

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED CLINICAL
MENTAL HEALTH COUNSELORS

IN THE MATTER OF:)
)
Valerie Ann Sinclair, LCMHCS)
Respondent)
No. S8766)

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 October, 10, 2024, pursuant to Respondent entering a guilty plea to twenty-one counts of obtaining property by false pretenses (N.C. Gen. Stat. §§ 14-100), a Class H felony, in Moore County Superior Court; and

IT APPEARING to the Board that 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 clinical mental health counselor¹ [“LCMHCS”] 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. The Board issued Respondent a Counselor license on May 23, 2011. The Board issued Respondent a Supervisor license on December 7, 2016. Respondent renewed her licenses through September 30, 2024.
3. The Board’s Ethics Review Committee found probable cause that the following occurred:
 - a. From September 11, 2017, through July 7, 2021, Respondent repeatedly submitted fraudulent claims to the Sandhills Center, a Local Management Entity/Managed Care Organization (“LME/MCO”) that managed the care of Medicaid recipients. The claims were for behavioral health services provided to twenty-one (21) Medicaid recipients, including many children, that Respondent had not actually provided;
 - b. As a result of these fraudulent claims, the Sandhills Center paid Respondent \$71,046.04, and in some cases, the false claims caused other providers’ legitimate claims to be denied;
 - c. Respondent pled guilty to 21 counts of obtaining property by false pretenses (N.C. Gen. Stat. §§ 14-100), a Class H felony, in Moore County Superior Court;

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.

- d. On August 13, 2024, Judge Regina Joe entered Judgments in criminal case numbers 23CRS 322271, 322274, and 322275 (“Criminal Judgments”), which are incorporated herein by reference. The Criminal Judgments sentenced Respondent to immediately serve ninety (90) days of confinement, complete sixty (60) months of supervised probation, and pay \$71,046.04 in restitution to the North Carolina Medicaid program; and
- e. As special conditions of probation in the Criminal Judgments, Respondent’s violations were ordered to be reported to the United States Department of Health and Human Services Office of the Inspector General (“DHHS-OIG”), Respondent was ordered to surrender her license and remove any social media information related to her business, and Respondent cannot not re-apply for licensure until she is removed from DHHS-OIG’s list of excluded individuals and entities.

4. Respondent’s conduct set forth above, including her multiple felony convictions, violated N.C. Gen. Stat. §§ 90-340 (a)(1), (a)(4), (a)(7), and (a)(9) of the North Carolina Licensed Professional Counselors Act [now entitled “North Carolina Licensed Clinical Mental Health Counselors Act”].

5. The Board and Respondent wish to avoid the time and the costs associated with full litigation of this matter through a contested case hearing and potential judicial review pursuant to Articles 3A and 4 of the Administrative Procedure Act, N.C. Gen. Stat. §§ 150B-38 to 52 [“APA”]. The parties enter into this Consent Order consistent with Respondent’s Criminal Judgments and *in lieu* of those potential proceedings.

6. Respondent understands and agrees that this Consent Order is subject to review and potential approval by the Board and shall be effective only upon approval by the full Board and signature of its Chairperson.

7. If the Board approves and enters the Consent Order, Respondent expressly waives the right: (i) to issuance of a notice of hearing, a hearing, the making of findings of fact and conclusions of law, and all further proceedings before the Board, (ii) to seek judicial review, and (iii) to otherwise challenge the validity of this Consent Order in any court or before the Board in the future, which Respondent may be entitled to under the APA or other laws.

8. Respondent acknowledges that she has read this entire Consent Order, assents to its terms and conditions, and, if accepted by the Board, agrees not to contest the stipulations or order in any future potential proceedings by, before, against, or involving the Board, including a potential future licensure application to the Board.

9. Respondent agrees to service of the fully executed Consent Order to the email or to the following last known address she provided to the Board and waives service by any other method pursuant to the APA or other laws: 5717 McDougal Drive, Fayetteville, NC 28304; valeriesinclairlpc@gmail.com.

10. Respondent further agrees that presentation of this proposed 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, including if the Board rejects the proposal or a hearing becomes necessary in this case.

11. Respondent forever releases the State of North Carolina, the North Carolina Board of Licensed Clinical Mental Health Counselors, and all its members, officials, agents, counsel, 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. Respondent acknowledges that she was either represented by legal counsel in connection with her consideration and execution of this Consent Order or, alternatively, that she was free to engage such legal counsel to advise her concerning this Consent Order and its terms prior to the time that Respondent executed this Consent Order and that she alone decided not to engage such legal counsel. The Board was represented in this Consent Order by The Brocker Law Firm, P.A.

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.

14. This Consent Order shall constitute disciplinary action against the license of Respondent, pursuant to N.C. Gen. Stat. §90-340(a) and (b). Respondent understands that this Consent Order may have adverse consequences in other contexts, which shall not be the basis for reconsideration of its terms in the future.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Respondent surrenders her license to practice clinical mental health counseling in the State of North Carolina, license number S8766, which becomes effective upon entry of this Consent Order, and acknowledges and agrees that she cannot reapply for or regain a license to practice clinical mental health counseling in North Carolina until at least one year after the date on which she completes all the terms of her Criminal Judgments, including serving her active sentence, completing her full term of probation, paying the entire restitution amount, and being removed from DHHS-OIG's list of excluded individuals and entities. The terms and conditions of Respondent's sentence and Criminal Judgments are incorporated herein by reference.

II. If Respondent applies for or otherwise seeks to regain a license to practice clinical mental health counseling in North Carolina at any time in the future, Respondent will have to meet all the requirements for licensure at that time. If Respondent satisfies all those requirements, the Board may impose conditions on Respondent's potential future licensure, including ones based on the stipulations contained herein.

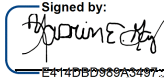
III. Respondent acknowledges and agrees that she is not authorized to engage in any acts constituting the practice of clinical mental health counseling under the North Carolina Licensed Clinical Mental Health Counselors Act in this State or concerning residents of this State, unless she obtains a license or privilege authorizing her to do so in the future.

IV. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-I 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 10th day of October, 2024.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF LICENSED
CLINICAL MENTAL HEALTH COUNSELORS

BY:  Signed by: 10/11/2024
Date
Dr. Yasmin Gay, LCMHCS
Board Chairperson

RESPONDENT:

 9/23/2024
Date
Valerie Ann Sinclair