

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
CLINICAL MENTAL HEALTH
COUNSELORS

IN THE MATTER OF:)
)
SUZANNE LUPER, LCMHC,)
)
Respondent.)
)
Case No. 1755)

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 15 October 2020, pursuant to a charge letter issued by the Board on 14 November 2018, which is now pending.

The Parties agree that they wish to resolve this matter through this Consent Order and stipulate to the following facts:

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

1. Respondent was at all times relevant to this cause a licensed clinical mental health counselor¹ 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. Respondent has seen JA as a client during four different time periods. Around 1995, Respondent provided couples counseling to JA and her partner. Around 1997-1998, Respondent provided individual counseling to JA on approximately 5 occasions. In or around 2011, Respondent also provided individual counseling to JA. Finally, from 1 April 2014 through 16 May 2014, Respondent saw JA at a mental health services practice in North Carolina.
3. Sometime around 2001, while Respondent was not counseling JA, Respondent in the capacity of the executive director of her practice, hired JA to provide practice management consultation for Respondent’s practice at a one-time meeting and a single offering of advice by JA.

¹ On 1 January 2020, the name “licensed professional counselor” was changed to “licensed clinical mental health counselor.” See Act of Nov. 6, 2019, Ch. 240, sec. 2(a), 2019 N.C. Sess. Laws 240.

4. During the period from 1 April 2014 through 16 May 2014, Respondent provided 10 counseling sessions to JA. JA has alleged that during the counseling sessions, Respondent made inappropriate personal comments to JA.
5. In May 2014, JA and Respondent explored the possibility of terminating their counseling relationship and referring JA to another mental health professional.
6. Respondent last saw JA on 16 May 2014. On 17 May 2014, which was a Saturday, JA sent an email informing Respondent that JA was in the hospital with panic attacks. Respondent did not check her emails that weekend. That following Monday, Respondent was at the hospital with a family member and again did not check emails. When she returned to the office, Respondent contacted JA on 21 May 2014 to reschedule JA's appointment on 22 May 2020. According to JA, she did not come for her 22 May 2020 in-person appointment due to her distress and confusion about the counseling relationship with Respondent.
7. On 10 June 2014, JA left a voice message on Respondent's phone stating that she had become suicidal. Respondent did not seek to have JA committed to an inpatient facility. Instead, Respondent emailed her colleague who was also seeing JA's partner for therapy and asked her to inquire as to JA's safety.
8. Respondent completed a termination summary on 16 June 2014 noting that she last saw JA on 16 May 2014.
9. Some of the Respondent's clinical records are incomplete.
10. The Board contends that Respondent's conduct described in Paragraphs 2 through 9 above constitutes violations of Sections A.1.a., A.1.b., A.4.a., A.5.a., A.6.a., A.6.b., A.6.c., A.6.d., A.6.e., A.11.a, A.11.c, A.12, B.1.c., B.2.a., B.6.a., B.7.b., I.1.a., and I.1.b. of the American Counseling Association Code of Ethics (2014) and violations of N.C. Gen. Stat. §§ 90-340 (a)(9), (a)(10), (a)(13), and (a)(14) of the North Carolina Licensed Clinical Mental Health Counselors Act. Respondent denies each of these contentions by the Board.
11. 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.
12. 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.

13. Respondent 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.
14. 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.
15. 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.
16. This Consent Order constitutes disciplinary action against the license of Respondent, pursuant to N.C. Gen. Stat. §90-340(a).

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

1. Respondent is hereby REPRIMANDED by the Board;
2. Respondent shall be supervised by a neutral supervisor approved by the Board for one (1) hour of individual supervision per forty (40) hours of practice for twelve (12) months;
3. Respondent shall complete a total of twelve (12) hours of continuing education coursework from a Board approved continuing education sponsor, as set forth in 21 NCAC 53.0603(c), in the following areas: six (6) hours in the area of professional boundaries; and six (6) hours in the area of documentation/record keeping.
4. 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 21 NCAC 53.0603. All costs associated with this continuing education shall be borne by Respondent. Respondent shall complete this continuing education within one year from the date the Board executes this Consent Order.
5. 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, may result in the suspension, revocation, or other disciplinary action against Respondent's license, in the Board's discretion.

6. The Board will maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f) and will provide copies to the American Counseling Association and the National Board of Certified Counselors, and to other agencies or individuals as required by law.

7. The Board will not assess costs against Respondent under N.C. Gen. Stat. §90-340(c) as a result of this disciplinary action.

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This the 15 day of OCTOBER, 2020.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED CLINICAL MENTAL HEALTH COUNSELORS

BY: Dr. Denauvo Robinson Suzanne Luper, LCMHC
Denauvo Robinson, Ed. D., LCMHCS date 9-10-20
Board Chairperson Respondent

Steve Petersen 9/14/20
Steve Petersen date
Fox Rothschild LLP
Attorney for Respondent