

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
CLINICAL MENTAL HEALTH
COUNSELORS

IN THE MATTER OF:)
)
SHEILA MCKEON, LCMHC,)
)
Respondent.)
)
Case No. 1754)

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 16 October 2020, pursuant to a charge letter issued by the Board on 13 December 2018, which is now pending; and

IT APPEARING to the Board that Respondent has agreed to stipulate to certain facts and has agreed to the entry of a Consent Order in conformity therewith to avoid the time and cost associated with full litigation of this matter;

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. During the period from 13 April 2018 through 6 June 2018, Respondent provided counseling services to two minor seven year old twin children, Clients X and Y. The minor clients and their mother were referred to Respondent by a domestic violence advocacy center in Madison County, North Carolina.
3. At this time, a custody court order in effect stated that both parents of Clients X and Y had joint custody over the minors, had to make decisions about the minors' treatment, and had access to records and information pertaining to the minor clients.
4. Respondent contends that she was unaware of the custody order when she started seeing X and Y. Respondent admits that she did not obtain parental consent from the minors' father prior to agreeing to provide urgent trauma counseling services to the minor clients.

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.

5. At the request of the mother's attorney, on or about 8 May 2018, Respondent wrote a letter to the court making emergency custody recommendations regarding the minor children, without having met and received consent from their father.
6. The father's attorney sent a letter on 21 May 2018 and a subpoena on 29 May 2018 requesting Respondent to produce the minors' therapy records and to stop providing services to the minors without the father's consent. Respondent did not produce the confidential trauma records of X and Y. Respondent contends that she provided trauma counselling services to the minor clients one additional time, on 6 June 2018, the day prior to the court hearing on emergency child custody, at the mother's urgent request..
7. Following receipt of the subpoena and letter from the father's attorney, Respondent retained personal counsel. Respondent appeared in court on 7 June 2018; however, at the advice of her attorney, she did not produce the confidential trauma records of X and Y to either parent absent a Court Order. According to respondent, neither parent's attorney obtained a Court Order requiring Respondent to produce the confidential trauma records of X and Y, and at no time did the presiding judge order that Respondent produce the minors' confidential records to either parent.
8. During the court hearing on 7 June 2018, the court ruled that Respondent did not review a child custody order to determine whose parental consent was needed and that Respondent demonstrated an institutional bias in favor of the mother. The court further held that based on this, Respondent was not qualified to testify as an expert witness regarding X and Y's trauma therapy in the matter and that Respondent was not sufficiently neutral to provide continued trauma services to the minor children.
9. Respondent contends that at the time she rendered counseling services to the minor clients, she believed that she was exercising her best professional judgment based on her 23 years of experience and ethical duty to maintain the confidentiality and safety of her minor clients, considering the circumstances under which Clients X and Y were referred to her and the totality of information obtained by Respondent from other sources.
10. The Board contends that Respondent failed to create and maintain appropriate clinical records for Clients X and Y, including parental consent agreements from both parents.
11. Respondent consents to the entry of this order to avoid the time and costs associated with full litigation of this matter and admits that the alleged conduct constitutes violations of Sections A.1.b., A.1.c., A.2.b, A.2.d., B.5.b., B.6.a., B.6.e., and I.1.b. of the American Counseling Association Code of Ethics (2014).
12. The Board contends and Respondent denies that Respondent's conduct described in Paragraphs 2 through 10 above constitutes violations of Sections C.2.a., C.2.e., C.6.b., I.1.a., of the American Counseling Association Code of Ethics (2014) and violation of N.C. Gen. Stat. §§ 90-340 (a)(9) of the North Carolina Licensed Clinical Mental Health Counselors Act.

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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:

- I. Respondent is hereby REPRIMANDED by the Board.
- II. 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 documentation/record keeping and six (6) hours of ethics and legal responsibilities. 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 (1) year from the date the Board executes this Consent Order.

- III. Respondent agrees to no longer see clients involved in child custody/high conflict divorce cases and to clearly state this requirement in her professional disclosure statement. If Respondent decides to provide counseling services to clients involved in child custody cases, she will be supervised for one year on a weekly basis with a supervisor with experience in the area of child custody issues and will take six (6) hours of continuing education in the area of high conflict divorce/child custody.
- IV. 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.
- V. 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.
- VI. The Board will not assess costs against Respondent under N.C. Gen. Stat. §90-340(c) as a result of this disciplinary action.
- VII. The Board will not, as a result of this disciplinary action, initiate any action against Respondent under N.C. Gen. Stat. §90-341.

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This the 16 day of October, 2020.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED CLINICAL MENTAL HEALTH COUNSELORS

BY: *Denauvo Robinson*
Denauvo Robinson, Ed. D., LCMHCS date
Board Chairperson

Sheila McKeon LCMHC 10/15/20
Sheila McKeon, LCMHC date
Respondent

Colleen Shea 10/15/20
Colleen N. Shea date
Cranfill, Sumner & Hartzog, LLP
Attorney for Respondent