

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)
)
LORETTA EBISON, LPCA)
Respondent.)
No. 1664)

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 April 13, 2018, pursuant to a charge letter issued by the Board on November 13, 2017, 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 Associate 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. Respondent signed her supervisor’s initials and changed the dates on the supervision report that was sent to the Board office without her supervisor’s consent. David Bell, Ph.D., who was Respondent’s Board approved supervisor, did not initial the form that Respondent submitted, and Respondent changed the date on the form from October 24, 2016 to November 24, 2016, without his consent. Two additional pages were attached to the report which was submitted to the Board office, which were not completed by Dr. Bell, even though his initials were included on the additional pages. In addition, in May, 2017, Respondent submitted a different version of the supervision report to the Board via facsimile, which contained Dr. Bell’s initials, even though he did not complete the report or initial it. Respondent contends that she signed the initials for her supervisor, Dr. Bell, after she repeatedly attempting to contact Dr. Bell and the office manager to request revisions to the supervision report to correct the format, which she contends was requested by the Board office. Respondent further contends that she did not receive a response to her telephone calls and emails.
3. Trillium Health Resources, an LME/MCO, received a FAMS Data Analytic Package regarding Respondent, displaying risk areas pertaining to overbilling, service not rendered, and up-coding for counseling services from September 1, 2015, through July 31, 2016. As a result, the practice at which Respondent was providing counseling services conducted a voluntary self-audit and refunded payments the practice received for certain claims for services rendered by Respondent which were submitted to Trillium for reimbursement.
4. Respondent admits that her conduct as set forth above in paragraphs 2, violates N.C. Gen.

Stat. § 90-340(a)(3), (a)(5) & (a)(9) of the Licensed Professional Counselors Act. Respondent admits that her conduct as set forth in paragraph 3, could violate Section C. 6.b. of the American Counseling Association Code of Ethics (2014).

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 Associate is hereby **SUSPENDED** for one year; six months of which shall be **ACTIVE** and six months of which shall be **INACTIVE**. The suspension shall begin on April 30, 2018.

II. Not later than April 30, 2018, Respondent shall close her practice and terminate/transfer her clients, as necessary. Respondent shall submit an affidavit to the Board office within 10 days after she has closed her practice specifying the date on which she closed her practice and that she has transferred or terminated her clients, as necessary.

III. During the six month Active Suspension of Respondent's license she shall complete continuing education coursework in person (not online) from a Board approved continuing education sponsor, as set forth in 21 NCAC 53.0603, as follows: 12 hours in the area of ethics for LPCs; and

12 hours in the area of proper billing. Upon successful completion of this continuing education coursework, Respondent shall submit certificates 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 will not be released from the Active Suspension of her license unless this continuing education is successfully completed.

IV. Prior to Respondent's release from the Active Suspension, Respondent must file a supervision contract and the supervisor must be approved by the Board.

V. Once Respondent has complied with Paragraphs I through IV she shall be released from the Active Suspension. She shall submit a written request to be released to the Board Administrator prior to resuming practice, which shall be granted so long as all conditions in Paragraph I through IV have been successfully completed. She shall renew her license at the conclusion of the Active Suspension without incurring any late penalties. The Board will process and approve Respondent's renewal application within fifteen (15) days of receipt of the license renewal application.

VI. Once released from Active Suspension, Respondent's license shall be under PROBATION for one year and six months, less any period of time beyond 6 months Respondent remains on Active Suspension, during which she shall comply with the below conditions.

VII. Once Respondent resumes practice she will immediately be under supervision and she shall be supervised for a period of one year and six months, less any period of time beyond 6 months Respondent remains on Active Suspension, by a Board approved supervisor for one hour of individual face to face supervision during any week in which she provides any counseling services. Respondent's supervisor shall submit quarterly supervision reports to the Board at the end of each quarter of supervision. At the conclusion of the probationary period, 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 the Respondent.

VIII. Upon successfully completion of the conditions set forth in Paragraph VII, Respondent may make a written request that the Board release her from probation, which the Board Ethics Chair shall grant so long as all conditions have been successfully completed.

IX. Respondent shall remain an LPCA during this entire probationary period and until she completes the required hours to be approved as an LPC by the Board Ethics Chair. None of the supervision hours completed under David Bell, Ph.D., shall be credited toward licensure as an LPC. The supervision hours which are successfully completed under probation may be credited toward licensure as an LPC, and any supervision hours successfully completed prior to the commencement of the terms in this Consent Order under a supervisor other than David Bell, Ph.D. may be credited toward licensure as an LPC. The application fee previously paid by Respondent with her pending LPC license application will be held by the Board and credited toward Respondent's future LPC

license application at the conclusion of terms in this Consent Order.

X. 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.

XI. 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.

This the ____ day of April, 2018.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY: _____
Denauvo M. Robinson, Ph.D., LPCS date
Board Vice Chairperson

 4-9-18
Loretta Ebison, LPCA date
Respondent

Iain M. Stauffer date
Attorney for Respondent