



BEFORE THE
NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

In Re:)
)
LYDIA DUNCAN, LPC) CONSENT ORDER
RESPONDENT)

A complaint was filed against Respondent with the North Carolina Board of Licensed Professional Counselors, and after investigation, the Board found probable cause to believe that respondent violated certain provisions of the American Counseling Association Code of Ethics, which has been adopted by the Board by rule, and thus violated North Carolina Licensed Professional Counselor's Act, Chapter 90 Article 24 of the North Carolina General Statutes. Respondent filed her responses to the complaint wherein she denied the allegations in the complaint. The Board and Respondent agree that it would serve the ends of justice that a Consent Order be entered which will resolve these matters without a formal hearing, and to that end, with the consent of all parties, the Board hereby enters the following Order:

IT IS, BY CONSENT, FOUND AS FACT, CONCLUDED AS LAW, and ORDERED, ADJUDGED AND DECREED;

1. Respondent was providing counseling services to a minor child whose parents were involved in a custody dispute. Respondent was subpoenaed to appear and testify. Respondent did not testify at the hearing beyond the scope of her treatment of the minor child. Respondent did not make any recommendations to the Court.

2. After the hearing in the matter, the Court entered an order signed on March 6, 2009 which stated that Respondent was to continue to provide therapy for minor child B. The order further stated that C, the mother, could only have therapeutic visitation with B if the mother's therapist, the Respondent and the therapist for the other child agreed it was appropriate. The order provided that

reunification therapy would take place under the same conditions. This order placed Respondent in a situation where she was asked to perform dual roles, one of a treating therapist with her client, and one of a forensic examiner with regard to the appropriateness of continued visitation between the child and the mother.

4. The ACA Code of Ethics discourages dual roles and makes clear the requirements of informed consent and disclosure when performing dual roles.
5. Remediation in the form of 12 hours of continuing education in the area of multiple relationships and forensic practice would be appropriate so that Respondent can recognize the issues created by multiple roles and deal with them appropriately in the future.
6. Respondent will be on probationary status for a term of 12 months from the date of this order, within which she will complete 12 hours of continuing education in areas of multiple relationships and forensic practice. These 12 hours are in addition to the hours of continuing education required if Respondent chooses to renew her license beyond June 30, 2012. Respondent is planning on retiring, but desires to maintain her license at least through her renewal cycle. If Respondent chooses not to renew, she has no obligation to obtain the normally required forty hours of continuing education credits.
7. If the Respondent fails to comply with the terms of this consent order, Respondent's license is subject to revocation or further disciplinary action. The Board will monitor the Respondent's compliance with the consent order.
8. The Board retains jurisdiction over this action.
9. The admissions and findings contained herein are intended solely for the purpose of resolving the matters at hand or in connection with other matters before the Board involving Respondent.

These admissions and findings are not intended to be admissible for any other proceeding.

This 23 day of March 2011.

Christine Greene
Chris Greene
Chairperson, NCBLPC

CONSENTED TO:

L. Lydia Duncan
Lydia Duncan, LPC