

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)
)
LYRIC FITZGIBBON, LPC)
Respondent.)
No. 1538)

CONSENT ORDER

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Professional Counselors (“the Board”), at its meeting on February 26, 2016, pursuant to a charge letter issued by the Board on December 9, 2015, 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 professional counselor and is subject to the Board’s jurisdiction pursuant to the North Carolina Licensed Professional Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.
2. On February 5, 2015, Respondent testified in a hearing in Watauga County District Court with regard to counseling services that Respondent provided to two teen-aged girls since November 2014. During the hearing, the attorney for the girls’ mother stated to Respondent that “there is a motion pending for a psychological evaluation for the father” and then asked Respondent if ‘in your opinion that is something you would like to see to help your counseling and to help prepare the girls to see their father in the future.” Respondent responded, “yes, that would be helpful.” Later in Respondent’s testimony she was asked, “Do you believe a good first step for healing this family would be to have a psychological evaluation for [the father]?” Respondent responded “yes, I do.” Respondent had never met the father and the information she had about him was from his teenaged daughters and another therapist who had worked with the father.
3. Respondent made no active attempt from November 2014 when the Respondent began providing counseling services to the two girls until the hearing on February 5, 2015 to contact their father to discuss her services with them or to engage him in issues associated with his relationship with his daughters. After the hearing, Respondent spoke with the father on two occasions and states that the father showed no interest in discussing his daughters with her. During this time period, the father had joint legal custody of his daughters and maintained his parental rights. Therefore, Respondent engaged in conduct which was inconsistent with professional standards by failing to involve the father in counseling services provided to his daughters and by agreeing in court that a psychological evaluation of the father would be helpful in her counseling even though Respondent had no professional contact with the father prior to making the statement in court.

4. Respondent admits that her conduct as set forth above in paragraph numbers 2-3, constitutes violations of the following sections of the American Counseling Association Code of Ethics (2014): A.2.d. Inability to Give Consent; B.5.b. Responsibilities to Parents and Legal Guardians; and C.2.a., Boundaries of Competence; and violations of N.C. Gen. Stat. §§ 90-340(a)(9) & (12) of the Licensed Professional Counselors Act.

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 Professional 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. This Consent Order shall not constitute disciplinary action. The action taken by the Board in this Consent Order shall constitute a condition on Respondent's license, pursuant to N. C. Gen. Stat. § 90-340 (b). This condition shall be lifted upon written notification by the Board of Respondent's successful completion of the terms of this Consent Order, as specified in Paragraphs II through IV.

II. Respondent shall complete six hours of continuing education coursework from a Board approved continuing education sponsor, as set forth in 21 NACA 53.0603, in the area of high conflict divorce and forensic testimony. She shall completed three hours of continuing education in each area or one combined six hour continuing education course in both areas. 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 six months of the execution of this Consent Order.

III. Respondent shall not take on any new clients involved in high conflict divorce situations prior to the successful completion of the continuing education in Paragraph II above.

IV. Within one month of execution of this Consent Order, Respondent shall be supervised for a period of four months by a Board approved supervisor with either one hour of supervision per week or two hours of supervision every two weeks for a total of four hours of supervision per month. The supervisor must be a qualified clinical supervisor as defined by 21 NCAC 53 .0209 in order to be approved by the Board. Respondent must file a supervision contract and the supervisor must be approved by the Board prior to the beginning of supervision. At the conclusion of the four months of supervision, Respondent's Board approved supervisor shall submit a Final Supervision Report to the Board. Respondent must receive at least average ratings from her supervisor on all reports in order to be released from the supervision. Any costs and associated expenses of this supervision shall be borne by the Respondent.

V. Upon successfully completion of the supervision set forth in Paragraph IV, Respondent may make a written request that the Board release her from supervision, which the Board shall grant so long as she has successfully completed all of the terms set forth in Paragraph IV.

VI. 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.

VII. 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 20th day of February, 2016.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY: Katherine H. Glenn, PhD, LPC 2/20/2016
Katherine H. Glenn, Ph.D., LPCS date
Board Chairperson

Lyric Fitzgibbon, LPC
Lyric Fitzgibbon, LPC date
Respondent 2/18/16

Vicki F. Goldstein
Vicki F. Goldstein date
Attorney at Law 2/18/16
Attorney for Respondent