

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
CLINICAL MENTAL HEALTH
COUNSELORS

IN THE MATTER OF:)

JOANNA CARR CROSS,)

Petitioner.)

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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”), at its meeting on March 11, 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 or about September 12, 2018, Petitioner applied for licensure as an LCMHCA.
2. In Petitioner’s application for licensure, Petitioner responded in the affirmative to the question whether she had any disciplinary action taken against her occupational license. Specifically, Petitioner disclosed that her license as a Licensed Professional Counselor Associate¹ (LPCA) was revoked by the Board on August 11, 2017.
3. In addition, Petitioner responded in the affirmative to the question whether she had ever been censured, warned, or requested to withdraw from her practice/employment, terminated from any health care facility, agency, or practice for reasons involving her conduct as a counselor. Petitioner disclosed that she had to resign from her “position at the agency due to the Board complaint.”
4. On July 27, 2017, Petitioner entered into a Consent Order with the Board which revoked Petitioner’s license effective August 10, 2017. Petitioner was ordered to turn in her license to the Board no later than August 11, 2017.

¹ On 1 January 2020, the name “licensed professional counselor associate” and its abbreviation “LPCA” was changed to “licensed clinical mental health counselor associate” and its abbreviation “LCMHCA.” Act of Nov. 6, 2019, Ch. 240, sec. 2(a), 2019 N.C. Sess. Laws 240; N.C. Gen. Stat. §§ 90-330 (2), 90-331 (2022).

5. On February 4, 2019, the Board denied Petitioner's application for licensure.
6. According to Petitioner, in the years since revocation, she has taken and continues to take many steps towards self-awareness, accountability, trauma healing, and overall understanding. With very few exceptions, Petitioner has been attending weekly therapy with mental health counselors. As a result of the awareness and deepest regret, Petitioner has remained extremely cautious in every step she takes since her disciplinary action by the Board.
7. Petitioner also revealed that she has been working as a life coach in Asheville, North Carolina, for about three years, and strives to be very clear that her services do not include the practice of clinical mental health counselling. Petitioner works with her clients on accountability.
8. Petitioner also represents that she has been mindful of maintaining a balance in her life and has been receiving counseling to address the concerns that led her to disciplinary action by the Board.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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 shall undergo and successfully pass a fitness for practice evaluation by an appropriate clinical professional, selected by her and approved by the Board (preferably face-to-face but if necessary, by telehealth) as soon as possible but not to exceed 90 days after the date of the Consent Order.

II. Petitioner shall provide a copy of this Consent Order and the Consent Order entered with the Board on July 27, 2017 ("two Consent Orders") as well as other relevant documents in support of her application to her evaluator. The evaluator shall confirm the receipt of the documents in the evaluation report.

III. Any expenses associated with the evaluation shall be borne by Petitioner.

IV. The evaluator shall submit the evaluation and recommendations to the Board within 30 days of assessment. If the fitness for practice evaluator does not determine that Petitioner is fit to practice as an LCMHCA or makes other recommendations, the Board may deny Petitioner license, impose additional conditions on Petitioner's license as LCMHCA, or take any other action as authorized by N.C. Gen. Stat. § 90-340.

V. If the fitness for practice evaluator determines that Petitioner is fit to practice counseling and the Board is satisfied with the results of the evaluation, Petitioner's application for licensure as Licensed Clinical Mental Health Counselor Associate ("LCMHCA") will be APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

VI. Petitioner shall follow the evaluator's recommendations and the Board's recommendations, if any.

VII. Petitioner shall provide copies of two Consent Orders to her Board approved supervisor.

VIII. Within six (6) months from the date Petitioner is licensed as LCMHCA, Petitioner shall complete continuing education coursework from a Board approved continuing education sponsor, as set forth in 21 NCAC 53.0603(c), in each of the following areas:

1. At least 8 hours in the area of Suicide Risk Assessment and Intervention;
2. At least 6 hours in the area of boundaries and dual relationships;
3. At least 3 hours in the area of documentation/record keeping; and
4. At least 3 hours in Ethics (including ethical obligations, consultations, and self-disclosure).

IX. Upon successful completion of the continuing education coursework, Petitioner shall submit a certificate of completion provided by the continuing education sponsor to the Board. This requirement shall be in addition to the continuing education coursework required for all licensees under Board rules.

X. All costs associated with this continuing education shall be borne by Petitioner.

XI. If Petitioner does not successfully complete the conditions set forth in Paragraphs I through V of this Consent Order, she will be denied licensure and may reapply to the Board for licensure after one calendar year from the date of the denial, as set forth in N.C. Gen. Stat. § 90-340 (g).

XII. The failure of Petitioner to abide by the provisions set forth in Paragraphs VI through X 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. Petitioner may reapply to the Board for licensure after one calendar year from the date of the revocation, as set forth in N.C. Gen. Stat. § 90-340 (g).

XIII. 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 31 day of ~~January~~^{March}, 2022.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED CLINICAL MENTAL HEALTH COUNSELORS

BY: Kyla M. Kurian 31 March 2022
Dr. Kyla M. Kurian, PHD, LCMHC date
Board Chairperson

Joanna Carr Cross 2/18/22
Joanna Carr Cross date
Petitioner

John C. Hunter 2/9/2022
John C. Hunter date
Attorney at Law
Attorney for Petitioner