

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
CLINICAL MENTAL HEALTH
COUNSELORS

IN THE MATTER OF:)
)
TRAVER STEWART, LCMHC)
)
Respondent.)
)
No. 1763)

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 May 2020, pursuant to a charge letter issued by the Board on 28 March 2019, 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 clinical mental health counselor¹ (“LCMHC”) 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. On or about 30 July 2018, while working at a counseling agency in North Carolina as a LCMHC, Respondent provided his clinical supervisor with a verbal two-week resignation notice. Following his verbal resignation notice, Respondent never returned to the counseling agency and failed to appropriately terminate and transfer his 42 active clients.
3. Furthermore, Respondent failed to create and maintain appropriate clinical records for 42 clients. Some of the clinical records created by Respondent revealed that he failed to create treatment plans for his clients. In addition, the records provided by the counseling agency where Respondent worked, did not include termination of treatment information for any of the 42 clients Respondent treated.
4. Respondent admits that his conduct as set forth above in paragraphs number 2 and 3 violates Sections A.1.a., A.1.b., A.11.c., A.11.d., A.12., B.6.a., and C.2.h. of the American Counseling Association Code of Ethics (2014) and violations of N.C. Gen. Stat. §§ 90-340 (a)(9), and (a)(10) of the North Carolina Licensed Clinical Mental Health Counselors Act.

¹ On 1 January 2020, the name “licensed professional counselor” was changed to “licensed clinical mental health counselor.” See Senate Bill 537.

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 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.

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 is hereby REPRIMANDED by the Board.
- II. Respondent shall be supervised for a period of one year by a Board approved supervisor for one hour of individual supervision of his counseling practice, regardless of the hours of practice, for no less than one session per week. 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 three (3) months 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 supervisor shall submit a Final Supervision Report to the Board. Respondent must receive at least average ratings from his 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 his Board approved supervisor.

- V. 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 of coursework on record keeping and six (6) hours of coursework on termination. 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 one year from the date this Consent Order is executed by the Board.
- 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 him from supervision.
- VII. 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.
- VIII. 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 2 day of JULY, 2020.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED CLINICAL MENTAL HEALTH COUNSELORS

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

Traver Stewart 5-6-2020
Traver Stewart, LCMHC date
Respondent