



**NORTH CAROLINA BOARD
of LICENSED CLINICAL
MENTAL HEALTH
COUNSELORS**

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October 14, 2021

**VIA CERTIFIED AND REGULAR MAIL
AND EMAIL**

Dr. Donna M. Chandler Kornegay, LCMHCS
2201 Sorrel Park Dr.
Morrisville, NC 27560
Email: drdkornegay@outlook.com

RE: *Statement of Charges
Failure to Comply with Terms of the Consent Order, Case No. 1766*

Dear Dr. Kornegay:

I am the investigator for the North Carolina Board of Licensed Clinical Mental Health Counselors (the "Board"). On September 23, 2021, the Ethics Review Committee of the Board (the "Committee") reviewed the information pertinent to the above-referenced matter. I write on behalf of the Committee.

The Committee found probable cause to believe that you have violated the terms of the Consent Order, dated June 7, 2019, which also resulted in violation of several provisions of the North Carolina Licensed Clinical Mental Health Counselors Act and the American Counseling Association ("ACA") Code of Ethics (2014). A copy of the Consent Order is attached as Exhibit 1 and incorporated herein by reference.

Specifically, the Committee alleges the following:

On June 7, 2019, you entered into a Consent Order with the Board which placed your license as a Licensed Professional Counselor Supervisor¹ on probation until you complete your supervised practice. Furthermore, within six months of the beginning of the probationary period, you were required to complete continuing education coursework in each of the following areas: six hours on record keeping, six hours on billing, and three hours on ethics.

On September 28, 2020, you sent a letter to the Board stating that you only had completed three hours of continuing education courses in the area of ethics. In addition, you requested an extension of time to comply with the terms of the Consent Order due to financial circumstances. You also requested that the terms of the Consent Order requiring supervision be modified to allow you to take a supervision course instead of the face-to-face supervision.

¹ On 1 January 2020, the name "licensed professional counselor supervisor" and its abbreviation "LPCS" was changed to "licensed clinical mental health counselor supervisor" and its abbreviation "LCMHCS." 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 (2021).

Per the Board's records, you entered into an approved supervision contract with an approved supervisor on December 1, 2020. On December 31, 2020, the approved supervisor submitted a quarterly supervision report showing that you had received 0 supervision hours. The supervisor also terminated the supervision contract with you.

At its meeting on March 19, 2021, the Board reviewed your request to extend and modify the terms of the Consent Order and your compliance with its terms. The Board determined that you had failed to comply with several terms of the Consent Order regarding both clinical supervision and continuing education requirements. However, the Board has extended the time for you to comply.

On April 4, 2021, the Board sent you a letter informing you of its decision to extend the deadline to submit a supervision contract to the Board by May 1, 2021. Based on your written statements in your September 28, 2020 correspondence, the Board also asked you not to engage in any practice of clinical mental health counseling outside the terms of the Consent Order. Finally, the Board informed you that if you are not in compliance with the terms of the Consent Order on May 1, 2021, the Board may take any action against your license pursuant to Section VIII of the Consent Order and N.C. Gen. Stat. § 90-340, at its discretion. A copy of the Board's letter is attached as Exhibit 2.

Since entering into the Consent Order with the Board on June 7, 2019, you have failed to meet several terms of the Consent Order during your one year probationary period and the extension granted by the Board. Specifically, you have failed to comply with the following provisions of the Consent Order:

Pursuant to Roman Numeral II of the Consent Order, you are required to be supervised for a period of one year by a Board approved supervisor for one hour of individual face to face supervision of your counseling practice, regardless of the hours of practice, for no fewer than two sessions per month. You are required to file a supervision contract and the supervisor had to be approved by the Board prior to the beginning of supervision. The supervision contract must be filed with the Board office no later than one month after the Consent Order is executed by the Board.

Pursuant to Roman Numeral III of the Consent Order, your approved supervisor shall submit quarterly supervision reports with the Board at the end of each quarter of supervision. At the conclusion of the one year of supervision, the supervisor shall submit a Final Supervision Report to the Board. You must receive at least average ratings from your supervisor on all reports in order to be released from supervision. You must bear any costs and associated expenses of this supervision.

Pursuant to Roman Numeral IV, you shall provide a copy of this Consent Order to your Board approved supervisor.

Pursuant to Roman Numeral V, you 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: six hours on record keeping, six hours on billing, and three hours on ethics. Upon successful completion of this continuing education coursework, you 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 rule. All costs associated with this continuing education shall be borne by you. You shall complete this continuing education within six months of the beginning of the probationary period.

Pursuant to Roman Numeral VI, upon successful completion of the conditions set forth in Roman Numeral II through V of the Consent Order, you may make a written request that the Board release you from supervision, which the Board shall grant so long as all conditions have been successfully completed.

To date, you have not complied with the terms as set forth in Roman Numeral II through VI of the Consent Order. Upon information and belief, you also appear to have continued to practice clinical mental health counseling without supervision. The Psychology Today website has you listed as actively providing counseling services.

If true, the above-referenced conduct constitutes violations of the Consent Order and the following statutes and standards: NC Gen. Stat. §90-340 (a) (5), (a)(12) and (a)(15), as well as Sections C.2.a., C.3.a., C.4.b, and I.3 of the ACA Code of Ethics (2014).

Pursuant to Roman Numeral VIII, your failure to abide by any provisions of this Consent Order, if proven true by a preponderance of the evidence following notice and an opportunity for hearing, shall result in the suspension, revocation, or other disciplinary action against your license, in the discretion of the Board. *See also* NC Gen. Stat. §90-340(a) (2021).

The aforementioned allegations relate to your conduct as a Licensed Clinical Mental Health Counselor Supervisor, and if proven, could provide cause for sanctions to be taken against your license. The information which the Board has received does not in itself provide sufficient evidence that these alleged acts have occurred. Consequently, the Board does not consider that any determination regarding possible sanctions against your license can be made without first providing you the opportunity to exercise your due process rights.

If you would prefer to resolve this matter through a consent order, please contact the Board's counsel, Alesia M. Balshakova, at abalshakova@ncdoj.gov. You may decline to do so and request a hearing before the Board regarding these allegations. You are entitled to request a hearing on these allegations by responding in writing within thirty (30) days of the receipt of this letter and requesting a formal hearing. If the Board does not receive a written response requesting a hearing within thirty (30) days of the receipt of this letter, the Board will hold a hearing, whether you are present or not. In either case, you will receive Notice of Hearing no later than fifteen (15) days prior to the date of the hearing notifying you of the specific time, date, and location of the hearing. You are entitled, with or without requesting a formal hearing, to present any additional statements or materials you may wish.

The above proceeding is a quasi-judicial evidentiary hearing conducted by the Board pursuant to Chapter 150B of the General Statutes of North Carolina as required by G.S. § 90-340(e). You are entitled to present witnesses and introduce evidence on your own behalf and to cross-examine witnesses and examine evidence introduced on behalf of the Board. At the hearing, the Board will hear evidence regarding the charges set forth in this letter and will determine what, if any, disciplinary action should be taken against your license to practice counseling. You are entitled to be represented by an attorney of your choosing and at your expense, or you may represent yourself. The Board will be represented by counsel at such a hearing. Following the hearing, the Board will issue a final decision, pursuant to G.S. § 150B-42.

Should you have any questions about the procedure in such matters, or if you wish to discuss informal resolution of this matter, you may direct them to the Board's counsel, Alesia M. Balshakova at abalshakova@ncdoj.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick DeJesus', with a long horizontal flourish extending to the right.

Nick DeJesus | LCMHCS

Ethics Consultant & Board Investigator

NC Board of Licensed Clinical Mental Health Counselors

2C Terrace Way | Greensboro, NC 27403

Phone: 336.268.6760 | Fax: 336.217.9450

dejesus@ncblcmhc.org

cc: Alesia M. Balshakova, Assistant Attorney General and Counsel to the Board

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:

DONNA M. KORNEGAY, LPCS
Respondent.
No. 1766

CONSENT ORDER

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Professional Counselors ("the Board"), at its meeting on 7 June, 2019, pursuant to a charge letter issued by the Board on November 7, 2018, 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 professional counselor supervisor and is subject to the Board's jurisdiction pursuant to the North Carolina Licensed Professional Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.
2. During the period from on or about March 16, 2018, to on or about August 11, 2018, Respondent provided counseling services to client BD, at a mental health services practice in North Carolina. During the time Respondent provided counseling services to BD Respondent told the client that she would file her out-of-network third party insurance claims, but never did so. In addition, when BD inquired about the claims on several occasions, Respondent responded that she would check on the claims, which led BD to believe Respondent had filed them for her. Text messages dated May 21, 2018, June 5, 2018, June 18, 2018, July 12, 2018, and July 17, 2018, which Respondent submitted with her written response establish that on five separate occasions BD sent Respondent messages to inquire about her insurance claim reimbursements and that Respondent responded that she had filed with insurance. After receipt of these text messages from Respondent, BD contacted the practice owner and learned that Respondent had not filed the insurance claims.
3. In addition, there was no documentation in Respondent's notes of counseling services to BD of the following: a treatment plan; any reference of therapy interventions in Respondent's session notes; or any documentation of termination of treatment or that a referral list was provided to the client. BD's clinical file contained a document dated March 16, 2018, for BD to consent to Respondent electronically submitting her insurance information for the purpose of BD receiving direct reimbursement from her insurance company, but Respondent failed to obtain BD's signature on the document.
4. Respondent admits that her conduct as set forth above in paragraph numbers 2-3 violates Sections A.1.a., A.1.b., A.1.c., A.2.a., A.2.b., and B.6.a. of the American Counseling Association Code of Ethics (2014) and violations of N.C. Gen. Stat. §§ 90-340 (a)(4), (a)(9) of the North

Carolina Licensed Professional 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 the 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 Professional 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.

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

9. 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. Respondent's license as a Licensed Professional Counselor Supervisor shall be placed on PROBATION for a period of at least one year or until she successfully completes the following, whichever takes longer to occur:

II. Respondent shall be supervised for a period of one year by a Board approved supervisor for one hour of individual face to face supervision of her counseling practice, regardless of the hours of practice, for no fewer than two sessions per month. Respondent must file a supervision contract and the supervisor must be approved by the Board prior to the beginning of supervision. The supervision contract must be filed with the Board office no later than one month after this Consent Order is executed by the Board.

III. Respondent's supervisor shall submit quarterly supervision reports with the Board at the end of each quarter of supervision. At the conclusion of the one year of supervision, Respondent's Board approved supervisor shall submit a Final Supervision Report to the Board. Respondent must receive at least average ratings from her supervisor on all reports in order to be released from the

supervision. Any costs and associated expenses of this supervision shall be borne by Respondent.

IV. Respondent shall provide a copy of this Consent Order to her Board approved supervisor.

V. Respondent 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: six hours on record keeping, six hours on billing, and three hours on ethics. Upon successful completion of this continuing education coursework, Respondent 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 rule. All costs associated with this continuing education shall be borne by Respondent. Respondent shall complete this continuing education within six months of the beginning of the probationary period.

VI. Upon successful completion of the conditions set forth in Roman Numeral II through V, Respondent may make a written request that the Board release her from supervision, which the Board shall grant so long as all conditions have been successfully completed.

VII. Respondent shall not supervisor any other licensed mental health professionals, including LPCAs or LPCs while she is under the conditions of this Consent Order.

VIII. The failure of Respondent to abide by any provisions of this Consent Order, if proven true by a preponderance of the evidence following notice and an opportunity for hearing, shall result in the suspension, revocation, or other disciplinary action against Respondent's license, in the discretion of the Board.

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

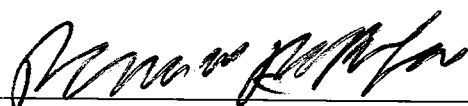
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This the 4th day of May, 2019.

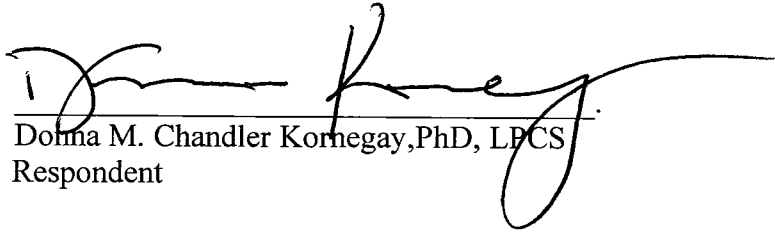
CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY:


Denauvo Robinson, ED.D., LPCS date.
Board Chairperson

6/7/19


Donna M. Chandler Kornegay, PhD, LPCS
Respondent



**NORTH CAROLINA BOARD
OF LICENSED CLINICAL
MENTAL HEALTH
COUNSELORS**

PHONE: 844-622-3572

FAX: 336-217-9450

WEB: ncblcmhc.org

EMAIL: LCMHInfo@ncblcmhc.org

April 4, 2021

VIA CERTIFIED MAIL
Dr. Donna Kornegay

RE: *Response to Your Request for Modification of the Terms of the Consent Order*

Dear Dr. Kornegay:

At the March 19, 2021 meeting of the North Carolina Board of Licensed Clinical Mental Health Counselors (hereinafter "the Board"), the Board reviewed your request to modify the terms of your Consent Order, dated June 7, 2019, and your current compliance with the terms of the Consent Order. A copy of the Consent Order is attached for your reference.

The Board has determined that you have failed to comply with several terms of the Consent Order regarding both clinical supervision and continuing education requirements. Your statements to the Board also reveal that you may have been practicing clinical mental health counseling outside the terms of the Consent Order.

Pursuant to Section VIII of the Consent Order, your failure "to abide by any provisions of this Consent Order, if proven true by a preponderance of the evidence following notice and an opportunity for hearing, shall result in the suspension, revocation, or other disciplinary action against [your] licence, in the discretion of the Board."

If you are engaging in the practice of clinical mental health counseling, you must immediately cease and desist doing so, unless your practice is in compliance with the terms of the Consent Order.

The Board has extended the deadline for you to submit a supervision contract to the Board until May 1, 2021. If you are not in compliance with the terms of the Consent Order on that date, the Board may take any action against your license pursuant to Section VIII of the Consent Order and N.C. Gen. Stat. § 90-340, at its discretion.

You are directed to email me the above documentation to the following address:
dejesus@ncblcmhc.org, for the Board's review.

Please contact me via my phone or email contact below if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick DeJesus', with a long horizontal flourish extending to the right.

Nick DeJesus | LCMHCS

Ethics Consultant & Board Investigator

NC Board of Licensed Clinical Mental Health Counselors

7D Terrace Way | Greensboro, NC 27403

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