date  
Attorney at Law  
Chennault Legal and Consulting Group, LLC  
GA State Bar No. 952110  
NOT LICENSED IN NORTH CAROLINA  
UNDER SUPERVISION OF

DocuSigned by:  
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